decision on the basis of what is best for the American people, not about what is best politically, not what gets us past the next election, not what is pleasing to people who want to hear things back at home, not on any other basis than what is necessary to do everything we can to keep us safe from known terrorist attacks that are multiplying faster than we can keep up with across the world, and Americans are in the crosshairs. Our decision should be based on that and that alone.

I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:59 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

## USA FREEDOM ACT OF 2015—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would like to inquire as to the order.

The PRESIDING OFFICER. The Senate is considering H.R. 2048 postcloture.

Mr. INHOFE. Mr. President, I ask that I be recognized.

The PRESIDING OFFICER. The Senator is recognized.

Mr. INHOFE. Mr. President, I know we have all had a chance to talk about this and the seriousness of what is now before us at this time. I look at the seriousness of this, and I listened to a lot of people standing on the floor and saying things that sound popular to people back home, and I have heard from some of the people in my State of Oklahoma, saying: They talk about the privacy problems and all these things that might be existing. Then I always think about my 20 kids and grandkids and think that they are the ones who are at stake.

This world we have right now is a much more dangerous world than it has ever been before. I look wistfully back at the good old days of the Cold War when we had a couple superpowers. We knew what they had—mutual assured destruction. It really meant something at that time. Now we have crazy people with capabilities, people in countries who have the ability to use weapons of mass destruction.

So right after 9/11 we formed the NSA. We have been talking about that down here. It is not perfect, but I think it is important at this last moment to point out the fact that a lot of lies have been told down here. I heard one person—I think two or three different ones talking about and making the statement that since the NSA procedure was set up after 9/11, that has not stopped one attack on America. I would like to suggest to you that a good friend of mine and a good friend of the Chair's, General Alexander, who is a very knowledgeable person and ran that program for a while, said—and this was way back 2 years ago, 2013—information ''gathered from these programs provided government with critical leads to prevent over 50 potential terrorist events in more than 20 countries around the world'' and that the phone database played a role in stopping 10 terrorist acts since the 9/11 attacks.

I was very pleased to hear from my good friend, Senator SESSIONS, a few minutes ago that a brand new poll that just came out of the field shows that almost two-thirds of the people in America want to go back and give back to the NSA those tools we took away 2 days ago.

Now we have a situation where we can talk about a few of the cases where major attacks on this country were stopped by the process we put in place after 9/11.

One was a planned attack in 2009. Najibullah Zazi was going to bomb the New York City subway system. The plan was for him and two high school friends to conduct coordinated suicide bombings, detonating backpack bombs on New York City subway trains near New York's two busiest subway stations; that is, Grand Central Station and Times Square.

Sean Joyce, the Deputy FBI Director, said that the NSA intercepted an email from a suspected terrorist in Pakistan communicating with someone in the United States ''about perfecting a recipe for explosives.''

On September 9, 2009, Afghan-American Zazi drove from his home in Aurora, CO, to New York City, after he emailed Ahmed—that was his Al Qaeda facilitator in Pakistan—that ''the marriage is ready.'' That was a code that meant ''We are ready now to perform our task.'' The FBI followed Zazi to New York and broke up the plan of attack, and they stated it was because of the email that was intercepted by the NSA that allowed them to do that.

How big of a deal is that? People do not stop and think about the fact that if you look at the New York City subway stations down there, we know that the average ridership of the New York City subway during peak hours averages just under 900,000 people—that is 900,000 people, Americans who are living in New York City.

What we do know is that when they came to New York City to perform their plan at Grand Central Station and Times Square, it was the NSA using the very tools we took away from them 2 days ago, and you wonder, how many lives would have been lost? If there are 900,000 riders on the subway and they are ready to do this at two stations, are we talking about 100,000 lives, 100,000 Americans being buried alive? That attack was precluded by the tools that were used by the NSA that we took away from them just 2 days ago. Many more have not been declassified.

GEN Michael Hayden and GEN Keith Alexander, who are both former Directors of the NSA, and others have confirmed to me personally that at least one of the three terrorist attacks on 9/11 could have been avoided, and perhaps all three could have been avoided if we had had the tools we gave the NSA right after 9/11, and also the attack on the USS Cole could have been prevented entirely.

So you have to stop and think, it is a dangerous thing to stand on the floor and say we have formed this thing in this dangerous world and it has not stopped any attacks on America. That is what we are faced with today.

I voted against the program the House passed that is going to be considered in just a few minutes. I felt it was better to leave it as we had it. Now that is gone. I look at it this way: I do support the amendments that are coming up. I do think the last opportunity we will have will be the program we will be voting on in just a few minutes.

So let's think about this, take a deep breath, and go ahead and pass something so we at least have some capability to stop these attacks and to gather information from those who would perpetrate these attacks and then have time to put together a program that will be very workable and make some changes if necessary.

With that, Mr. President, I yield the floor.

### EXTENDING FISA PROVISIONS

Mr. LEAHY. It is unfortunate that we were unable to pass the USA FREEDOM Act before the June 1, 2015, sunset of sections 206 and 215 of the USA PATRIOT Act and the so-called ''lone wolf'' provision of the Intelligence Reform and Terrorism Prevention Act. Senator LEE and I both sought to bring up the USA FREEDOM Act well before the sunset date to avoid just this situation. Now that the roving wiretap, business records, and so-called ''lone wolf'' provisions have lapsed, it is important that we make clear our intent in passing the USA FREEDOM Act this week—albeit a few days after the sunset. Could the Senator comment on the intent of the Senate in passing the USA FREEDOM Act after June 1, 2015?

Mr. LEE. Although we have gone past the June 1 sunset date by a few days, our intent in passing the USA FREEDOM Act is that the expired provisions be restored in their entirety just as they were on May 31, 2015, except to the extent that they have been amended by the USA FREEDOM Act. Specifically, it is both the intent and the effect of the USA FREEDOM Act that the now-expired provisions of the Foreign Intelligence Surveillance Act, FISA, will, upon enactment of the USA FREEDOM Act, read as those provisions read on May 31, 2015, except insofar as those provisions are modified by the USA FREEDOM Act, and that they will continue in that form until December 15, 2019. Extending the effect of those provisions for 4 years is the reason section 705 is part of the act.

Mr. LEAHY. I would also point out that when we drafted the USA FREEDOM Act, we included a provision to allow the government to collect call detail records, CDRs, for a 180-day transition period, as it was doing pursuant to Foreign Intelligence Surveillance Court orders prior to June 1, 2015. This provision was intended to provide as seamless a transition as possible to the new CDR program under section 101 of the USA FREEDOM Act. I thank the junior Senator from Utah for his partnership on this bill.

Mr. HATCH. Mr. President, our terrorist enemies continue to present a clear and present danger to our Nation's safety. We must use a broad array of information gathering tools to be successful in thwarting their plots and preventing future attacks. As the top Republican on the Senate Judiciary Committee after 9/11, I worked across party lines to give our law enforcement and intelligence communities the authorities they need to keep us safe. Having served longer than any other Republican on the Intelligence Committee, I can personally attest to the critical importance of these authorities in combating real terrorist threats.

Given the extensive and effective privacy and civil liberties safeguards already in place, I strongly supported a clean reauthorization of the existing law. Unfortunately, such legislation could not gather sufficient support in today's climate of misinformation about our efforts to stay one step ahead of the terrorists. Contrary to the claims of its proponents, the so-called USA FREEDOM Act will hamper our ability to address serious terrorist threats. My concerns about this legislation were further enhanced when the Senate voted down several reasonable amendments that represented modest changes needed to preserve our security. Accordingly, I voted against the bill because it will not provide the protections we need and will put our Nation at risk.

One of the fundamental flaws of the USA FREEDOM Act is its creation of unnecessary delays and impediments to our efforts to protect the American people. Under this legislation, telephone metadata-consisting of information like the number calling and the length of the call-would no longer be collected by the government but instead be retained by private communications corporations. Proponents of the bill argue that this move is necessary to protect privacy. This argument is unpersuasive, given that the data collected does not include the identities of the callers or the content of their communications. I oppose this approach because the bill lacks any requirement for these companies to retain this data for any length of time. Without such a requirement, the effectiveness of a search of telephone metadata would obviously be compromised.

One of the other major flaws of the USA FREEDOM Act is its amicus curiae provision, which would insert a legal advisor into the FISA COURT process to make arguments to advance privacy and civil liberties. Such an approach threatens to insert leftwing activists into an incredibly sensitive and already well-functioning process, a radical move that would stack the deck against our law enforcement and intelligence communities. Given that previous law already provided intense scrutiny and oversight from the Justice Department, Congress, and the courts, this new provision is both unnecessary and potentially quite dangerous.

The Senate's action today undermines not only the operational effectiveness of one of our most critical tools to safeguard our national security. Going forward, I will do everything within my power to ensure that our law enforcement and intelligence professionals have all the tools they need to keep us safe.

Mrs. BOXER. Mr. President, Sunday night was just another self-inflicted crisis from Senator MCCONNELL and the Republican leadership. Playing politics with our national security is reckless. And allowing others to play politics with our national security, against the majority of the U.S. Senate and House, is not leadership.

The Republicans said, ''Put us in the majority and we will govern responsibly.'' They claimed there would be no more shutdowns, no more governing by crisis. Yet, on Sunday night our intelligence professionals were left without the important tools they need to fight terrorism. And now Republicans are at it again—proposing amendments that would delay the process and leave us without these critical capabilities for even longer.

FBI Director Comey said that his Agency uses section 215 fewer than 200 times per year, but when the FBI uses it, ''it matters tremendously.'' And the White House National Security Council's Ned Price said that a sunset would result ''in the loss, going forward, of a critical national security tool.''

I can't believe Republicans would take us to the brink and put our country at risk. It is shameful. The USA FREEDOM Act is supported by a wide, bipartisan majority in both Chambers. It passed the House with 338 votes. A little over a week ago, a clear majority of Senators, 57, voted to proceed to this legislation. That still wasn't enough. Senator MCCONNELL and his Republican colleagues blocked it from moving forward. On Sunday night, even more Senators did the right thing and voted in support of the USA FREEDOM Act. Mr. President, 77 Senators voted to proceed to a debate on the USA FREEDOM Act.

I want to thank my colleagues who worked tirelessly on this legislation, who reached out to the intelligence community, technology companies, and privacy and civil liberties groups to come up with a set of reforms that maintains the important balance between protecting privacy and keeping our country safe. It is not easy to get this level of support. The USA FREEDOM Act strikes an important balance between protecting our privacy and defending our country.

The bill reforms the PATRIOT Act by ending the bulk collection of Americans' telephone records while still providing the ability for investigators to get the records in a more targeted manner. It would improve the transparency of the government's surveillance activities by adding additional reporting requirements and giving private companies a greater ability to publically report when they receive requests for information from the FBI or NSA. And it would add a panel of experts to the FISA Court who can assist in providing additional points of view when cases involve significant or novel interpretations of the law.

We need to pass this bipartisan bill immediately and send it to the President, without amendments to water it down and further delay the intelligence community's access to these important authorities.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, thank you.

I rise today to urge prompt passage of the House-passed USA FREEDOM Act of 2015 and to urge opposition to the amendments offered by the majority leader. Those amendments are unnecessary. They would weaken the bill in unacceptable ways, and they would only serve to prolong and deepen the uncertainty around the reform and continuation of important national security authorities.

The House-passed USA FREEDOM Act is measured, compromise legislation that is the result of lengthy negotiations that bring much needed reforms to some of our surveillance authorities, ensuring that we safeguard Americans' rights while increasing the government's accountability. I am proud to have worked with Senator DEAN HELLER of Nevada to craft the bill's transparency provisions, which draw support from privacy advocates, the business community, and national security experts.

The USA FREEDOM Act works to end bulk collection programs that our intelligence community has told us are not necessary. At the same time, the bill makes sure our national security agencies have legal tools that are necessary to protect our Nation. Put simply, the USA FREEDOM Act of 2015 strikes the balance we need—making sure that our government can keep our Nation safe without trampling on our citizens' fundamental privacy rights.

Of course, the public cannot know if we are succeeding in striking that balance if they do not have access to even the most basic information about our major surveillance programs. That is why my focus has been on the legislation's transparency provisions. Under the provisions I wrote with Senator

HELLER, the American people will be better able to decide for themselves whether we are getting this right.

For all these reasons, the act has my strong support. And I am in good company. The House has passed it. The President is ready to sign it. We have the votes here to pass it. So what are we waiting for?

Senator MCCONNELL has offered several amendments. And here is the problem: They deviate from the House bill without improving the legislation. At best, the result of adopting these amendments would be further delay, further negotiation, and a highly uncertain outcome.

Now that we have allowed the national security authorities at issue to expire, we simply do not know how the House would proceed if we sent them back a modified bill. Maybe that kind of risk and delay would be justified if these amendments improved the bill, but they do not. I would like to talk a little bit about why these amendments are both unnecessary and problematic.

The majority leader's main substitute amendment makes two additions to the bill. The first is a requirement that electronic communications service providers notify the government if they plan to shorten the length of time they retain call detail records—records that the government may seek to query under the USA FREEDOM Act.

The fact is, based on how our country's telecom infrastructure is set up, the government only goes to a handful of companies for call detail records, and those companies have told us they have business reasons for retaining records. Based on a long history of working with these companies—under these authorities, other authorities—the Attorney General and the Director of National Intelligence have told us the USA FREEDOM Act is fine as it is. There simply is not a problem in need of a solution here. And look, this is the kind of thing that we can revisit if in the future some change in circumstances means that data retention threatens to become a problem. It certainly does not need to risk derailing the bill and its reforms now.

The second change in the majority leader's substitute amendment is a certification requirement asking the Director of National Intelligence to certify to Congress that the USA FREEDOM Act's transition from bulk collection of call detail records to a more targeted approach is operationally effective.

To be clear, this certification, whether issued or not, in no way affects the effective date of the bill or the timeline for the transition. It has no statutory limitations. It is a wholly unnecessary deviation from the House-passed bill. If there is a problem with the operational effectiveness of the transition, you can bet that the Director of National Intelligence is going to let us know, and I would certainly hope and expect that we would all be ready to listen and work with him at that point. Again, this is the kind of thing that should not risk derailing the bill now.

The majority leader has offered other amendments that seek to weaken the USA FREEDOM Act more directly. One amendment would lengthen the time before the bill with its various reforms goes into full effect. That would do nothing but unnecessarily extend bulk collection programs. NSA has told us they can transition in 6 months, as provided for in the bill as it stands. There is no justification for extending the timeline now.

Another amendment would render ineffective one of the safeguards for Americans' privacy rights and civil liberties in the bill. This amendment would weaken the role of outside, nongovernment experts in participating in certain cases before the FISA Court. That is an unacceptable change to a provision that has already been the subject of bipartisan negotiations and compromise.

That is really the thing to remember—this is a compromise bill. In writing our transparency provisions, Senator HELLER and I had to compromise a great deal. We didn't get everything we wanted when we initially negotiated these provisions last year, and we had to compromise further still this year. I am disappointed that the bill doesn't include all of the requirements that were agreed to in our discussions with the intelligence community and that were included in the Senate bill last Congress. But that is the nature of bipartisan compromise. And I recognize that right now we need to start by taking one big step in the right direction, and that is by passing the USA FREEDOM Act.

Down the road, we will have the opportunity to revisit these issues as needed. For my part, I am committed to pushing my colleagues to revisit the transparency provisions. We still have work to do, particularly with regard to section 702, which has to deal with the collection of communications of foreigners abroad. But, again, right now it is clear what needs to happen in this Chamber. We need to pass the House-passed USA FREEDOM Act without further amendment. If we do that, we can get these authorities back up and running. That is exactly what we should do.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I wish to thank the Senator from Minnesota for his words. The press and everybody else does not see the hundreds of hours of negotiations between Democrats and Republicans, Senators and Members of the House of Representatives working on this. The Senator from Minnesota is one of those who worked very hard to get us to the point where we are today. It has not been easy. Nobody got everything they wanted. I didn't get everything I wanted. Senator LEE didn't get everything he wanted. The Senator from Minnesota didn't get everything he wanted. But because of the work of people such as the Senator from Minnesota, we have a far better piece of legislation, and it is probably why it passed overwhelmingly in the other body, with Republicans and Democrats agreeing. In fact, that is why we have to reject these amendments and we have to cleanly pass the House-passed USA FREEDOM Act.

Again, I cannot emphasize to Senators how much time has gone into this by key Republicans and key Democrats in the House and key Republicans and key Democrats in the Senate. We have worked behind the scenes for days, weeks, and months to get here.

Cleanly passing the House-passed USA FREEDOM Act is the only way to avoid prolonging the uncertainty that the intelligence community now faces because of the lapse in the three authorities this past Sunday. I think both Senator LEE and I would agree the lapse in authorities was entirely avoidable. The Senate majority has put the intelligence community and the American people in this position because of a manufactured crisis, procedural delays.

Understand that any changes in this bill—as I have stated and as the distinguished senior Senator from California has indicated, as well as others, any changes in the bill will force it back to the House, and there is absolutely no guarantee that the House will accept the Senate's changes and pass the new bill. In fact, the House Republican majority leader said this morning that it would be a challenge to pass any bill that came back with changes. The Republican chairman of the House Judiciary Committee put it more bluntly. He warned that any amendments would likely make the sunsets permanent. Keep that in mind.

We can pass some amendments we may not think are major, although some of us think they are, but by passing them, all those who say they want to give the tools to the intelligence community—they are making the sunsets permanent if we pass these amendments.

So I urge Senators to oppose all of the amendments that are being offered by the majority leader. Senator BLUMENTHAL, Senator FRANKEN, and others have spoken about the reasons to oppose the FISA Court amicus amendment and the substitute amendment. I agree with them wholeheartedly, and I thank them for their leadership. As I said earlier to others, Senator BLUMENTHAL used his experience as a former attorney general, former U.S. attorney to work on the amicus provision.

I also urge Senators to oppose the amendment which would leave the current bulk collection program in place for a full year. Extending the current bulk collection program for a full year

is unnecessary. Beyond being unnecessary, it creates significant legal uncertainty for the government. Remember, a Federal appellate court has already ruled that the program is unlawful, and they upheld a provision assuming that Congress is going to change it. But it is very obvious when we read the Second Circuit opinion that they mean a relatively short time, not a year.

So the amendment to leave the bulk collection program in place for a full year is only going to invite further legal challenges. It will also delay implementation of tools the intelligence community has asked us to provide, including what is in this bill—a new emergency authority to request business records under section 215.

I can't say enough about all of the work we have put in for 2 years across the aisle and across the Capitol. This is a bill which brings much needed reform to the government's surveillance authorities, but it also ensures that the intelligence community has the tools to keep us safe.

The USA FREEDOM Act is milestone legislation. It will enact the most significant reforms of government surveillance powers since the USA PATRIOT Act. I am proud of the bipartisan and the bicameral effort that led to this bill.

Today, we can pass important surveillance reform legislation and then work to build on these reforms in coming years.

So I urge Senators to oppose all amendments and then vote to pass the USA FREEDOM Act, just as the House passed it. We don't need to inject any more uncertainty or delay into the process. None of these amendments are worth causing further delay. Pass it. This will be signed into law tonight by the President.

I see the distinguished majority leader on the floor, so I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

AMENDMENT NO. 1453

If not, the question is on agreeing to amendment No. 1453.

AMENDMENT NO. 1452

Mr. MCCONNELL. I move to table amendment No. 1452.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

VOTE ON AMENDMENT NO. 1451

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1451.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 56, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—42

| | | |
|---|---|---|
| Alexander | Crapo | Perdue |
| Ayotte | Ernst | Portman |
| Barrasso | Fischer | Risch |
| Blunt | Flake | Roberts |
| Boozman | Grassley | Rounds |
| Burr | Hatch | Rubio |
| Capito | Hoeven | Sasse |
| Cassidy | Inhofe | Sessions |
| Coats | Isakson | Shelby |
| Cochran | Johnson | Thune |
| Collins | King | Tillis |
| Corker | Kirk | Toomey |
| Cornyn | McCain | Vitter |
| Cotton | McConnell | Wicker |

NAYS—56

| | | |
|---|---|---|
| Baldwin | Gillibrand | Murray |
| Bennet | Heinrich | Nelson |
| Blumenthal | Heitkamp | Paul |
| Booker | Heller | Peters |
| Boxer | Hirono | Reed |
| Brown | Kaine | Reid |
| Cantwell | Klobuchar | Sanders |
| Cardin | Lankford | Schatz |
| Carper | Leahy | Schumer |
| Casey | Lee | Scott |
| Coons | Manchin | Shaheen |
| Cruz | Markey | Stabenow |
| Daines | McCaskill | Sullivan |
| Donnelly | Menendez | Tester |
| Durbin | Merkley | Udall |
| Enzi | Mikulski | Warren |
| Feinstein | Moran | Whitehouse |
| Franken | Murkowski | Wyden |
| Gardner | Murphy | |

NOT VOTING—2

| | |
|---|---|
| Graham | Warner |

The amendment (No. 1451) was rejected.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—H.R. 1735

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the cloture motion with respect to the motion to proceed to H.R. 1735, which is the Defense bill, be withdrawn; further, that at 11 a.m. on Wednesday, June 3, the Senate proceed to the consideration of H.R. 1735, and it be in order for Senator MCCAIN to offer amendment No. 1463, the text of which is identical to S. 1376, the Armed Services Committee-reported NDAA bill; finally, that the time until 2:30 p.m. be for debate only and equally divided between the bill managers or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, we are not the sort of minority party that objects to virtually everything. We want to help move things forward. But I also want to be clear that we are not going to require a vote to move forward on the Defense authorization bill. But everyone should be aware that the President said he would veto this bill. It has all of this strange funding in it—funding that my Republican colleagues railed against on previous occasions. Now they are using it.

We have grave concerns about this bill. Unless it is changed, I repeat, the President will veto it. I hope there are some significant changes in the bill while it is on the floor so we can help to vote to get it off the floor. So based upon that, I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1450

The question is on agreeing to amendment No. 1450.

The yeas and nays have been previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—44

| | | |
|---|---|---|
| Alexander | Ernst | Risch |
| Ayotte | Fischer | Roberts |
| Barrasso | Flake | Rounds |
| Blunt | Grassley | Rubio |
| Boozman | Hatch | Sasse |
| Burr | Hoeven | Schatz |
| Capito | Inhofe | Scott |
| Cassidy | Isakson | Sessions |
| Coats | Johnson | Shelby |
| Cochran | Kirk | Thune |
| Collins | McCain | Tillis |
| Corker | McConnell | Toomey |
| Cornyn | Nelson | Vitter |
| Cotton | Perdue | Wicker |
| Crapo | Portman | |

NAYS—54

| | | |
|---|---|---|
| Baldwin | Gardner | Moran |
| Bennet | Gillibrand | Murkowski |
| Blumenthal | Heinrich | Murphy |
| Booker | Heitkamp | Murray |
| Boxer | Heller | Paul |
| Brown | Hirono | Peters |
| Cantwell | Kaine | Reed |
| Cardin | King | Reid |
| Carper | Klobuchar | Sanders |
| Casey | Lankford | Schumer |
| Coons | Leahy | Shaheen |
| Cruz | Lee | Stabenow |
| Daines | Manchin | Sullivan |
| Donnelly | Markey | Tester |
| Durbin | McCaskill | Udall |
| Enzi | Menendez | Warren |
| Feinstein | Merkley | Whitehouse |
| Franken | Mikulski | Wyden |

NOT VOTING—2

| | |
|---|---|
| Graham | Warner |

The amendment (No. 1450) was rejected.

VOTE ON AMENDMENT NO. 1449

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1449.

The yeas and nays have been previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—43

| | | |
|---|---|---|
| Alexander | Ernst | Risch |
| Ayotte | Fischer | Roberts |
| Barrasso | Grassley | Rounds |
| Blunt | Hatch | Rubio |
| Boozman | Hoeven | Sasse |
| Burr | Inhofe | Scott |
| Capito | Isakson | Sessions |
| Cassidy | Johnson | Shelby |
| Coats | King | Thune |
| Cochran | Kirk | Tillis |
| Collins | McCain | Toomey |
| Corker | McConnell | Vitter |
| Cornyn | Nelson | Wicker |
| Cotton | Perdue | |
| Crapo | Portman | |

NAYS—56

| | | |
|---|---|---|
| Baldwin | Gardner | Murphy |
| Bennet | Gillibrand | Murray |
| Blumenthal | Heinrich | Paul |
| Booker | Heitkamp | Peters |
| Boxer | Heller | Reed |
| Brown | Hirono | Reid |
| Cantwell | Kaine | Sanders |
| Cardin | Klobuchar | Schatz |
| Carper | Lankford | Schumer |
| Casey | Leahy | Shaheen |
| Coons | Lee | Stabenow |
| Cruz | Manchin | Sullivan |
| Daines | Markey | Tester |
| Donnelly | McCaskill | Udall |
| Durbin | Menendez | Warner |
| Enzi | Merkley | Warren |
| Feinstein | Mikulski | Whitehouse |
| Flake | Moran | Wyden |
| Franken | Murkowski | |

NOT VOTING—1

Graham

The amendment (No. 1449) was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senator LEAHY be recognized for 3 minutes. Then, I would say to my colleagues, I am going to use my leader time to make a final statement, and then we will be ready for the final vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished majority leader for his courtesy.

Very briefly, we worked for 2 years across the aisle and actually across the Capitol. I don't know how many meetings Senator LEE, and others, and I have had. Now the Senate is finally poised to pass our USA FREEDOM Act and send it to the President for his signature. This bill brings much-needed reform to the government's surveillance authorities. It will end the bulk collection of Americans' phone records, increase transparency, improve oversight, and, most importantly, help restore Americans' privacy—all while ensuring that the intelligence community has the tools it needs to keep us safe.

I am proud to have done this. I have fought to protect the privacy and constitutional rights of Vermonters and all Americans since 1975, when I cast my first-ever vote as a Senator to approve the establishment of the Church Committee. I will continue to fight for Americans' privacy.

I urge Senators to vote to pass the USA FREEDOM Act.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. I will now proceed on my leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, earlier this year I observed that President Obama's national security policy has been noteworthy for its consistent objectives. He has been very consistent—drawing down our conventional and nuclear forces, withdrawing from Iraq and Afghanistan, ending the tools developed by the previous administration to wage the war on terror, and placing a greater reliance upon international organizations and diplomacy. That has been the hallmark of the Obama foreign policy.

None of this is a surprise. The President ran in 2008 as the candidate who would end the wars in Iraq and Afghanistan and the war on terror. And our Nation has a regrettable history of drawing down our forces and capabilities after each conflict, only to find ourselves ill prepared for the next great struggle.

The book ends to the President's policies were the Executive order signed his very first week in office that included the declaration that Guantanamo would be closed within a year, without any plan for what to do with its detainees, and the Executive order that ended the Central Intelligence Agency's detention and interrogation programs. Now, some of these detainees, my colleagues, are now in Qatar, preparing to rejoin the Taliban. Some are in Uruguay, camped out in a park across from the American embassy. And, regrettably, some are back on the battlefield in Yemen, Afghanistan, and Syria. These are other hallmarks of the Obama foreign policy.

Last year the President announced that all of our combat forces would be withdrawn from Afghanistan by the end of his term in office, whether or not—whether or not—the Taliban were successful in capturing parts of Afghanistan, whether or not Al Qaeda senior leadership has found a more permissive environment in the tribal areas of Pakistan, and whether or not Al Qaeda has been completely driven from Afghanistan.

I will repeat. The pattern is clear. The President has been a reluctant Commander in Chief. And between those two book ends, my colleagues, much has occurred that has undermined our national security.

There was the failure to negotiate a status of forces agreement with Iraq that would have allowed for a residual military force and prevented the assault by the Islamic State of Syria and the Levant. China is aggressively expanding its sphere of influence. There is the threat to veto funding for the troops—we just heard it from the minority leader—and their equipment without similar increases at the IRS and EPA.

Let me say that again. The President is threatening to veto the Defense bill unless we increase funding for the IRS and EPA. Now, this is going to diminish our military's ability to respond to the myriad of threats that are facing us today. And we all know what they are. Al Qaeda in the Arabian Peninsula has doggedly pursued tactics and capabilities to circumvent all that we have done since September 11, 2001, to defend our country.

So while the President has inflexibly clung to campaign promises made in 2008, the threat from Al Qaeda has metastasized around the world. ISIL, which has broken off from Al Qaeda, uses social media to communicate with Americans, divert them to encrypted communications, encourage travel to the would-be caliphate, and encourage attacks right here at home. Al Qaeda and ISIL publish online magazines instructing individuals in terrorist tactics. And in the long run, the al-Nusra Front in Syria may present the greatest long-term threat—the greatest long-term threat—to our homeland.

The President's efforts to dismantle our counterterrorism tools have not only been inflexible, but they are especially ill timed.

So today the Senate will vote on whether we should take one more tool away from those who defend this country every day: the ability of a trained analyst, under exceedingly close supervision, and only with the approval of the Foreign Intelligence Surveillance Court, to query a database of call data records based on reasonable articulable suspicion—no content, no names, no listings of phone calls of law-abiding citizens. None of that is going on. We are talking about call data records.

These are the providers' records, which is not what the Fourth Amendment speaks to. It speaks to ''the right of the people to be secure in their persons, houses, papers, and effects.'' But these records belong to the phone companies. Let me remind the Senate that the standard for reasonable articulable suspicion is that the terror suspect is associated with a ''foreign terrorist organization'' as determined by a court. Nobody's civil liberties are being violated here.

The President's campaign to destroy the tools used to prevent another terrorist attack has been aided by those seeking to prosecute officers in the intelligence community, to diminish our military capabilities, and, despicably, to leak and reveal classified information—putting our Nation further at risk.

Those who reveal the tactics, sources, and methods of our military and intelligence community give a playbook—a playbook—to ISIL and to Al Qaeda. As the Associated Press declared today, the end of the section 215 program is a ''resounding victory for Edward Snowden''—a ''resounding victory for Edward Snowden.'' It is also a resounding victory for those currently plotting attacks against our homeland.

Where was the defense of the National Security Agency from the President? Our chairman of the Intelligence

Committee and his committee colleagues have worked with determination to educate the Senate concerning the legal, technical, and oversight safeguards currently in place.

We hear concerns about public opinion. A CNN poll was released today—just today. The CNN poll is not exactly part of the rightwing conspiracy. It states that 61 percent of Americans—61 percent of Americans—think that the expiring provisions of the PATRIOT Act, including data collection, should be renewed.

So if there is widespread concern out of America about privacy, we are not picking it up. They are not reporting it to CNN. Sixty-one percent say: I am not concerned about my privacy. I am concerned about my security.

So my view is that the determined effort to fulfill campaign promises made by the President back in 2008 reflects an inability to adapt to the current threat—what we have right now—an inflexible view of past political grievances and a policy that will leave the next President in a weaker position to combat ISIL.

I cannot support passage of the so-called USA FREEDOM Act. It does not enhance the privacy protections of American citizens, and it surely undermines Americans' security by taking one more tool from our war fighters, in my view, at exactly the wrong time.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, if my friend the majority leader is concerned, as he should be, about why the country is less secure—especially in the last couple of weeks—he should look in the mirror. We have a situation where he has tried to divert attention from what has gone on here. It was as if there had been a big neon sign flashing saying: You can't do highway reauthorization, you can't do FISA reauthorization, and you can't do trade in 4 or 5 days.

To do this right, we should have spent some time on FISA. Because of the mad rush to do trade, that did not happen. So today to try to divert attention from what I believe has been a miscalculation of the majority leader, it is making this country less safe. Every day that goes by with the FISA bill not being reauthorized is a bad day for our country. It makes us less safe. And to try to divert attention, as he has tried doing in the last few minutes—blaming the Obama administration for stopping torture, the detention centers, pulling troops out of Iraq—I say, my friend is looking in the wrong direction.

The issue before us is not to be—and he is, in effect, criticizing the House of Representatives for passing this FISA bill, to reauthorize it in a way that is more meaningful to the American people and makes us more safe. It makes it so people feel more secure about the intelligence operations we have going on in this country.

Is he criticizing the Speaker for working hard to get this bill reauthorized and in a fashion the American people accept? Because his criticism today is not directed toward people who voted here today; it is directed toward the bipartisan efforts in the House of Representatives that passed this bill overwhelmingly, with 338 votes. It is one of a few bipartisan things they have done over there, and they did it for the security of this Nation. I do not think any of us needs a lecture on why we are less secure today than we were a few days ago. I hope everyone will vote to continue the surveillance possibilities that we have available if this law passes. If it does not pass, what are we going to do? It will go to the House of Representatives. The majority leader of the House of Representatives, the distinguished House Member from California, Mr. MCCARTHY, said: They do not want anything from us. They want this bill passed. They want the USA FREEDOM bill passed today. That is what the chairman of the Judiciary Committee, Mr. GOODLATTE, said. Of course, that is what the Democratic leader says also.

Let's vote. A vote today to pass this bill will make our country safer immediately, not a week from now. That is how long it will take, at a minimum, if this bill is changed when it goes to the House—I am sorry—if it does not go to the President directly, and it should go directly from here to the President of the United States. He can sign this in a matter of hours and put us back on a more secure footing to protect ourselves from the bad guys around the world.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, as my good friend, the minority leader, frequently reminded me over the last few years, the majority leader always gets the last word.

Look, his fundamental complaint is he does not get to schedule the Senate anymore. He wanted to kill the President's trade bill, and so he did not like the fact that we moved to the trade bill early enough before the opposition to it might become more severe.

I say to the Senator, the minority leader, he does not get to set the schedule anymore. My observations about the President's foreign policy are directly related to the vote we are about to cast. It remains my view—I know there are differences of opinion, and I respect everybody in here who has a different opinion—that this bill is part of a pattern to pull back, going back to the time the President took office. I remember the speech in Cairo back in 2009 to the Muslim world, which sought to question American exceptionalism. We are all pretty much alike. If we just talked to each other more, everything would be OK. In almost every measurable way, all the places I listed, plus Ukraine—you name them—we have been pulling back. My view with regard to my position and my vote is that this is a step in the wrong direction. But I respect the views of others, and I suspect the minority leader will be happy at the end of the day. It appears to me the votes are probably there to pass this bill, and it will go to the President. I still think it is a step backward from where we are. It has been a great debate. I respect all of those who engaged in it on both sides. I think it is time to vote.

I yield the floor.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 32, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—67

| | | |
|---|---|---|
| Alexander | Gardner | Murkowski |
| Ayotte | Gillibrand | Murphy |
| Bennet | Grassley | Murray |
| Blumenthal | Heinrich | Nelson |
| Booker | Heitkamp | Peters |
| Boozman | Heller | Reed |
| Boxer | Hirono | Reid |
| Brown | Hoeven | Rounds |
| Cantwell | Inhofe | Schatz |
| Capito | Johnson | Schumer |
| Cardin | Kaine | Scott |
| Carper | King | Shaheen |
| Casey | Kirk | Stabenow |
| Cassidy | Klobuchar | Sullivan |
| Coons | Lankford | Tester |
| Cornyn | Leahy | Udall |
| Cruz | Lee | Vitter |
| Daines | Manchin | Warner |
| Donnelly | Markey | Warren |
| Durbin | McCaskill | Whitehouse |
| Feinstein | Menendez | Wyden |
| Flake | Merkley | |
| Franken | Mikulski | |

NAYS—32

| | | |
|---|---|---|
| Baldwin | Ernst | Roberts |
| Barrasso | Fischer | Rubio |
| Blunt | Hatch | Sanders |
| Burr | Isakson | Sasse |
| Coats | McCain | Sessions |
| Cochran | McConnell | Shelby |
| Collins | Moran | Thune |
| Corker | Paul | Tillis |
| Cotton | Perdue | Toomey |
| Crapo | Portman | Wicker |
| Enzi | Risch | |

NOT VOTING—1

Graham

The bill (H.R. 2048) was passed.

The PRESIDING OFFICER. The majority leader.

## MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; further, that at 5 p.m., Senator ROUNDS be