

to help us to know what to do. I suspect the creditors are going to have to help us, too, or we are going to have to help them as well. I stand ready, willing, and able as chairman of the Finance Committee to solve these problems. But so far we haven't even received the right financial statements from Puerto Rico, and we can't move ahead without having clear-cut information that shows us what is going on, what the problems are, what we have to do, and how to do it.

I want to do whatever it takes to help Puerto Rico resolve these problems, and I would like to see Puerto Rico itself resolve them. It may take some help from us; it may take some help from creditors. I would like to see them sit down with creditors before we come up with some colossal Federal program that is going to basically hurt everybody. But I am open, and I sure as heck want to get this problem solved.

I like the people of Puerto Rico. I think they deserve better treatment than this. But they also got themselves into this problem by requiring too much of the central government and spending more and more all the time, with more and more central government employees that they don't need. That is a large part of this problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, this Senator from Florida doesn't think it is true that Puerto Rico is having such economic chaos that the net result is that Puerto Ricans—who are American citizens—move to Florida. The fact is that some are moving to Florida, I would say to the distinguished Senator from Utah, because of the economic deprivation of the island.

It would seem to me, as someone who has looked at this issue and has been to the island and spoken to the leaders, that there is an essential element of fairness here. If the bankruptcy laws are allowed to apply to all States and municipalities, why would those bankruptcy laws not apply to Puerto Rico and its need to reorganize its finances as well?

Mr. HATCH. Will the Senator yield?

Mr. NELSON. I will. Let me make this statement.

There is another part of unfairness, and that is that Puerto Ricans are not being treated the same way under the Medicare and Medicaid laws as well. To this Senator from Florida, who is close to the Puerto Rican people, it does not seem to be the fair thing.

Regardless of what the issue is with regard to how they got into economic trouble, the fact is they are in economic trouble. The question is, How are we going to get them out of economic trouble?

Of course, for purposes of a question, I yield to the distinguished Senator, my chairman of the Finance Committee.

Mr. HATCH. I appreciate my friend and colleague from Florida. I too un-

derstand that he understands a lot about this.

Look, bankruptcy laws do not apply. That doesn't mean we can't change that. I am not sure that is the way to do it. We are going to have to have some real information before we can move in that direction—which may be dangerous.

I do think it is incumbent upon the Puerto Rican leadership to provide us with audited financial statements, so we really know what the problems are, so we can then approach this in an intelligent, reasonable, healthy, loving way. I am for getting this problem solved, but I am not for just throwing money at it when we know their central government is completely bloated and that is what is causing some, if not most, of the problems. At least that is what we have been told.

I am happy to look at financials. I am happy to look at whatever suggestions are made. Not that I am that important, but we can move if we know what we are talking about. I am not about to move on the backs of the rest of the American taxpayers until they clean up the mess that is there, and they sit down with their creditors and see what they can work out. We ought to be encouraging them. I think their creditors want us to encourage them because they think it can be worked out—at least the one that I have spoken with.

So I commit to the distinguished Senator. He knows I don't make commitments unless I mean them. I am going to try to solve this problem. When I say "I," I mean our committee and our Congress is going to try to solve this problem. But let's do it in an intelligent way. Let's get all the facts, let's get some cooperation from Puerto Rico, and let's get the right financials so we know exactly what we can work with. If we can get all that, hopefully we can find some solutions here that will bring these folks into balance and give them a shot for the future.

Last, but not least, I agree with the distinguished Senator that they have not been treated fairly, and it is time for us to start treating them fairly.

I disagree with him that there are not people in Congress who would love to see more and more coming to Florida as Democrats. I am pretty sure that is the case, but that shouldn't be the case. We should be working on these problems and solving them.

I commit to the distinguished Senator from Florida who is a great Member of our committee that I will work with him, and we will see what we can do to solve these problems. But let's get some financials we can rely on before we go off on some deep end and miss the boat here.

Mr. NELSON. The Senator is certainly entitled to the information in order to make a reasonable judgment. This Senator is advocating fairness in the system.

There was a time that Puerto Rico was, in fact, included under the bank-

ruptcy laws. For whatever reason, a couple of decades ago the law was changed and they were treated differently; the same was true with Medicare and Medicaid payments. I think, regardless of what their financials show, Congress is going to have to take action. So when the Senator gets the information he wants, then I hope we can act forthwith because this is a problem that is with us at the moment. They are about to the point that they cannot make the payments on their debt obligations. So the day of reckoning is basically here.

BULK TELEPHONE METADATA COLLECTION PROGRAM

Mr. NELSON. Madam President, I came to the floor for a different reason. I want to speak about the National Security Agency and the bulk telephone metadata collection program that basically the new law took over, that there was reform of. Now, let me explain the old law and the new law that just took effect yesterday.

The old law had been in effect for—I don't know the exact number of years but something in excess of 5 and less than 8. The old law said that by going to the approved court that handles classified information—called the Foreign Intelligence Surveillance Act Court, known by its acronym FISA—that the government could ask for these records to come into the possession of the government by showing good cause as to why those records would be held. So it was pursuant to a court order.

What were the records to be held? These are business records of the telephone company. This is not the content of the telephone call; this is the business record that says that on such and such a day, at such a time, that telephone number such and such called telephone such and such. That is called metadata. That is it; there is no content.

For almost a decade, ever since we had the 9/11 attacks and we passed the PATRIOT Act to try to make it much more efficient for our National Security Agencies to protect us—those records, if the telephone company complied with the order, would be in the data-base. But it is not the content. It is only the business records stating what I just said: Number such and such called such and such.

Why was that important? Because when we suddenly got an indication that we had a terrorist that was going to strike either here or abroad and if that terrorist had a link to a number, we could see what calls that potential terrorist had made to what number and what numbers that number then called, and we could go down several different calls. It was through this that we were able to track down and prevent a number of terrorist acts, including in this country.

Earlier this year, along came the reform. The choice this Senator—who

supports the old law—was given was that either the old law is going to expire and there is not going to be any law that governs the collection of these business records—nothing—or go with the reform. The so-called reform was that you had to go to the FISA Court to get an order as to a specific number and a specific reason why that number was something that you wanted. That sounds harmless enough, except when you are dealing in some cases with seconds, minutes, a few hours; you might be looking for this person about whom we suddenly got a tip—maybe from a human source—that they are about to try to do us damage. So how long is it going to take to go into court? Is it going to take months? Is it going to take weeks? Days? All the time, the potential terrorist is well ahead of us. I know our intelligence agencies are trying to be prepared so they can do it in the shortest possible time, but a judge has to be there to hear the facts and the probable cause in order to then render an order to allow the intelligence agencies—domestically, it would be the FBI—to go get those business records.

If they get the business record and see that it goes one hop to another number, but maybe that goes another hop to another number and that goes another hop to several other numbers, under the so-called reform of the USA FREEDOM Act, there is a limitation on the number of hops. This Senator feels we shouldn't limit those hops if we are trying to find out who the bad guy is and what he is about to do.

Once we had that determined, then we go to the court again. If it is an American citizen or a person who is legally in the United States, they have to obtain another court order in order to be able to get the content—either listening to those calls or in the case of email records, the content of the email.

We always said there ought to be this continuous tension between our right to privacy, protecting our country, and ourselves. We want that tension to be there because our right to privacy is what makes us different in this country. Therefore, that is why we have the protections of having to go into court in order to get an order to get the content of the communications.

All you have to do is look to Paris and you can see that these guys are out to really do some mayhem. If in any way we are slowed down, then I think it is a considerable hindrance to us. I bring this to the attention of the Senate simply because the new act superseded the old act this past weekend. Naturally, when these records were spread about publicly 2 years ago by Edward Snowden, intentionally, recklessly, and I might say illegally, there was a fear. It made it seem like Big Brother was gathering up all of our information. That is why in the initial PATRIOT Act we were so careful to keep this right of privacy protected by court order for the business records

and then of course for content by a court order.

I believe that program was lawful, I believe it was court-approved, and I believe it has helped protect us from terrorist attacks in the past. I think the confusion in the land is because of what the bulk record was. It wasn't content. It was business record—the dates, times, length, and the numbers dialed but not their content.

We have this new law. It is in place. The National Intelligence Director, Jim Clapper, and the NSA Director, ADM Mike Rogers, assured us that the new law preserved a critical counter-terrorism capability, but these Paris attacks remind us how brutal ISIS really is and that the terrorist threat persists.

As we look at who the terrorists in Paris were, there were four of them whom we knew of, whom we had on our no-fly list, and who were citizens of European countries. What does that mean? That means they didn't have to go into the Embassy to get a visa so their background could be checked. They are one of the visa waiver countries. But there was another one of their citizens who was one of those terrorists who was not on our no-fly list. I think the fact that the administration has already started clamping down, doing the extra checks, we certainly want to keep the Visa Waiver Program going, but it is a considerable potential threat if we are not checking and rechecking. I think from what we learned out of Paris, if the European countries will be more forthcoming to share their intelligence information with us about the potential terrorists, that will build our no-fly list for their citizens and that will be very helpful.

We ought to permanently extend section 702 of the FISA Amendments Act, which is going to expire in another 2 years. This crucial tool provides access to electronic communications of suspected terrorists and other foreign persons located outside of the United States. As we redouble our counterterrorism efforts, we must maintain what works and make the necessary changes as the threat evolves. That means remaining vigilant and using all the tools in our toolbox—including intelligence collection, Homeland Security protections, and the fight against ISIS on the battlefield.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

HOLDS ON AMBASSADORIAL NOMINATIONS

Mr. COTTON. Madam President, in September, we learned shocking news that the U.S. Secret Service—armed agents of the Executive—violated the law to intimidate a congressman from doing his constitutional duty. Forty-five Secret Service employees accessed the personal records of Congressman JASON CHAFFETZ in violation of the Privacy Act. They shared with hun-

dreds of personnel the fact that Congressman CHAFFETZ had unsuccessfully applied to join the Service, leading to a leak of the information to the news media.

This activity was not limited to low-level employees. The Service's Assistant Director and head of training, Ed Lowery, encouraged the sharing of information, writing in an email:

Some information that he might find embarrassing needs to get out. Just to be fair.

The Director of the Service, Joe Clancy, failed to act to rein in the behavior when the information was raised to him. He had no reaction when he heard what he deemed to be a speculative rumor about the information. He apparently forgot that he had been informed of Congressman CHAFFETZ's personal records, incorrectly telling the Homeland Security Department's inspector general that he didn't learn of the matter until it was about to be published in the Washington Post.

The White House's reaction to this criminal violation was equally muted. The White House implied that an apology to Congressman CHAFFETZ would suffice in the absence of formal discipline and a criminal investigation. This was unacceptable. To ensure that proper remedial action took place, I placed a hold on three ambassadorial nominees to send a clear message to the White House.

I intended to lift these holds once two actions took place: First, I asked that the Department of Homeland Security take appropriate disciplinary action against all Secret Service personnel involved, including Secret Service leadership; second, I requested that a criminal investigation be initiated by the Department of Justice into violations of the Privacy Act.

Since I placed the holds, the White House reached out to my office and made clear that the President understood the gravity of the violations that occurred. In the past month, the Obama administration has finally begun to take action. The Department of Homeland Security issued disciplinary proposals for the suspension of 42 lower level personnel involved in the misconduct. For senior-level personnel—including Assistant Director Lowery—discipline proposals are being prepared, with the maximum penalty ranging up to the removal from their positions.

This discipline may or may not be proper in each case, but my intent isn't to be an HR officer for the Department of Homeland Security. Instead, when I instituted the holds on the three ambassadorial nominees, I made it clear my aim was not to keep these nominees in limbo indefinitely. My sole aim was to force action from the Obama administration, which too often ignores this separation of powers and proper enforcement of our laws.

Because the Obama administration has taken partial steps to hold those who violated the law to account, I will in turn honor my word and lift two of