

nations whose goal is to harm America, to harm our allies, to undermine our national security.

As a doctor, what I know is that if there is damage to a single fragile nerve cell, it can cause serious disruption to the entire body. America depends on a fragile nervous system of subsea cables for our modern life, and protecting this system is crucial.

Our adversaries seek to turn the bottom of the ocean into a battlefield. The Strategic Subsea Cables Act will make America safer and more secure in our network under the waves.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT REQUEST—S. 4444

Mr. WYDEN. Mr. President, I call up S. 4444, a bill to extend the surveillance law known as section 702, for 3 weeks and to require the declassification of the FISA Court's recent ruling on section 702. That ruling found serious violations of Americans' constitutional rights in how the Trump administration has used section 702. The Congress should not vote—should not vote—to renew section 702 while Americans are left in the dark about these troubling abuses.

Today is the expiration date for section 702. Nonetheless, because of a court order, the government's surveillance can continue without interruption until March of 2027. Several Senators have made it clear to me that they are uncomfortable with section 702 expiring. I believe it will be easier to negotiate reforms to section 702 if the Congress passes a short-term extension. The bill that I seek to pass is straightforward: a 3-week extension.

Every day that section 702 is extended without meaningful reforms is a day that the program can continue to be abused. I am willing to allow a short-term extension so long as important information currently hidden from the public is declassified so that Congress can have a full public debate. A 3-week extension is more than reasonable. Senators from both parties introduced legislation months ago, and we have been prepared to negotiate.

Unfortunately, Senators willing to accept business as usual decided to wait. They wanted to just wait around until just before expiration to try to jam through whatever they wanted. That approach failed 2 weeks ago. Senators for business as usual decided they weren't going to use that extra time to do any negotiating.

If the House and Senate are given the opportunity to vote on a long-term extension with meaningful reforms to protect the privacy rights of Americans, it is going to pass. Three weeks is

more than enough time to negotiate a reform bill; that is, if Members are serious about negotiating.

My legislation requires the government to declassify the FISA Court's March 17 ruling on section 702. The government is already required by law to declassify this court ruling. This is an important part of the debate. Let me repeat that. Declassification is already required by law. All that my bill requires is that the opinion be declassified now—now—before Congress votes on renewing section 702.

The law requiring declassification and public release of the court's rulings isn't even remotely controversial. Each year, the FISA Court issues a ruling approving the program, and every year the government follows the law and comes around to declassifying the ruling. These declassified rulings inform Congress and the public about how the administration and the FISA Court interpret the law. It sheds light on past abuses. These opinions are critical to congressional oversight and to the public.

So what might be different this year? First, the March 17 ruling describes serious abuses of section 702 and violations of Americans' constitutional rights. The Congress is debating section 702 reauthorization right now. So maybe there are some who would rather have Congress just go out and vote in the dark—vote in the dark before the public hears about the Trump administration's latest violation of Americans' constitutional rights.

So I am going to wrap up by addressing the arguments of some of our opponents. First, what about protecting what is called sources and methods? My bill allows the executive branch to make redactions to protect sources and methods, just as they have done for all previous section 702 FISA rulings that have been released to the public.

Second, you may hear there is not enough time to do this. The Trump administration has known for over a month that they are legally required to declassify the opinion that I am seeking. My bill would give them 2 more weeks to do it. That is more than enough time to carefully redact a single document. Believe me, when the government wants to declassify something, they sure as hell move fast.

To sum up, my bill gives Congress more than enough time to negotiate a section 702 reauthorization bill with meaningful reforms, and it requires the declassification of information that, in my view, is critical to the debate and the public's understanding of what is being voted on.

So, Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4444, which is at the desk; that the bill be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Arkansas.

Mr. COTTON. Mr. President, reserving the right to object—and I will object—first, let me just set the context here. The Senator from Oregon has always expressed hard-core ideological opposition to section 702, which a large majority of the Senate and the House, under Democratic and Republican hands, across Democratic and Republican administrations, has always deemed a vital national security tool. In fact, to the best of my knowledge, the Senator from Oregon has never once voted to extend section 702.

Every few years, we come down here and we have this debate. So let me just express how important it is. The President has said that section 702, which I would remind everyone here is about foreigners on foreign territory—not American citizens—people who do not have Fourth Amendment rights. It is not just about catching jihadists, uncovering terrorist plots. The President, the Commander in Chief, has said this is vital for the Maduro raid, for Operation Epic Fury, for the rescue of missing troops. I think we should respect his position as the Commander in Chief, the consumer of this intelligence, and the one who employs it—a very similar call to what President Biden and President Obama made before as well.

Unfortunately, it does expire tonight. And as even the Senator from Oregon, a hard-core ideological opponent of section 702, has granted in requesting a 3-week extension, we shouldn't let it go dark tonight.

So how did we get here? Yesterday, the House passed a 3-year extension. That is what the President asked for, a 3-year extension. Now, he wanted it to be a clean extension. The House adopted various reforms. About 90 percent of House Republicans voted for that bill. More than 40 House Democrats voted for that bill. If we were to vote on that bill today, the vast majority of Senate Republicans would vote for it. But there are enough Senate Democrats to block its passage today, which I recognize.

We, therefore, need more time for negotiations. These negotiations are highly complex and technical. They have been constructive, but they must continue, and they must involve not only Senators but also Members of the House, the Speaker, the minority leader, the chairman and the vice chairman of the House Intelligence Committee, the chairman and the ranking member of the House Judiciary Committee.

I believe we are moving forward. I believe that we can get a bill passed that both preserves the operational viability of this program while addressing concerns of those who are not yet ready to vote for a 3-year extension. Therefore, we have proposed, say, a 3-month extension, which would take us to the end of July and the August recess. The Senator from Oregon thinks that is too long. A 2-month extension, which would take us roughly to the

Fourth of July recess—the Senator from Oregon thinks that is too long. We would even be OK with a 45-day extension, which would give us until about the middle of June. Yet here he is proposing 3 weeks, which in reality is 2 weeks, given the Senate and the House calendar, because we are out of session next week.

Now, he has said to me: Well, we can talk about this over the phone, which I guess reflects his usual lax indifference to security matters.

This is not a tax bill. This is not a healthcare bill. This is a highly classified intelligence program. We can't just text and chat about it on our phones. We need to be here in Washington, in secure spaces, where we can talk about highly classified details. For that matter, we need to be here in Washington so we can talk with the operational figures in the FBI, in the CIA, and in the NSA who run this program, who have the knowledge to tell us: This reform will work; it preserves operational viability. That reform won't work.

So when he asks for a 3-week extension, just realize that is a 2-week extension, not a 3-week extension.

Now, he says: I just want to do business as usual, and that is why I waited this long.

Let me add that one of the key figures here is the vice chairman of the Intelligence Committee, who, everyone knows, just suffered a terrible family tragedy. We held off introducing our bill, in part, out of respect for the vice chairman and his family grieving about that terrible tragedy.

I would suggest that we owe him a little bit of decency, respect, and grace, and that we can get to a good result if we take a little bit more time to actually have a thorough negotiation when everyone is ready to do so.

Therefore, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Oregon.

Mr. WYDEN. Mr. President, so let me repeat the central business in a key area, and that is: I am prepared today to pass a short-term extension of section 702. I am doing that because I have listened to colleagues on both sides of the aisle.

I don't think it is really necessary because of the FISA Court ruling recently, but in the interest of comity and working together—which is something I have tried to make a priority—I want to state again: I am prepared to pass a short-term extension of section 702 today.

What I am also extraordinarily concerned about, though, is there is a classified ruling of the FISA Court that found troubling abuses of section 702 that violate Americans' constitutional rights.

Let me just repeat that. That is a finding that the court found of troubling abuses of Americans' constitutional rights.

What I am beginning to get a sense of is the Trump administration is now so

desperate to keep this ruling secret they would rather let section 702 expire than make it public, which I believe is the key here—make it public before the vote.

The American people deserve to know what the Trump administration is up to. Before the Congress votes on whether to give Americans greater protections, Congress must use a short-term extension to openly debate the critical issues in front of the American people, and I am disappointed that instead, it sure feels right now that the other side of the aisle is covering the abuses up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, again, let's be specific on what we are talking about here. The Senator from Oregon keeps talking about a short-term extension. I think most people with some common sense—the people sitting in our Gallery—would say: You know what; a 45-day extension is pretty short term when the House just voted for a 3-year extension.

Is 45 days not short term in the context of a 3-year extension, versus what the Senator from Oregon has proposed, a 3-week extension which is really a 2-week extension, because, again, we are in recess next week? We cannot discuss these matters on our cell phones or by text message or by anything else.

So if we are open to a short-term extension, I would suggest that 45 days is fairly short term.

The Senator from Oregon also speaks about comity. I would suggest that comity also counsels that we have a little bit longer than 2 weeks for a grieving colleague who just had a terrible family tragedy.

And, finally, about this FISC matter, it is the Senator from Oregon continuing his longstanding practice of grossly misrepresenting classified material in public for his own ideological ends.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, my colleague on the other side of the aisle is now ducking the issue that I have brought to light. I am clear that I am for a short-term extension. I have said it now three or four times.

But I also believe that the government, which is already required to declassify the ruling I am seeking, it ought to get out to the American people. That is what this is all about. I would just say to my colleague the chairman: Let's let the American people decide whether it is not a big deal as my colleague has said.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, I am ducking nothing. I am pointing out the Senator from Oregon's longstanding practice of distorting highly classified material in public. And one of these

days, there are going to be some consequences, and it may be when I am chairman of this committee.

I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 5, S. Res. 690, an executive resolution authorizing the en bloc consideration in Executive Session of certain nominations on the Executive Calendar.

John Thune, Ted Budd, Mike Crapo, Mike Rounds, Kevin Cramer, Bill Cassidy, Katie Boyd Britt, Ashley B. Moody, John Boozman, Jon Husted, Roger F. Wicker, Tom Cotton, John Barrasso, James E. Risch, James Lankford, Steve Daines, John Hoeven.

The PRESIDING OFFICER. Under the previous order, the mandatory quorum call under rule XXII has been waived.

The question is, Is it the sense of the Senate that debate on Executive Calendar No. 5, S. Res. 690, an executive resolution authorizing the en bloc consideration in executive session of certain nominations on the Executive Calendar, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from Kansas (Mr. MORAN) and the Senator from Alabama (Mr. TUBERVILLE).

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

The yeas and nays resulted—yeas 51, nays 46, as follows:

[Rollcall Vote No. 112 Ex.]

#### YEAS—51

|           |            |            |
|-----------|------------|------------|
| Armstrong | Ernst      | McCormick  |
| Banks     | Fischer    | Moody      |
| Barrasso  | Graham     | Moreno     |
| Blackburn | Grassley   | Murkowski  |
| Boozman   | Hagerty    | Paul       |
| Britt     | Hawley     | Ricketts   |
| Budd      | Hoeven     | Risch      |
| Capito    | Husted     | Rounds     |
| Cassidy   | Hyde-Smith | Schmitt    |
| Collins   | Johnson    | Scott (FL) |
| Cornyn    | Justice    | Scott (SC) |
| Cotton    | Kennedy    | Sheehy     |
| Cramer    | Lankford   | Sullivan   |
| Crapo     | Lee        | Thune      |
| Cruz      | Lummis     | Tillis     |
| Curtis    | Marshall   | Wicker     |
| Daines    | McConnell  | Young      |

#### NAYS—46

|                 |              |           |
|-----------------|--------------|-----------|
| Alsobrooks      | Durbin       | Kim       |
| Baldwin         | Fetterman    | King      |
| Bennet          | Gallego      | Klobuchar |
| Blumenthal      | Gillibrand   | Lujan     |
| Blunt Rochester | Hassan       | Markey    |
| Booker          | Heinrich     | Merkley   |
| Cantwell        | Hickenlooper | Murphy    |
| Coons           | Hirono       | Ossoff    |
| Cortez Masto    | Kaine        | Padilla   |
| Duckworth       | Kelly        | Peters    |