

These measures should be debated, receive a vote, and have their own chance to become law. Let's not run away from this responsibility anymore. Let's not say: It is somebody else's problem.

We were elected to solve problems, and there is no greater problem than the solvency and the future of Social Security.

If you think I am making that up, blowing smoke, ask senior citizens how important Social Security is. They will tell you it is critical for their survival.

We were sent to Congress to legislate and work on hard issues. Four Senators—two Democrats and two Republicans—are stepping forward and saying: We can work on this together.

We owe it to our kids and grandkids to protect and bolster this critically important program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

UNANIMOUS CONSENT REQUESTS

Mr. WYDEN. Mr. President, the Senate is now debating section 702 of the Foreign Intelligence Surveillance Act, which expires on Friday. Last week, the Senate resoundingly rejected a bill that would have continued the surveillance status quo.

It is clear the path to 60 votes in the Senate on section 702 runs through real reforms. There is no reason why the Senate can't start moving forward with surveillance reform now.

I and other colleagues have introduced comprehensive, bipartisan, bicameral surveillance reform legislation, which would protect both Americans' rights and national security.

We have been championing these reforms for some time, but I understand the Senate is divided on the issue. So Senators are going to need to get to work trying to forge a path forward.

So I am prepared to put some real offers on the table right now. So I am going to start by asking unanimous consent to pass a simple bill that makes one very important reform. It would require government agencies to get a warrant before using section 702 to read the communications of Americans. It contains a number of exceptions, including for emergencies, and our analysis is that it would be very feasible for the executive branch and the FISA Court to implement it.

Most importantly, it would finally bring section 702 in line with the principles of the Fourth Amendment. Law-abiding Americans are getting swept up in section 702 now, and this bill would require that government agencies get a warrant if they want to read Americans' emails, text messages, or other sensitive communications.

And let me note: A number of Republicans in both the Senate and the House have sponsored or cosponsored legislation to create the kind of warrant I am talking about.

This bill is only one part of my comprehensive surveillance reform bill. It

doesn't address numerous other concerns related to FISA or other intelligence authorities and the sale of Americans' location data. It is not a long-term solution by itself; it will, however, extend section 702 of FISA for 9 months, well into next year.

So I would ask unanimous consent that the Senate proceed to the immediate consideration of S. 4738, 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 an objection?

The Senator from Texas.

Mr. CORNYN. Mr. President, the Senator from Oregon is prepared to let this essential foreign intelligence surveillance tool go dark unless we accede to his demands. And frankly, the demand for a warrant to search lawfully collected foreign intelligence makes no sense whatsoever.

Section 702 is probably the most important law most people have never heard about. It protects American citizens by saying that only foreigners can be the object of surveillance, but necessarily sometimes, when the communication is between a foreign target and an American citizen or a U.S. person, that call is documented in metadata, so-called—time, place, and persons who have made the call. That is lawfully collected intelligence.

What this requirement would mean is that the FBI, mainly, would have to go out and try to prove the elements of a crime, a probable cause that a crime has been committed, in order to get a judge to issue a warrant to look at lawfully collected intelligence, which is basically the metadata. If content is required or asked for by the FBI, they have to go before a judge and establish why that is.

But one of the basic points of confusion is that some people think that gathering intelligence is the same thing as investigating a crime. It can be sometimes, but basically seeking intelligence is forward-looking in order to prevent future acts, for example, of terrorism. Criminal investigations look backward to see if a crime has been committed and are subject to criminal penalties, which do include, particularly with U.S. persons involved, all the constitutional protections that U.S. citizens and U.S. persons enjoy. Foreigners do not enjoy Fourth Amendment protection against this sort of surveillance.

So first of all, I believe that this is misguided. We have heard from the intelligence community that this requirement will slow down collection of intelligence, including and during occasions where time is of the essence. So courts have found that none of these queries require or implicate Fourth Amendment protection. So the very foundation for this argument has been rejected by the courts that have reviewed it.

Senator WYDEN's bill would be akin to asking police officers to get a war-

rant every time they happen to look at legally collected evidence in their evidence locker. It makes no sense whatsoever. Requiring a warrant for every query of already lawfully collected information in the 702 database would significantly hinder the ability to respond to emerging threats.

For that reason, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Oregon.

Mr. WYDEN. Mr. President, I think it is unfortunate what my friend from Texas is saying.

Let me be clear. The warrant requirements that I am talking about are sponsored or cosponsored by Republican Members both in the Senate and in the House. And my bill does not require a warrant to search metadata. A warrant is only required to read the contents of Americans' communications.

Mr. CORNYN. Mr. President, if the Senator will allow me to respond—

Mr. WYDEN. Of course.

Mr. CORNYN.—what we are talking about is the contact between the foreign target and the U.S. person or American citizen. We are not talking about content. That would require another step to find that content approved by the Foreign Intelligence Surveillance Court. So I think there is some confusion about what is already collected and what would seek to be collected but which would require another step.

Mr. WYDEN. Mr. President, without continuing this well into the evening, let me just say that I am quite certain that the senior Republicans who have sponsored or cosponsored these ideas understand what this is all about, and I believe we will continue this conversation.

Mr. President, I am now going to move to another unanimous consent request to pass an even narrower bill that is hard to see anybody objecting to. It would not make any changes to surveillance law, but it would significantly increase public transparency about the impact of surveillance on Americans' rights.

It would create some new reporting requirements that would help inform Congress and the public about surveillance activities that impact American citizens. It would direct the executive branch to declassify a March 2026 FISA Court ruling on section 702 that found significant violations affecting Americans. The executive branch is already legally required to declassify the report, and they have had 3 months to work on it; in my judgment, it needs to be redacted and released in the next couple of weeks so they can inform the surveillance debate here in the Senate.

The chairman and the vice chairman of the Select Committee on Intelligence, which I am honored to serve on, called on the executive branch to redact and release this court ruling by May 15, but the executive branch simply disregarded their request. This bill also extends 702 for 5 weeks.

On this point, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4740; 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 Texas.

Mr. CORNYN. Mr. President, once again, the Senator from Washington is objecting to a clean extension of the Foreign Intelligence Surveillance Act, section 702, which would prevent us from going dark on foreign intelligence risks and threats to our country. As for the sorts of things that he has talked about here, since 2024, Congress has passed dozens of transparency and accountability reforms that have actually worked. Congressional oversight, of course, is critical.

The Senator and I and the chairman of the Intelligence Committee are here. We all serve on the Senate Select Committee on Intelligence that performs important oversight functions to make sure that the balance between privacy and security is the right balance. Indeed, the bipartisan Cotton, Grassley, and Warner bill, which is available to us to vote on, has almost two dozen additional protections included. We should be taking up that bill, not threatening to go dark and create dangers to our Nation.

Also, it is not just the program that expires on Friday. There is a lot of oversight protection built into the current bill and past FISA reauthorizations. If that goes dark, all of those previous protections that were negotiated, that I know the Senator from Washington believes in—those would go away. So, in addition to being in danger—the American people and our national security—it would eliminate the very sorts of privacy protections and transparency that the Senator from Washington is arguing for here on an expanded basis.

Under those circumstances, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Oregon.

Mr. WYDEN. Mr. President, I have served on the committee for many years with my friend, and I appreciate him and don't want to give him a hard time. I am a U.S. Senator from Oregon, though, and I think I have been called the Senator from Washington.

Mr. CORNYN. I am sorry. I had a mental warp there.

Mr. WYDEN. Our friendship will continue.

Now, Mr. President, I think, at this point, my colleague has a unanimous consent request that he wishes to make. Then I will respond, and we will complete our business for the night. So my colleague, I would say, ought to make his unanimous consent at this point.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. I apologize to my friend the Senator from Oregon. I do

know the difference between Oregon and Washington, and I am not confused about that.

Mr. President, there is a risk of this necessary and critical intelligence tool not being extended. The President has called for an extension for, I think, up to 3 weeks, July 2, in order for further negotiations to take place so that, hopefully, there can be bipartisan buy-in to the ultimate product that comes out of this.

To that end, I ask unanimous consent that the Senate proceed to the immediate consideration of the bill at the desk. I further ask 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 Oregon.

Mr. WYDEN. Mr. President, reserving the right to object.

I would only close my remarks by saying every day that section 702 is in effect without reforms is a day that Americans' rights are, unfortunately, under threat. If there is going to be an extension of these authorities, there need to be some guardrails or at least some transparency that would allow Congress and the American people to understand the abuses that have taken place and the need for the kind of reforms that I and, as I say, senior Republicans in both the Senate and the House have been backing.

For those reasons, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Texas.

Mr. CORNYN. Mr. President, all we are asking for is an extension—a clean extension—of the current law, which includes a lot of the reforms that the Senator from Oregon has advocated for and gotten included in the current state of the legislation. As I said, those will go away if this program goes dark after this Friday.

Further, as for the authority to work with the various institutions that are essential to collecting this foreign intelligence for the safety and security of the American people, that will go away, endangering the American people and our national security. In fact, 60 percent—60 percent—of the President's daily intelligence brief contains 702 intelligence product. The Senator from Oregon knows that well.

This is simply too big a risk for us to take to allow this to go dark. All we are asking for is a little bit of additional time to continue these negotiations in order to find consensus so that we can continue to protect the American people while finding the appropriate balance between our national security and individual privacy rights.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, just very briefly before I leave the floor, I only want to say to my friend that I am always interested in talking to him

about ideas, to bring people together and find some common ground. I have said, as we have gone through this debate, that Ben Franklin summed it up as, basically, liberty and security aren't mutually exclusive.

We can figure this out, but we are going to have to start talking. We are going to have to have some negotiations. I have enjoyed talking with my friend from Texas and would be happy to continue it in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, as one last response, there is absolutely no justification for risking this program going dark on Friday. These negotiations can and should continue. That is how we solve problems around here on a bipartisan basis, but we don't risk catastrophe with our national security in exchange for demands that could well be addressed during an extension until July 2.

So I regret we find ourselves in this situation. The clock is ticking on our national security because this program will go dark come Friday.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

EXECUTIVE CALENDAR

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 693; Calendar No. 713, with the exception of RDML Michael E. Campbell and RDML Matthew W. Lake; and all the nominations on the Secretary's desk in the Coast Guard with the exception of PN846; that the nominations be confirmed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that the President be immediately notified of the Senate's actions and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

IN THE COAST GUARD

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 2121(d):

To be rear admiral

Rear Adm. (1h) Jason P. Tama

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 2121(d):

To be rear admiral

Rear Adm. (1h) Amy B. Grable

Rear Adm. (1h) Ralph R. Little

Rear Adm. (1h) Jeffrey K. Randall

Rear Adm. (1h) Wilborne E. Watson

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN769-1 COAST GUARD nominations (251) beginning HILLARY R. ADAMS, and ending