

rights, on their rights to harvest wild rice, but you are saying: I am not going to come down on that side of the scale.

What you are going to do if you support H.J. Res. 140 is you are going to come down—who is the winner here? You are going to come down on the side of a Chilean billionaire, a Chilean billionaire who owns the largest copper mine—the largest copper company—in the whole world, a Chilean billionaire who is going to take our minerals, ship them to the Pacific coast, where they are going to go to China to get smelted—where this company has a sweet-heart deal with their smelters. Then, if we are lucky, that copper is going to be sold back to us at a profit.

That is not an “America First” strategy, colleagues. That is a “Chilean Billionaire First” strategy.

I can't help but just recognize that, as we are on the cusp of making this decision in the Senate, isn't it ironic that President Trump, who says that he is a supporter of miners and that he stands with steelworkers, is about to use foreign steel to build his billionaire ballroom off of the White House? What is that about?

Now, look, I understand that there are different perspectives on this mining issue—I see this play out every single day in my beloved State of Minnesota—but as you vote, I ask you to think about this: I ask you to think about the precedent that you are setting here because here is what I have learned after having been in the Senate for the last 9 years: What goes around comes around. What goes around comes around because what you would be doing here, colleagues, is you would be allowing this public land order to be rescinded under the Congressional Review Act. This is a dangerous precedent. This has never been done before. Public land orders have never previously been submitted by any administration, including the Trump administration, as rules subject to the CRA. This would be the first one submitted even though this public land order was submitted 3 years ago, processed legally, and done by the book—done by the book that Congress wrote.

So what does this really mean if this is the step that the Senate takes today?

What this would mean is that any public land order that has been done over, potentially, decades could then be rescinded by some partisan act of Congress just willy-nilly. Think about what this means. It means mineral leases, and it means timber public land orders in North Dakota. It means that any public land order that has been out there in the past or potentially any administrative action could be just undone under a privileged process in the U.S. Senate.

Colleagues, I beseech you not to do this. I know that this is a terrible thing for us to do. I know that not only will it have impacts for my beloved Boundary Waters in my State but that it will have impacts in all of our States.

So, as I close, I want to speak directly to the Minnesota people who care so much about the Boundary Waters and who care so much about the precious places that we have all over this country.

You have organized. You have made calls. You have sent messages. I am thinking about the hunting and fishing groups. I am thinking about the outdoor groups. I am thinking about the Minnesota citizens and American citizens. I am thinking about all of the Tribal leaders and members who have made your voices heard.

I want everyone to know that whatever the outcome of this vote this afternoon, that we will not stop fighting, and we will not stop our work to protect the Boundary Waters. Of all the places that we have in this country, this place has such special meaning. It is a sacred place, and we will never stop defending it.

I yield the floor.

The PRESIDING OFFICER. The clerk will read the joint resolution by title for the third time.

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

VOTE ON H.J. RES. 140

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

Mrs. MOODY. Mr. President, 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 legislative clerk called the roll.

Mr. BARRASSO. The following Senator is necessarily absent: the Senator from Missouri (Mr. HAWLEY).

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—50

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

NAYS—49

Alsobrooks	Gillibrand	Murray
Baldwin	Hassan	Ossoff
Bennet	Heinrich	Padilla
Blumenthal	Hickenlooper	Peters
Blunt	Hirono	Reed
Booker	Kaine	Rosen
Cantwell	Kelly	Sanders
Collins	Kim	Schatz
Cooms	King	Schiff
Cortez Masto	Klobuchar	Schumer
Duckworth	Lujan	Shaheen
Durbin	Markey	Slotkin
Fetterman	Merkley	Smith
Gallego	Murphy	Tillis

Van Hollen	Warren	Wyden
Warner	Welch	
Warnock	Whitehouse	

NOT VOTING—1

Hawley

The joint resolution (H.J. Res. 140) was passed.

The PRESIDING OFFICER (Mr. HAGERTY). The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that with respect to H.J. Res. 140, the motion to reconsider be considered made and laid upon the table.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Andrew B. Davis, of Texas, to be United States District Judge for the Western District of Texas.

The PRESIDING OFFICER. The Senator from Wyoming.

(The remarks of Mr. BARRASSO pertaining to the introduction of S. 4317 are printed in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. BARRASSO. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

FISA

Mr. WYDEN. Mr. President, soon, we will cast important votes here in the Senate on surveillance law. I rise today to share some important new developments about the surveillance practices of this administration, which are vital to this debate.

Today, I want to start by warning my colleagues: Any Senator who votes to reauthorize this law without real reform will be directly responsible when the Trump team abuses their spying powers to go after Americans. I want the Senate to know the alarm bells are loud and getting louder.

Senators know the surveillance law known as section 702 of FISA expires on Monday. I have been on the Intelligence Committee since the law was written. It is undeniably a useful tool that American intelligence agencies rely on to collect information about foreigners outside the country. The problem is that 702 lacks adequate safeguards to protect Americans whose emails and texts or other communications can get swept up in this surveillance. So you could have Americans doing legitimate, often sensitive, important work—journalists, foreign aid workers, people with family overseas, even women seeking abortion medication from a provider overseas.

Reformers argue that 702 should only be reauthorized with stronger protections—protections for constitutional

rights—and that is particularly true when there are blaring alarms warning of abuses, some of which Congress has yet to be told about. I am going to highlight now some of those alarm bells.

For years, there have been jaw-dropping abuses of section 702. Government officials have searched through 702 data to find Black Lives Matter protestors, political campaign donors, elected officials, even a State judge who complained about police abuses.

Opponents of reform say that the problems with the law have been fixed. The facts show otherwise.

One of the biggest flaws in section 702 is what is called the “backdoor search loophole.” Mr. President, 702 is supposed to be an authority aimed at foreigners outside the United States, but the government is currently allowed to trawl their way through the vast collection of 702 data to conduct warrantless searches for Americans’ communications. Last year, the FBI increased the number of warrantless searches it conducted for Americans’ communications by more than a third. That is concerning enough right there. Yet it gets worse.

The number of so-called “sensitive” warrantless searches—which can target elected officials, journalists, or the leaders of political organizations—more than tripled during the first year of the Trump administration. The FBI has refused to say why. Given Trump’s enthusiasm for investigating journalists and political opponents, this, too, is a blaring alarm warning of abuses that Congress has not been told about.

The government is also circumventing warrant requirements by using a credit card. A few weeks ago, FBI Director Kash Patel confirmed that the FBI is actually buying up Americans’ location data. If the government wanted to compel companies to hand over this information, it would need a warrant, but through a loophole in the law, government Agencies—we are talking about the FBI, ICE, CBP, and the Pentagon—can buy this sensitive information from sleazy, shady data brokers with essentially no oversight.

The fact is, if you are going to close the data broker loophole, the time to act is now. You are not going to get another chance this year.

Yet another blaring alarm went off a few weeks ago. On March 17, the FISA Court—the Foreign Intelligence Surveillance Court—found major compliance problems with section 702. These problems are directly related to Americans’ constitutional rights.

In the past, the government would work with that court to fix these kinds of problems. Today, the press reports that the Trump administration is appealing the court ruling so that they never—never, Mr. President—have to fix the problems.

This raises a serious question: How can Congress reauthorize the authority while the appeal is pending and nobody knows what reforms are actually need-

ed? I am going to have a lot more to say about this part.

The court ruling needs to be declassified. Americans ought to have the ability to understand what their government is up to.

I will remind my colleagues there is another separate, secret law problem with section 702. Multiple administrations have relied on a secret interpretation of 702 that directly impacts the privacy rights of Americans. The Director of National Intelligence, unfortunately, has turned down my request to make this information public, so I have written a classified document that explains the problem in more detail. I have made it available in a secure room at Senate Security. I urge this afternoon in the strongest possible way—I encourage my colleagues to read it so Senators can hear the alarm bells loudly warning us of abuses that Congress hasn’t been told about.

We are also being warned about the impact of new technology on Americans’ constitutional rights. I want to talk, for example, about the implications of artificial intelligence on this debate, and these are fairly new developments that I think most Senators have not heard.

The CEO of one of America’s largest AI companies sounded this warning several weeks ago. He did it in a message about his firm’s multimillion-dollar contract with the Department of Defense.

Here is what this AI CEO said:

AI-driven mass surveillance presents serious, novel risks to our fundamental liberties. To the extent that such surveillance is currently legal, this is only because the law has not yet caught up with the rapidly growing capabilities of AI. For example, under current law, the government can purchase detailed records of Americans’ movements, web browsing, and associations from public sources. . . . Powerful AI makes it possible to assemble this scattered, individually innocuous data into a comprehensive picture of any person’s life—automatically and at massive scale.

This is one of the most powerful voices in the field of AI. I am citing somebody who really understands the underpinnings of what AI is all about, and he is warning Congress about the impact of AI-powered surveillance.

Let me repeat that. One of the most powerful voices in the field of AI is warning Congress at this time about the impact of AI-powered surveillance. I hope my colleagues will listen to him.

I recently wrote to several leading AI companies to ask them about whether government agencies could use their products to analyze information on Americans collected through this kind of bulk surveillance. None of them denied that their products could be used this way.

I want America’s intelligence and law enforcement agencies to take advantage of new technologies that can help them protect public safety and national security, but new tools require new rules. Without new rules, you can count on the executive branch to run

roughshod over Americans’ privacy rights and constitutional freedoms. It is not hard to see how these capabilities could be abused—especially to target immigrants, people attending protest rallies, women seeking abortions, and Donald Trump’s other perceived enemies.

The fact is, there is a bipartisan, bicameral group of Members that I am part of that has worked together to come up with a solution to these kinds of challenges.

Among other important reforms, our bill would require the government to get a warrant if it wants to deliberately read an American’s emails or texts. That would be whether the information is collected under FISA or outside of FISA. And it would finally close the data broker loophole.

The fact is, what we are hearing about now, these new developments which are breaking weekly about government surveillance, ought to give the U.S. Senate—every Senator—Democratic, Republican, Independent—ought to take some pause here. My last floor statement on surveillance was only a month old, and I have read through a whole laundry list of stunning new developments that have emerged since then.

I am truly amazed that some of my colleagues seem ready to give the executive branch a blank check to keep trampling on Americans’ constitutional rights. Congress can and must protect Americans’ security and Americans’ rights at the same time.

Ben Franklin said anybody who gives up their liberty to have security really doesn’t deserve either. We ought to be thinking about that at this crucial time.

I urge my colleagues to insist that the renewal of section 702 include real reforms—actual black-letter text—to protect Americans’ privacy rights. Senators ought to oppose any extension—any extension—that does not include the kinds of reforms I have been talking about this afternoon.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

WAIVING QUORUM CALL

Mr. SCOTT of Florida. Mr. President, I ask unanimous consent to waive the mandatory quorum call in relation to the Davis nomination.

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

Mr. SCOTT of Florida. Mr. President, I ask unanimous consent that the scheduled rollcall vote begin immediately.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the