which currently dominates the entire electric vehicle supply chain and has no intention of reducing the carbon intensity of its economy anytime soon.

The personal decision of what a consumer chooses to drive should not be made by Washington, let alone by circumventing Congress.

I urge my Republican colleagues and my Democrat colleagues to join me in voting yes on this legislation to prevent American taxpayer dollars from being used to implement, administer, or enforce this disastrous EPA rule.

I yield back my time.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I ask that all time be yielded back.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the bill is considered read a third time.

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

VOTE ON S. 4072

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall the bill pass?

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

The ACTING PRESIDENT pro tempore. 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. DURBIN. I announce that the Senator from Georgia (Mr. WARNOCK) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. MULLIN).

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—52

Barrasso	Graham	Risch
Blackburn	Grassley	Romney
Boozman	Hagerty	Rounds
Braun	Hawley	Rubio
Britt	Hoeven	Schmitt
Brown	Hyde-Smith	Scott (FL)
Budd	Johnson	Scott (SC)
Capito	Kennedy	Sinema
Cassidy	Lankford	Sullivan
Collins	Lee	Tester
Cornyn	Lummis	Thune
Cotton	Manchin	Tillis
Cramer	Marshall	Tuberville
Crapo	McConnell	Vance
Cruz	Moran	Wicker
Daines	Murkowski	Young
Ernst	Paul	
Fischer	Ricketts	

NAYS—46

Baldwin	Fetterman	Merkley
Bennet	Gillibrand	Murphy
Blumenthal	Hassan	Murray
Booker	Heinrich	Ossoff
Butler	Hickenlooper	Padilla
Cantwell	Hirono	Peters
Cardin	Kaine	Reed
Carper	Kelly	Rosen
Casey	King	Sanders
Coons	Klobuchar	Schatz
Cortez Masto	Luján	Schumer
Duckworth	Markey	Shaheen
Durbin	Menendez	Smith
Stabenow	Warren	Wyden
Van Hollen	Welch	
Warner	Whitehouse	

NOT VOTING—2

Mullin	Warnock

The PRESIDING OFFICER (Mr. BOOKER). On this vote, the yeas are 52, the nays are 46.

Under the previous order requiring 60 votes for the passage of the bill, the bill is not passed.

The bill (S. 4072) was rejected.

REFORMING INTELLIGENCE AND SECURING AMERICA ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Democratic whip.

H.R. 7888

Mr. DURBIN. Mr. President, for the past year, the Senate has engaged in a serious, bipartisan effort to reform a controversial spying authority known as section 702 of the Foreign Intelligence Surveillance Act, or FISA. I have never questioned that section 702 is a valuable tool for collecting foreign intelligence.

Congress's intention when we passed section 702 was clear as could be: FISA section 702 is supposed to be used only for spying on foreigners abroad. Instead, sadly, it has enabled warrantless access to vast databases of Americans' private phone calls, text messages, and emails. This powerful tool has been misused, sadly, in the United States to spy on protestors, journalists, and even Members of Congress.

Last Friday, the House of Representatives passed an alarming bill. It is misleadingly called the Reforming Intelligence and Securing America Act, but rather than fixing the flaws in section 702, the House bill will dangerously and unnecessarily expand it.

The Senate is now rushing to pass the House bill as is because FISA section 702 will sunset on April 19, but that is a false choice. No Member should be fooled into believing section 702 will go dark and not be available to be used on April 20 if we do nothing.

We planned for this exact scenario by providing clear statutory authority to continue surveillance under existing orders from the Foreign Intelligence Surveillance Court, known as FISC, after section 702 nominally expires. In fact, the U.S. Department of Justice has already obtained a fresh, 1-year certification from this court to continue section 702 surveillance through April of 2025. Let me repeat that. Existing section 702 surveillance can continue through April 2025 even if it nominally expires on Friday. There is no need for the Senate to swallow whole a House bill that expands rather than reforms section 702.

The House bill contains several alarming and unnecessary expansions of the government's authority for spying. The bill could allow the government to force ordinary U.S. businesses with access to communications equipment—like a Wi-Fi router—to give the National Security Agency access to their equipment. This would greatly expand the number and types of companies forced to assist the NSA with spying and increase warrantless collection of Americans' communications.

Another provision in the House bill would authorize the use of section 702 data by immigration authorities. I am very concerned that that would allow future administrations to target Dreamers and other noncitizens who are only applying for travel documents and are subject to sensitive background checks in that capacity.

Rather than expanding section 702, Congress should reform this authority to protect Americans' privacy. Unfortunately, the purported reforms will have little or no impact. For example, the bill would prohibit what is known as evidence of a crime only queries. This would have prevented the FBI from accessing Americans' communications in only 2 cases out of more than 200,000 searches on U.S. persons in 2022. Other changes merely codify existing internal approval requirements. But with these limits in place, the FBI still conducted an average of more than 500 warrantless searches of Americans every day in 2022.

I will try to make this as basic as I can. After 9/11, we were seriously concerned about the security of the United States, as we should have been. We established authorities in this government to keep us safe. But we had a problem that we had to reckon with, and the problem was this: Despite the great threat we faced, we also had a great responsibility to this publication, the Constitution of the United States, and so we created section 702 and said that we will use it to have queries and surveillance of foreigners in foreign lands but not Americans.

Why did we draw that distinction? Because the Constitution makes it clear: Before the government can listen to my phone call, read my text or email in this country, since I am a U.S. citizen, they have to have a warrant—a warrant which gives them approval for that search—and they have to go to court to get the warrant for that purpose. We made the exception for foreigners in foreign countries, but we said we were trying to protect Americans from this kind of surveillance without complying with the Constitution.

Well, over the years, sadly, the application of this law was not very good. At one point, there were 3.4 million inquiries of American citizens in 1 year.

The Agencies of our government said: We are going to do better. We won't be invading the privacy of individual American citizens. We will do better.

They did better, but there is still an outrageous and unacceptable level of misuse of FISA authority to have surveillance into the privacy of individual American citizens. That is why I rise today.

After the long history of the abuses of this authority—spying on Americans

without a constitutional warrant as required—Congress should not rely on internal executive branch procedures as a substitute for court approval.

If the government wants to spy on my private communications or the private communications of any American, they should be required to get approval from a judge, just as our Founding Fathers intended in writing the Constitution.

A bipartisan amendment in the House would have required the government to obtain a warrant before searching section 702 databases for the communications of American citizens, but this critical reform narrowly failed on a tie vote, 212 to 212.

I want to offer a narrower amendment that would only require the government to obtain a warrant in a small fraction of situations where it actually wants to read or listen to private communications of American citizens.

The vast majority of warrantless FBI searches on U.S. persons do not return any results. Less than 1.6 percent—less than 1.6—return any measurable results. Based on recent FBI statistics, that would amount to just 80 times a month that the FBI or other Agencies that are engaged in this 702 surveillance would have to ask for a court order to protect inquiries and investigations into private communications of American citizens.

I have sat through numerous classified briefings on section 702 and listened carefully to the government's concerns about having to obtain this court approval in order to review the contents of Americans' communications. My bipartisan amendment accounts for these concerns by providing exceptions to the warrant requirement for emergencies or cyber security attacks or where an American consents to the search. This will ensure that there won't be any delays that jeopardize national security. What it will not allow are fishing expeditions in which there are no unusual circumstances and the government does not have probable cause.

This pragmatic approach—respecting the Constitution—will safeguard Americans' privacy and still preserve section 702's critical value for collecting foreign intelligence and protecting national security.

The Chair of the independent Privacy and Civil Liberties Oversight Board conducted a thorough review based on the classified record and reached the same conclusion.

Congress has a responsibility to the American people to get this right.

I recognize the importance of section 702, but we should not rubberstamp the House's flawed bill when surveillance is already authorized until April 2025.

I want to respect the need for section 702, but I am sworn to respect the need to follow this Constitution. Without critical changes to improve this bill, I cannot support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I am glad I was on the floor to hear the distinguished Senator from Illinois's comments about section 702 of the Foreign Intelligence Surveillance Act. This is perhaps the most important law that most Americans have never heard of before, but here we are debating that. The House having passed a bill and sent it over to us, it is our responsibility now to consider that bill.

We all want to protect the privacy and constitutional rights of American citizens. That is nonnegotiable. I agree with the Senator on that point, and I think we all should agree. But the fact of the matter is, the House bill is a reform bill. It is not section 702 as it currently operates. This provides numerous guardrails, accountability measures, and other measures that I believe will limit, if not eliminate, the opportunity to abuse this authority, to the detriment of American citizens; rather, I believe this law must be passed in order to protect those same people.

It is really important for the American people to understand that section 702 is only available against foreigners overseas—only foreigners overseas. If you want to get access to any information even on a foreigner here in the United States or an American citizen or a legal permanent resident, you have to go to court and do what the Senator says, and I certainly support that, which is to show probable cause that a crime has been committed.

But we are not talking only about crimes, the crime of espionage; we are talking about foreign adversaries collecting information on American citizens that they can use to facilitate terrorist attacks, the importation of dangerous drugs, ransomware attacks through cyber crime, and the list goes on and on and on.

But I think a fair reading of the House's bill provides the sort of belt-and-suspenders approach that we need in order to reform the current practice because of the very abuses that our friend from Illinois mentions. Where I differ from him is the fact that we don't need to worry about acting on this bill by tomorrow night at midnight.

Tomorrow night at midnight, the most valuable intelligence tool that is available to policymakers, including the President of the United States, will be eliminated—and what I am talking about is additional collection of that information—because, in fact, the very telecommunications companies that we depend on and that we compel to participate in the collection process will refuse to cooperate if they are not compelled to do so as a matter of Federal law. We know that because some have, in fact, sued to protest that cooperation and that compelling of cooperation. So we need to think about not only what this program is now, but the blindness, the willful blindness we will incur in the future unless we act on a timely basis. There is really no reason not to vote on the amendments, including the amendments from the Senator from Illinois. And I certainly support the right of every Member to offer amendments to try to change the bill as they see fit.

Every single day information acquired through section 702 protects our national security missions, and I want to mention a few of them. Just think for a moment, when President Biden gets his intelligence brief each day, that is called the Presidential daily brief. It is a compilation of the most sensitive intelligence that is important for the President as the Commander in Chief to have access to. Approximately 60 percent of the information contained in the President's daily brief is derived from section 702, so unquestionably it is a critical resource to protect our country, not just for the Commander in Chief but for other policymakers, including Members of Congress who happen to be on oversight committees, for example, which I am privileged to be.

Well, one of the first things that comes to mind when we think about section 702 of the Foreign Intelligence Surveillance Act because it applies only to foreigners overseas who are a threat to national security and so identified—the first thing we think of is counterterrorism.

It is easy to see why because this authority was first created in the wake of 9/11—the worst terrorist attack America has ever experienced—when 3,000 of our fellow citizens were killed that day.

Section 702 was enacted in 2008 in response to threats posed by terrorist groups, and in the years since, it has helped over and over and over again combat terrorism and prevent further terrorist attacks on American soil. Last year, for example, section 702 helped the FBI disrupt a terrorist attack on critical infrastructure sites in the United States.

In 2022, 702 data supported the planning of the U.S. military operation that resulted in the death of the leader of ISIS, the sequel to al-Qaida, a terrorist organization that has designs not only on its adversaries in the Middle East but on Americans as well. In 2020, information acquired through section 702 helped thwart a terrorist attack on a U.S. facility in the Middle East. And the list goes on and on and on. The point is that section 702 is vital to America's counterterrorism missions, but its applications extend far more broadly than just on counterterrorism.

It is also a critical tool in the fight against fentanyl which took the lives of 71,000 Americans last year alone. I have been to six high schools in Texas where parents—grieving parents—say their child took a pill that they thought was relatively innocuous—Percocet, Xanex. I know we wish our kids wouldn't take things like that, but they certainly didn't think they were taking a pill that would kill them. But that is exactly what happened because it was a counterfeit pill

that looked like a regular pharmaceutical drug, but it was laced with fentanyl, and it took their life. Section 702 is a critical tool in combating fentanyl which is the leading cause of death for Americans between the ages of 18 and 45. That is an incredible statistic.

In one example, the intelligence community obtained information under 702 that a foreign actor supplied pill press machinery to a Mexican drug cartel to make fentanyl, which is what happens. The precursors come from China. They make their way into Mexico. They are combined and then processed through an industrial capacity pill press to make it look like a normal pharmaceutical and then smuggled into the United States. That machinery, that pill press, was capable of producing millions of fentanyl pills, not per year, not per month, not per day, but per hour. We know that one pill can kill, so this machine alone could produce millions of lethal doses in 1 hour.

The good news is that this information was uncovered thanks to 702, and it was acted upon and the pill press and other equipment were seized before they could end up in a cartel's drug lab.

But this type of success story is not isolated. Last year, 70 percent of the CIA's illicit synthetic drug disruptions stemmed from information gathered through section 702.

I know we think of the CIA as our intelligence agency, and it is one of our principal intelligence agencies, but one of their missions is a counterdrug mission, and they were able to use section 702 to disrupt 70 percent—or it comprised 70 percent of their synthetic drug disruptions just last year alone.

This intelligence gathering capability is vital to our operations to stop fentanyl and save American lives. And there is no question that the fight against fentanyl would take a major step backward if 702 went dark.

Now, I want to reiterate, our friend from Illinois suggested that there is no worry about missing the deadline of tomorrow night for reauthorization. I just want to emphasize, it is true that currently collected information could be queried, that they could have a search selector to look among information that has already been lawfully collected, but there would be no way that the telecommunications companies from whom this information is collected would cooperate absent a Federal law compelling them to do so. As I said, some have sued and claimed that they should not be required to cooperate.

Of course, intelligence professionals uncover information about far more than just terrorism and drug trafficking. Section 702 also helps the United States Government stop the proliferation of weapons of mass destruction. Seventy percent of the intelligence community's successful disruptions of weapons of mass destruction in the past few years have stemmed from 702. This intelligence also helps disrupt our adversaries' efforts to recruit spies or people they try to recruit here in the United States.

Section 702 helps identify and respond to cyber threats. In 2021, you may remember the Colonial Pipeline ransomware attack where cyber criminals froze the computer systems of Colonial Pipeline and shut it down, which supplied the major supplier of gasoline and diesel for the east coast. They said: We are not going to unlock that network until you pay the ransom. Well, it was section 702—because the master minds of this effort were overseas, primarily in Russia, we were able to use 702 in order to identify those foreign actors in a way that allowed the FBI to connect the dots and to dismantle that criminal network.

Every day America's intelligence professionals rely on section 702 to gather timely and actionable intelligence to keep our country safe. Well, there is no question. I haven't heard any one of our Members here in the Senate say that 702 is not helpful, it is not necessary, but they are concerned about privacy—and I am too. That is the balance we must strike between security and privacy. We need both.

Well, the Fourth Amendment to the United States Constitution protects Americans from unlawful searches and seizures. Now, that applies in every instance where there is an investigation, whether it is by the FBI or by the local police department. Law enforcement cannot search your home or monitor your communications without going to a court and showing probable cause that a crime has been committed, but there is a lot of confusion about where that might apply in this context because what we are talking about is not crime in the sense that our criminal laws ordinarily apply in America. What we are talking about is foreign espionage and hostile activities directed toward the United States that have not yet occurred.

Ordinarily, in America, we don't do anything to try to prevent crimes from happening. We punish crimes once they have occurred after we have investigated them and prosecuted them, but we don't want another 9/11 to occur. We don't want innocent Americans to be killed in a terrorist attack. And it is not OK to say: Well, we will wait until the terrorists commit that act, and then we will try to find them and punish them. We want to stop it, and that is where 702 is so important.

It is not true that 702 gives the authority to the intelligence community to target Americans. That is illegal.

The Senator from Illinois mentioned a number of times where there was inappropriate and, frankly, illegal use of this information. Those individuals in some instances have been disciplined, some instances have been prosecuted, and that is appropriate.

But what the House bill does is, it takes for example, FBI rules and regulations around the use of 702 and codifies them. In other words, it is not discretionary. It is not a matter of Agency rules. It is a matter of Federal law. Speaker JOHNSON, I know, sent out a long list—and perhaps we ought to consider that more closely—a long list of reforms that this bill includes that would make that sort of activity far less likely.

I say ''far less likely'' because I doubt you can pass any law or any rule that would prevent somebody from abusing it. But we sure ought to make sure that we minimize the possibility, and we ought to make sure that people who do so are held accountable. That is what this FISA reform bill that the House passed does.

Again, this bill allows the intelligence community and the Department of Justice to obtain information on foreigners located outside the United States. So here is one of the questions or one of the issues posed by our friends who have a different view on this. That is because when a foreigner talks to a U.S. person, well, that should send off flashing red signs or at least yellow lights, but Federal courts—at least three Federal courts, including the Foreign Intelligence Surveillance Court and two other Federal circuit courts, have held that there is no violation of the Fourth Amendment among unlawful searches and seizures of Americans if that was incidental to collection—incidental to the authorized collection of foreign communications of people overseas. And how is it that we could possibly expect anybody to get a warrant when we don't even know these individuals they are talking to until after the fact? What happens then is very important and is very different; and that is, if the FBI or any law enforcement Agency wants to go a step further and ask for more information about the American citizen or U.S. person, then existing law requires that they get a warrant. It requires them to go to court, go to the intelligence surveillance court—article III judges appointed by the Chief Justice of the United States Supreme Court—and to get a warrant based on probable cause that this individual is aiding and abetting a foreign adversary or has committed a crime like espionage.

But the Fourth Amendment to the Constitution does not apply to foreigners who live abroad. Where this issue raises heightened concerns is in the incidental collection, which I mentioned a moment ago. That is if a foreign target who lives abroad is communicating with an American on U.S. soil or a U.S. person like a permanent resident, intelligence professionals will receive both sides of that conversation.

Again, what I have said is multiple courts have examined the constitutionality of this incidental collection; and in each and every case, it has determined that 702 complies with the Fourth Amendment.

For example, the Second Circuit Court of Appeals, in 2019, considered

that very question. The court determined that ''the government may lawfully collect the emails of foreign individuals located abroad who reasonably appear to be a potential threat to the United States.'' The court added that once it is lawfully collecting those emails, it does not need to seek a warrant to continue collecting emails between that person or other persons once it learns that some of those individuals are U.S. citizens or lawful permanent residents or are located in the United States.

But, as I said, once this incidental collection has occurred, if the law enforcement Agencies, like the FBI, want to go further, they have to get a warrant before they can collect other information about that American citizen or U.S. person. That is no longer incidental to the foreign intelligence-gathering of somebody overseas. That is a direct investigation of that person, and it requires a warrant and probable cause.

Well, what I am talking about in terms of incidental collection is not a novel concept. For example, when a law enforcement officer executes a search warrant as part of a money laundering investigation, if the officer enters a home and sees illegal drugs, for example, in plain view, officers can seize that evidence even though it is unrelated to the warrant. That same sort of principle applies here. The Second Circuit, the Ninth Circuit, and the Tenth Circuit Courts of Appeals have all looked into this matter, and the Eastern District of New York has as well. Again, every court that has considered the lawfulness of the 702 program found that it complies with the Fourth Amendment.

So there is no argument, really, even among people who have different points of view. There is no argument that 702 is vital to our national security. The FBI and the intelligence community rely on that authority to combat terrorism, to disrupt drug trafficking, to prevent cyber attacks, and much, much more.

I believe what is really being argued about here, which we ought to go ahead and lay on the table, is a lack of trust in how these rules are actually applied and practiced. Part of that justifiable concern is based upon abuses in the past, and those ought to be investigated and prosecuted; and those people who violate the law ought to be held accountable. But what the House has done is proposed a reform bill which reduces, if not eliminates, the chance of taking those same sorts of actions; and it certainly has provided for accountability, including prison sentences for the people who do violate those rules.

So this proposal goes about as far as you could go without destroying section 702 to make sure that the privacy rights and the constitutional rights of American citizens are protected, while at the same time making sure that we can maintain this flow of valuable foreign intelligence to help protect the American people.

This legislation codifies reforms that were implemented by the FBI a couple of years ago, which have reduced noncompliance to about 2 percent of their queries; and these reforms have already proven to work. As I said, the Department of Justice conducted a review last year and found that 98 percent of the FBI's queries were now fully compliant with these new and enhanced and improved requirements, and those would be codified into law under this bill.

So I appreciate the sensitivity that all of us feel about the constitutional rights of American citizens. None of us want to allow any violation of those rights. We are sworn to uphold and defend the Constitution and the laws of the United States. I am confident that each of us wants to be loyal to that oath, but at the same time, we have a responsibility to protect the American people from the sorts of threats that I have described. Allowing 702 to expire tomorrow night would simply blind not only the President of the United States but us as policyholders—the people responsible for protecting our great Nation—to threats that future collection under 702 could provide, because there is no way that these telecommunications companies are going to cooperate absent a Federal law compelling them to do so.

So who would be the winner in all of this? Well, let's call out a few winners if 702 goes dark: China, Russia, and Iran; and you might throw in North Korea. It would limit our ability to understand the threats we are facing here in the homeland before it is too late.

There is a reason why the intelligence community calls section 702 the crown jewel of their ability to protect and defend the United States and the American people, and it is absolutely imperative that Congress reauthorize section 702 with these reforms before it lapses tomorrow night. And I am optimistic that, in working together, we can get the job done.

I yield the floor.

The PRESIDING OFFICER (Mr. FETTERMAN). The Senator from Illinois.

Mr. DURBIN. Mr. President, I want to thank my colleague from Texas. Though we may disagree on some aspects of this important law, once again he has made a professional and thorough presentation of his point of view. I hope that those who are following this debate understand it, because it is complicated. It is complicated to understand; it is complicated even to explain. But it seems to me there are a couple of areas here that I would like to express a point of view on of the Senator from Texas's comments.

No. 1, I am in favor of keeping section 702—no question about it. When it comes to its initial purpose, we still need it to keep America safe, and we need it in many different aspects. He mentioned the fentanyl situation. It is horrible. The most recent figures I have received from the Drug Enforcement Administration suggest there are over 100,000 victims a year of fentanyl in the United States. It is the deadliest narcotic. There are at least two cartels in Mexico that are generating this fentanyl: Jalisco and—I am trying to recall the other one. But they are actively engaged, and the Drug Enforcement Administration is monitoring what they are doing.

Do we want to use our capacity to get into that business model and try to find out more information to thwart deliveries into the United States and more fentanyl in the United States? Of course. Sign me up.

The question comes down to a practical question. Let's assume for a moment that we decide that we want to know if someone involved in one of these cartels is making a drop in the United States. We can use 702 because we are dealing with foreigners in a foreign land. That is the premise of 702. So, if we intercept the communications of someone in that cartel in Mexico, the question is, What do we do if the information that they disclose in this conversation includes a reference to an American? What right do we have to go any further in questioning that American's involvement with the cartel? That is when we run into the Fourth Amendment, as far as I am concerned, and it is a serious question as to whether or not we can ask any questions about text, emails, or phone conversations of the American whose name came up in the conversation that we intercepted of the member of the cartel.

That is where we have, probably, a difference of opinion. How far can we go? I believe, if we are going into an inquiry as to what that American's involvement is with that cartel, the Fourth Amendment applies. At that point, we need a warrant.

Through the Chair, I ask if the Senator would like to comment on what I have said so far.

Mr. CORNYN. Mr. President, I appreciate the opportunity to engage my friend and colleague, the distinguished chairman of the Senate Judiciary Committee and a distinguished lawyer in his own right. This is his wheelhouse.

I appreciate the question because I think it actually—maybe there is a nuance here that I misstated my position, because I am of the same mind the Senator is when it comes to an American citizen who is mentioned in a communication with the foreign actor, because this is designed to deal only with foreign actors.

What I was referring to was incidental communication, when there was a communication between the foreign actor and the U.S. person, and we can call him a U.S. person because he can also be a legal permanent resident. Basically, what we are talking about are U.S. citizens. So that is incidental collection when there is that contact between a foreign target and the American citizen. That is considered to be

incidental collection, and no court has said it violates the Fourth Amendment.

But I agree with the Senator that if, in fact, there is a mention of an American citizen in that communication and the law enforcement Agencies want more information about that American citizen, they have to get a warrant. They have to go to court and establish probable cause in order to get that information because that is what the Fourth Amendment is designed to protect. I hope I have understood the Senator's position.

Mr. DURBIN. Well, I hope I understand the Senator's position as well because I think we just reached a point of agreement. The question is, where do we go from here?

If the foreigner names an American citizen, that is incidental. If our Agency of government decides that they want to explore conversations—phone conversations, texts, and emails—of that named American citizen, I think we both agree, at that point, we have reached Fourth Amendment protection, and it requires a warrant.

All I have tried to do with my amendment is to condition that situation that I have just described to you to be protected in law with three exceptions. I create three exceptions: an emergency situation. I mean, you can imagine—and I can too—after living through 9/11 and other instances. Sometimes you have to move and move quickly, and even a Fourth Amendment warrant may be questionable.

The second part is cybersecurity—or that may be part of it. And the third is when that American citizen happens to be asking to be protected for fear that something is happening to them that they don't want to happen; so they ask the Agency of the government to go forward and inquire as to that foreigner because they want, for their own protection, the Agency to do it. Those three things are built into my amendment as well.

So we may be perilously close to an agreement. I don't know. I won't presume that, but I think what we have said so far is something that I can live with.

Mr. CORNYN. Mr. President, if the Senator from Illinois will permit me to respond, there are two challenges I think we face. One is that I think the exceptions that you mentioned, basically, will mean that the status quo remains because almost each of those three exceptions would be allowed under current law, so then the amendment would not really change much in the way of practice. I may be missing something, but you mentioned cybersecurity, emergency situations, and the third is?

Mr. DURBIN. The consent of the person, of the American.

Mr. CORNYN. But here is the practical problem: The House of Representatives has passed this bill, and one particular, important aspect of this is a warrant vote that was a tie vote. So this bill—this law—lapses tomorrow night at 12 midnight, and it is obvious to me that we are not going to be able to change this bill in a way that then could go over to the House and get picked up and passed before 12 midnight tomorrow night. Basically, what we are forced with is a lapse in these authorities during the interim, and I am not even confident that the House could even pass another bill even with these amendments.

So I don't question the good will and the intentions of the Senator from Illinois. I think he wants to do what I want to do, which is to protect our country and to protect the rights of American citizens, but I think, as a technical matter, that the exceptions he has will swallow the rule that his amendment would establish. Perhaps, even more basically, just through the passage of time, it would prohibit our getting this bill to the President's desk in time to keep these authorities in effect.

There is no question that our world is more dangerous now than at any other time in the recent past—I would say since World War II. So I don't think we could risk going dark by having this authority lapse on future collection, either for the benefit of the Commander in Chief—the President of the United States—or the rest of us.

I want to thank the Senator for giving me a chance to answer a few questions and present my point of view.

Mr. DURBIN. Mr. President, I would like to thank my colleague from Texas and say to those who have witnessed this: This came dangerously close to an actual debate on the Senate floor—a bipartisan debate—that happens so seldom that those who witness it should probably call their friends.

Seriously, I respect the Senator from Texas. Though we may disagree on some aspects of this, I respect his presentation and thank him for answering the questions.

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

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

FEDERAL COMMUNICATIONS COMMISSION

Mr. THUNE. Mr. President, next week, the Biden Federal Communications Commission will take a pointless and destructive vote to reimpose onerous net neutrality regulations. Like the Obama FCC before it, the Biden FCC wants to assert broad new government powers over the internet, using rules that were designed—if you can believe this—for telephone monopolies, back during the Great Depression. If there were ever a solution in search of a problem, this is it.

We have tried the Democrats' heavyhanded net neutrality experiment before, and it didn't go very well. Back in 2015, the Obama FCC implemented the regulatory regime the Biden FCC is planning to impose starting tomorrow. This opened the door to a whole host of new internet regulations, including price regulations, and broadband investment declined as a result. That was a problem for Americans generally who benefit when the United States is at the forefront of internet growth and expansion, and it was particularly bad news for Americans in rural States like South Dakota.

Deploying broadband to rural communities already has a number of challenges, and adding utility-style regulations, not meant for today's broadband market, acted as a further disincentive to expanding access. Recognizing the chilling effect the Obama FCC's regulation were having on internet innovation and expansion, in 2017, the FCC, under Chairman Pai, voted to repeal the heavyhanded net neutrality regulations passed by the Obama FCC.

The prospect was greeted with absolute hysteria from Democrats. You would have thought that the sky was about to fall. So dire were their predictions.

We were told that the internet, as we know it, would disappear, that providers would slow speeds to a crawl, that we would get the internet word by word, that our freedom of speech was threatened.

But the repeal went into effect. And guess what happened. Lo and behold, none of the Democrats' dire predictions came to pass. As anyone who has been on the internet lately knows, the internet has not just survived but thrived. Innovation has flourished. Competition has increased. The internet remains a vehicle for free and open discourse. And internet speeds have not only not slowed down; they have gotten faster and faster. So where, I might ask, is the problem that requires this new onerous regulatory regime? Well, there isn't one.

But, unfortunately, that is rarely enough to stop Democrats, who seem to lose sleep at the thought of some aspect of society not being subjected to heavyhanded Federal regulation.

In fact, of course, the Federal Government already regulates the internet, but it does so using a light-touch regulatory approach that has allowed the internet to flourish. But if the Biden FCC's new regulatory regime goes into effect, those days of flourishing may be numbered. As I said, the last time that these heavyhanded regulations were imposed, broadband investment declined, and there is good reason to believe that the same thing would happen this time.

These new rules could also imperil the United States' position at the forefront of internet innovation. Perhaps most disturbing of all, the Biden FCC's onerous new regulatory regime could spell the end of the free and open internet that is supposed to protect.

Under the regulatory regime the Biden FCC is set to impose, the Federal

Government would be allowed to block or prioritize internet traffic or otherwise interfere with the free flow of information. It is not hard to imagine the Biden administration using this new regulatory power to shape Americans' internet experience for its own ends.

This is an administration that attempted to manufacture a nonexistent voting rights crisis in order to pass legislation to give Democrats a permanent advantage in Federal elections. So it is not hard to see the Biden FCC using its new powers to advance Democrat interests or the Biden administration's far-left agenda.

The Biden FCC's new regulatory regime is a solution, as I said, in search of a problem, and it is likely to create problems where none exist.

On top of that, as former members of the Obama administration have pointed out, it is unlikely to stand up in court because existing law does not give the FCC the powers that it wants to assume. That makes the FCC's upcoming vote even more pointless.

The Biden FCC should be focused on addressing real challenges, such as continuing our efforts to close the digital divide and to ensure that every American has access to high-speed broadband. But as the 3-year crisis at our southern border demonstrates, the Biden administration tends to ignore the real problems facing Americans in favor of expanding government and advancing its far-left agenda.

So I expect that the FCC will vote next week to impose this heavyhanded new regulatory regime. But while the vote may be a foregone conclusion, I am hopeful that the Biden FCC's regulations will be struck down in court.

I will do everything I can here in Congress to overturn them because, if the new Biden regulatory regime is left in place, it may not be long before we will be looking at the very opposite of net neutrality.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

ALASKA RESOURCES DAY

Ms. MURKOWSKI. Mr. President, this was supposed to be a really great week for us in Alaska. We had an opportunity to kick off the Alaska Resources Day back here in Washington, DC.

The leaders of 10 of my home State's trade associations—notably, all women, which I think is worth commenting on—all flew back to Washington, DC, for Resources Day. They and other industry leaders gathered to really celebrate the success of the industries that are present in our State—everything from oil and gas to mining, to seafood, and tourism. It was a good day spent educating folks about Alaska's commitment to and, really, our record—a very strong record—of responsible development to benefit Alaska and the Nation.

It should have been a really great opportunity to reflect on how far we have come as a State. But instead of being able to focus on that, the big buzz was the reminder that we are really at the mercy of an administration that views us—views Alaska, views Alaska's resources—as really nothing more than a political pawn in a reelection campaign.

The rumors are out there, and there is more substance to them now than there were a few days ago. But the Biden administration is set to announce yet two more decisions to restrict and prohibit resource development in the State of Alaska.

This is almost getting to be so routine that we are coming to dread Fridays in the State of Alaska because that seems to be the day that the administration reserves to just dump more closures, more lockups, more shutdowns on us, on top of the dozens and dozens of initiatives that have already been imposed on us over these past 3 years.

Unfortunately, the decisions that are going to be unveiled tomorrow are probably some of the worst that we have seen from the administration—an administration that I think has just lost their way when it comes to energy and mineral security.

I want to talk, first, about the mineral security piece of it because we are going to see announced tomorrow the rejection of the Ambler Access Project.

This is a private road. It is a private road that is needed to access and unlock a region that we call the Ambler Mining District.

There was a 1980 law under ANILCA, part of the balance that we struck on conservation. This was the big deal in 1980, but it was an effort to put into conservation status while still allowing for certain development. But under that law, we were guaranteed road access to the district.

Why is the district important in the first place? It was important back then, in the 1980s, but even more so important now because of the critical minerals that this country needs to break our dependence on China and other foreign nations.

This project is not new. This project was fully approved, and I think it is worth underscoring that—fully approved—in 2020. But this administration said: Never mind all that.

Interior sought a voluntary court remand for Ambler's approval on the very same day that President Biden held a roundtable to discuss—what?—the importance of critical minerals and how this country needed critical minerals. He is saying that on one screen, and on the other screen you have got a remand effectively putting the brakes on the Ambler project.

And for the past couple of years now, Interior has magnified the impacts of this simple private haul road so that they could really find a way to just turn the tables, to turn this project from one that had been approved to one that will be rejected.

The second action that we are anticipating from Interior tomorrow will be the finalization, the final rule, to shut down further access to our National Petroleum Reserve in the northwest portion of the State. This is a 23 million-acre expanse. This is an area about the size of Indiana. There are only a few hundred acres of this Indiana-sized piece of the State that have ever been approved for any type of development, and it is exactly what the Obama-Biden administration had pointed to. They said to the oil and gas companies: Go there. Go to the National Petroleum Reserve-Alaska. Don't go to ANWR; go over here. Develop there.

So now you have the interest in it, and after approving exactly one significant project in our petroleum reserve, the Biden administration has now completely abandoned that approach. And what we expect to see tomorrow is Interior issuing just a sweeping rule to now cut off access and, to add insult to injury, with barely consulting the Alaska Natives who live on the North Slope—failed to consult. They violated their own policies. They ignored Federal law.

This is really tough for us in Alaska because this is not the first time now that this administration has just turned their eye to what the law requires. They ignored Federal law which requires an expeditious program of competitive leasing and development. So where there was once opportunity, they are now creating uncertainty and restrictions that will cut off access and halt future projects.

But again, never mind all that, the administration says, because it just doesn't seem to matter to them. That is what I don't get—not the rule of law, not the local people who support responsible development, not the State benefits or the national need, not even the international events and crises that we are dealing with right now this moment that should have prompted a gut check and maybe folks within the White House saying: Maybe we should dial this back just a bit right now, given what is happening in the world. But none of that seems to matter as, once again, this administration makes two more politically motivated decisions against responsible resource development in Alaska.

And we need to be clear here. These were not fair processes. These were fait accompli, decided behind closed doors, likely in concert with the national environmental groups well before the administration even publicly announced that it was even considering them.

So here we are. Here we are. Under the administration, there hasn't been and there won't be any new leasing in our petroleum reserve. There aren't any more project approvals in sight to help supply west coast refineries that have now turned to imports from abroad.

And where are they looking for those imports? Previously from countries like Russia, but now—now—at the direct expense of the Amazon rainforest, which the environmental community

calls the lungs of our planet. But that is where California, believe it or not, is going to be looking to import.

And nor will we be able to build the private, restricted-use Ambler Road that Federal law explicitly allows for that we need to access minerals that are crucial to our security, to our economy, and to the success of this administration's own policies.

And I think this is all because it is a political year. It is a political year, and this administration is putting partisan payoffs ahead of sound policy, and that is regrettable. It is mightily regrettable.

Setting aside Alaska Resources Day, think about what these decisions say about the administration's priorities and the signals that they send to our adversaries because I think sometimes we just look at these, and we think about them in the context of what people in our own country are saying. But what is the message that is being sent to our adversaries? We know and they know that we are deeply dependent on foreign minerals. This is our Nation's Achilles' heel—I keep talking about it—especially as China dominates so many global supply chains.

We imported at least 50 percent of our supply of 49 different mineral commodities last year, including 100 percent of 15 of them. And that has risen quite dramatically over the past couple of decades, and for many crucial commodities, it is still going up.

So why does the Ambler district matter? It matters because it has copper. Our top experts warn that copper is on the verge of a global shortage. It has cobalt, which we imported 67 percent of our supply last year, including from African nations where malnourished children are the ones who dig it out by hand. We can't feel good about that. The Ambler district has resources like gallium and germanium, which China, in an effort to show who is boss here, recently cut its exports of. This was a clear shot across the bow to the West.

About the only thing that Ambler doesn't have is access to a road, which it needs to facilitate the mining, which we need to facilitate everything from advanced munitions to electric vehicles. So let me assure you, we should want to mine in Ambler, where it will happen safely, under the highest environmental standards in the world. And we should stop outsourcing mining abroad, particularly to these jurisdictions where there are no or very little environmental protections, and we see horrific human rights abuses among workers.

The administration's NPR-A decision—again, that is our petroleum reserve. We shouldn't just talk in these acronyms. NPR-A means National Petroleum Reserve-Alaska. This decision is just as reckless. The Middle East is on the verge of a regional war, thanks to Iran, and the one thing standing between us and $200-a-barrel oil is American producers that operate on State and private land. And yet the President criticizes them. He criticizes them instead of thanking them for saving his administration. That is what is helping to keep a lid on some of these prices.

It is one thing to conjure up a villain; it is another to let the real villain, which in this case is Iran, off the hook, and that is exactly what we are seeing happen right now. Since taking office, President Biden has relaxed sanctions on Iranian oil exports, allowing them to do what? To produce more, to sell more, and thus to gain tens of billions of dollars.

According to the Foundation for Defense of Democracies, as of last September, Iranian oil revenues had increased during the Biden administration by $26.3 billion to $29.5 billion. And we know that those numbers have just grown today. And what is Iran using the revenues on? You don't need to guess. It is terror. It is regional destabilization—from their Quds Force, from Hamas, from Hezbollah, from the Houthis, and from the regional militias backed by the regime. And last weekend we saw what that means when Iran launched more than 300 drones and missiles at our ally Israel. The attack was designed to overwhelm Israel's air defense and only failed due to the heroic efforts of a coalition that also included the United States, France, Jordan, and Saudi Arabia.

We know what happens. We know what happens when Iran is allowed to enrich itself. Their proxies attack Israel. They attack Israel. They fan the flames of regional war that could draw in global superpowers, and they continue their direct attacks on American troops who are present in the region to fight ISIS, among others.

The Secretary of the Navy testified this week that American military ships had been attacked 130 times and used more than $1 billion in munitions in the Middle East over the last 6 months. Those are our warships. And that doesn't even count the attacks on our bases.

So deterrence has been lost. The administration's Iran policy has failed. But how do they react? By suggesting that we don't go after Iran's oil.

Reuters ran a story with the headline that said, ''Biden unlikely to cut Iran's oil lifeline after Israel attack.'' And then POLITICO dished on this by saying, ''Why Biden could leave Iran's oil alone.'' And then the Washington Post had a well-sourced piece about the Biden administration telling Ukraine to stop attacking Russian refineries because they are nervous about the gas prices leading up to the election.

I mean, I read these stories, and it drives me crazy. I mean, what does Alaska have to do to get some recognition that we might just have a resource that not only we need in this country but our friends and allies need? You have got a regime that is actively funding terror with its oil revenues, another regime that is funding a catastrophic war against an innocent people, and on the other hand, you have a State—part of the United States—that wants to responsibly develop its resources to build basic infrastructure and provide services for some of its least well-off residents.

And somehow—somehow—out of that, the President has decided to relax enforcement of our energy sanctions on Iran and put it on Alaska. That is what we feel like. We feel like those sanctions are on us directly. They don't want to hurt Russian production, but they are sure not hesitant to hurt Alaska. So I think you can understand why so many of us are frustrated and, really, even angry with the Biden administration about these policies. It is unfair to always be picked on anytime the administration needs to shore up its credibility with national environmental groups.

We kind of feel like we are the giving tree at this point—except, ironically, we know that this administration would never allow anyone to harvest timber, so we can't be a giving tree. That is pretty well off limits too. But it is also bad policy—just truly bad policy—to sacrifice our jobs and our revenues and deprive our country of steady, affordable supplies of domestic energy and minerals. And it is truly bad policy to ignore the rule of law and our strategic vulnerabilities.

We will all feel the consequences as we let some of the worst people in the world produce and gain from their resources instead of the very best here at home. So, Mr. President, no State or nation produces its resources, I believe, in a more environmentally responsive manner than Alaska. No people care more about their surrounding environment than Alaska.

I know I have got my friend from Vermont here, and he cares passionately and I know the people of Vermont care passionately, but we have a lot that we care passionately about.

So I just ask the question of colleagues; I ask the question of those in the administration: Given a choice between China and Africa or Alaska for minerals, it should be Alaska every time. And given a choice between Iran and Russia and Venezuela or Alaska for oil, it should be Alaska every time. And I think most Americans would agree, but it is deeply disappointing—I believe, harmful—that those who hold positions of power in the Biden administration are not among them.

With that, Mr. President, I yield the floor and respect that my colleague from Vermont has been waiting.

The PRESIDING OFFICER. The distinguished gentleman from Vermont.

Mr. WELCH. Mr. President, I thank my colleague from Alaska and really appreciate her remarks.

AFFORDABLE CONNECTIVITY PROGRAM

Mr. President, one of the rays of hope we have in this Congress is the bipartisan accomplishment of the past several years to build out broadband high-speed internet across the country, from Vermont to Alaska and everywhere in

between. And that was because this Congress, on a bipartisan basis, made a decision—a decision that is similar to what was made by this Congress in the 1930s, when electricity was becoming widely available.

We decided that it was absolutely essential for the well-being of our country and all of the citizens in urban and rural America that they have access to high-speed internet. And we built out that broadband network that made it within reach.

We also committed ourselves to a program called the Affordable Connectivity Program, which is really modest but incredibly important. And what it understands is that you may be a person with really low income in Pennsylvania or in Vermont or in Alaska, where the internet that has been constructed is right out in front of your mobile home or your home, wherever it is you live, but you can't afford to connect. So having the internet cable go by but you can't connect your home means you don't have internet.

And the Affordable Connectivity Program—a bipartisan program—is used by 23 million households, by 4 million veterans. And it is the difference between them being able to connect and get the benefit of high-speed internet or not.

And it makes such a difference because that internet is used by all of us. It might be to do your job. It might be to apply for a job. It might be for kids to do homework. It might be to get an appointment with a doctor through telehealth, something that is really important in rural America. That is the good news.

The dangerous news is that the Affordable Connectivity Program that is that lifeline for our veterans, for our seniors, and for our low-income folks is going to expire in a matter of weeks. And we have the opportunity and, I believe, the responsibility to extend the Affordability Connectivity Program so that people will be able to maintain access.

As I mentioned, more than 23.3 million American households have subscribed in the ACP, about 26,000 households in my State of Vermont. About 10.6 million subscribers are over the age of 50. And half the households that benefit are considered military families.

I mentioned 4 million veterans. A December 2023 survey of ACP subscribers reported that 77 percent said they used the program to schedule or attend healthcare appointments, and nearly 330,000 ACP subscribers live on Tribal lands.

You know, one of the keys to the bipartisan support is that this helps the citizens that all of us represent, whether you are in a red district or a blue district, a red State or a blue State, the folks we represent need access to the internet.

Let me just give a little example. I have a chart here about the 23 million Americans who use it. In Texas, one in four households—what a difference that makes for those folks in Texas. In Indiana, one in four. I am sorry. It was one in six in Texas. In Kentucky, one in four households. In North Carolina and Mississippi, one in five households. In Louisiana, every third household depends on the Affordability Connectivity Program in order to be linked to the internet that goes right by the front of their house.

So we have got to allow folks to continue to have that access to that vital program. So we need a supplemental appropriation from Congress to make certain that that happens.

If we let the ACP run out, funding would have devastating effects on people who use the program. And 77 percent of the households that rely on ACP say that losing that benefit would disrupt their service by making them change their plans or drop the internet service completely.

And, by the way, that 30 bucks—you know, it cost more than that. So folks have to dig deep in their pockets. And this is like Vermonters making $15,000 a year and having two kids. They don't have a big budget.

Let me give you a couple of examples because I think it brings it home.

Cynthia is a retired American who lives in Florida. She is an ACP subscriber. She told CNN, which did a great story on that, that she connects to her granddaughter and her great-grandson on video calls every week.

Do you know what? That matters. You are lonely. You have got grandchildren. You want to stay connected. You want to be in touch. That is a huge, huge part of her life. So let's not deny her that access.

Jonathan is a software engineer in my State of Vermont. He is an ACP subscriber who also spoke with CNN. This is what he said:

> You're taking ACP away from the farmers that can check the local produce prices and be able to reasonably negotiate their prices with retailers. You're removing disabled people's ability to fill their subscriptions online.

That really, really matters.

I have also gotten messages from my constituents, like Leslie in Brandon, VT, who said:

> I was just informed by Consolidated Communications [the internet provider] that I would be losing my ACP benefit for my internet service at the end of April. . . . What a shame. The internet is our way of communicating with our family members who live outside Vermont plus many other contacts necessary for our stay-at-home lives. I use the internet almost . . . [every day].

That is why we have bipartisan support. When we—all of us, whoever it is we represent or whatever district we represent—listen to our constituents, and they say to Senator FETTERMAN or they say to Senator WELCH or they say to Senator WICKER or they say to Senator VANCE, ''This access to the internet really matters,'' we share a common opportunity to help the people all of us represent.

And, by the way, that helps bring us together when we are working on solving the problems that we all share.

And we have got bipartisan support to show for it. Joining me on the Affordable Connectivity Program Extension Act is Senator VANCE, Senator CRAMER, Senator ROSEN, Senator MARSHALL, and Senator BROWN. And many others have indicated support and interest when we find the way to come up with the funds to make certain it doesn't expire.

And, by the way, a lot of the leadership came from eight of my Republican colleagues, who sent a letter to President Biden encouraging the administration to fund the program, calling the ACP ''an important tool in our efforts to close the digital divide.''

And I thank my colleagues—Senator WICKER, Senator CRAPO, Senators TILLIS, CAPITO, RISCH, and YOUNG for sending that letter to President Biden.

And, of course, most importantly, it is really popular with the American people. The majority of Republican voters, 62 percent, support the ACP, according to a poll from the Digital Progress Institute. That same poll found that 80 percent of rural voters support continuing ACP.

And, boy, does this matter in rural America. You know, in the Roosevelt administration, there was a commitment: We are going to get electricity to the last barn on that last dirt mile in whatever rural town you live in. And do you know what? We made that same commitment here when we began extending broadband. But we won't make it real unless we can make certain that those people at the end of the road, on that dirt road, can afford it, and that is what the ACP does.

We need all of us—Democrats and Republicans—now to come together to pass our bipartisan Affordability Connectivity Program Extension Act and keep America connected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

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

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

SUPPLEMENTAL FUNDING

Mr. WICKER. Mr. President, there is a very good chance that there will be good news this weekend for America's security, for European peace, and for a signal to be sent for strength and success for the alliance of free nations.

Yesterday afternoon, the Speaker of the House said that Congress will soon send a very important message. And, yes, it is correct; the House will send an important message. In the next few days, I believe Congress will remind the tyrants of the world and the free

people of the world that America stands strong and that America keeps its word.

I commend Speaker JOHNSON for doing the difficult thing but the right thing. He followed the admonition actually of the Apostle Paul. The Speaker could have put his own interest above the interest of others, but he did not.

The eyes of our friends and our foes have been on the House of Representatives, and the Speaker rose to the occasion. He recognized that this moment was too important to squander for political expediency.

The world is indeed on fire, and this administration's weakness has fanned those flames. At the very least, President Biden's drip-drip-drip approach has failed to douse the flames on the international fire.

And make no mistake. Russia, China, and Iran, with its terrorist proxies, are working together, and they are conducting war on two fronts: in Israel and in Ukraine.

And I agree with a bipartisan majority of this Senate and the House of Representatives that America has an important role to play in both of those conflicts.

America is an exceptional nation with an exceptional task: to lead on the world stage and to make it clear that we can be counted on to keep our promises.

At important moments throughout our history, there has always been a group advocating for American retreat. Some of my friends today want the United States to withdraw, to stay behind our own safe walls—as if that were possible. But time and again, the American people have learned—sometimes with some difficulty, sometimes reluctantly—that retreating does not create safety. What happens abroad reaches our shores. Whether we like it or not, it just does.

Like the Speaker, I am a Reagan Republican. Ronald Reagan stands in history as a leader who achieved peace—peace through strength.

In the next few days, I believe we will work toward that goal by sending aid to our ally Israel and by improving our ability to counter China in the Indo-Pacific. I also believe we will do that—I believe we will work for that peace through strength—by sending additional lethal aid to Ukraine.

Vladimir Putin is a proven war criminal. If he is allowed to win, he will not stop in Ukraine. Ukrainian people have proven themselves capable on the battlefield—remarkably capable. They have achieved remarkable wins against the Russian dictator. They did so even this week. They simply ask us to give them the tools to keep doing that job.

Speaker JOHNSON said we should be sending bullets to Ukraine, not American boys. I agree. His son will soon put on the uniform as a midshipman, and my son continues his military service in the Air Force Reserve. So this is personal to me, and it is personal to the Speaker of the House and for many parents whose sons and daughters proudly serve, including Mississippians on Active Duty and in the National Guard.

I recognize that some of my colleagues disagree. I am glad they will be given a chance to vote their conscience, as our Founders intended when they designed our system of government, through their willingness to agree, disagree, and then come to a conclusion with each other. The system they built has remained sturdy. It has weathered contentious times at home and abroad.

Mr. President, some talking heads today equate compromise with weakness. Our Founders did not do so, and neither do I. Momentous times, perilous times compel us to work together, and it is not weak to do so.

Everyone in the House and then everyone in the Senate will soon get to make their voice heard on this very important topic. When all is said and done, I hope and pray we will reassure our allies and remind our adversaries that America still stands for freedom, and we stand for peace through strength.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

25TH ANNIVERSARY OF COLUMBINE SHOOTING

Mr. BENNET. Mr. President, this Saturday marks a solemn anniversary in Colorado—the solemn anniversary of a moment that shattered our children's sense of safety and has forever scarred our Nation's memory.

It has been 25 years this week since the Columbine High School shooting, where 12 students and a teacher were murdered and many others were left with life-altering injuries. None of us left without the impact of that day.

Columbine changed our State forever. I think it changed the country forever. We all remember where we were the day it happened. I certainly do. We remember the lives that were lost on April 20, 1999. Twelve young Coloradans never had the chance to graduate from high school, go to college, get married, start a family.

Rachel Scott was killed when she was eating lunch outside with a friend. She was planning on going on a mission trip to Botswana and dreamed of becoming an actress. She was 17 years old.

Danny Rohrbough was 15. Every year, Danny saved the money he earned from working at his family's wheat farm in the summer to buy Christmas presents for his friends and family—just another American kid gunned down on his way to lunch, still holding the Dr. Pepper he had bought from the vending machine.

Kyle Velasquez, age 16, was a new student at Columbine. He had developmental disabilities, and he had just started attending school for a full day. He would have been on his way home from school if the shooting had happened just a week earlier than it did.

The youngest victim, Steven Curnow, was only 14 years old. He dreamt at that young age of becoming a Navy pilot.

Cassie Bernall, 17, was a new student at Columbine. After a few tough years of high school, she was finally thriving and excited for what was next.

Isaiah Shoels, 18 years old, was a senior about ready to graduate. He had overcome a heart defect to play football and wrestle in high school.

Matthew Kechter, a straight-A student and also a football player, was remembered by his parents as a wonderful role model for his younger siblings. He was just 16.

Lauren Townsend was 18 and was the captain of the volleyball team. She loved to volunteer at the local animal shelter.

John Tomlin was killed. He was 17. He was in the library at Columbine, where he was trying to comfort other students.

Kelly Fleming was 16. She was also a new student at Columbine. She loved to write poetry.

Daniel Mauser was 15 years old. He was a Boy Scout and a piano player who had just mustered the courage to join the school's debate team.

Corey DePooter, 17, was described as an all-American kid who worked hard in school and was someone his classmates loved to be around.

Those were the students who died that day. And we can't ever forget Dave Sanders and the contribution he made—a teacher, a father, and a grandfather. He was a hero that day. He saved 100 students in danger before he was killed.

Twelve kids in the prime of their lives were gunned down by killers who used the gun show loophole to purchase weapons they should never have owned.

Mr. President, the shooting at Columbine High School, as I have said over and over and over again on this floor, happened the same year that my oldest daughter, Caroline, was born. She is turning 25 this year. She and her sisters and an entire generation of American children—maybe two generations, really—have grown up in the shadow of Columbine—really the first of these types of school shootings—and the shadow of gun violence more broadly.

Since Columbine, my State—every State—but my State has endured one tragedy after another, one horrific murder after another. In 2012, a gunman killed 12 people at a movie theater in Aurora, CO. In 2019, a shooter injured eight students at STEM High School in Highlands Ranch. In March 2021, a shooter killed 10 people at the King Soopers in Boulder. Two months after that King Soopers shooting, a gunman killed six people at a birthday party in Colorado Springs. Just over a year ago, a shooter killed five people at Club Q, an LGBTQ club in Colorado Springs that had been a refuge to so many people.

''Columbine'' really is, I think, a word that is etched into America's history and America's consciousness as

the start of this sickness. Columbine is so much more than that as well. There are kids in high school there this week. It is a place people still want to go. It is a place where people who were teaching there 25 years ago still want to teach.

But I think for a lot of America—certainly for me—there is sort of a ''before Columbine'' and there is an ''after Columbine.'' There is a moment when something like that happened for the first time in America, and we couldn't believe it. It was so out of kilter with our experience as Americans. Now we have had not just the shootings that I recorded in Colorado and that I have come to this floor to talk about over the years but so many others all across the United States of America.

Nobody has carried this burden more than our children, the generation of the people who are the pages on the floor here today in the Senate. They are a generation of metal detectors, of active-shooter drills and bulletproof backpacks. They live under constant threat of being next.

Anybody who has raised children over the last 25 years in this country knows what it looks like when there is a report of another one of these shootings, and you are sitting there on the couch with your son or your daughter, seeing them sink a little deeper into that couch or sitting up a little closer, a little more nervous, a little more worried that you are going to be next.

I wish we could say that in marking this 25th anniversary and thinking about the contributions people have made in the Columbine community, both in Colorado and across the country, to help comfort victims of similar school shootings, to provide leadership that doesn't have anything to do with the shooting that happened at Columbine except to know that they had another chance to be able to make a contribution to their society—and we are grateful for that contribution.

I wish I could stand here and say: Well, over the last 25 years, we had addressed this issue. We were paying attention to the concerns of this generation that has grown up in the shadow of Columbine.

I wish I could say that, but I can't say that. What I can report to you today, standing here, is that guns are the leading cause of death of children in America—uniquely in America. In no other country in the industrialized world—no other country in the world—is that true. And it wasn't true when Columbine happened 25 years ago. Twenty-five years ago, car accidents were the leading cause of death for children. I can come here and report to you that since then, car accidents—car deaths and car accidents—among kids over that period of time have decreased by 50 percent in this country. We cut it in half. Drunk driving deaths are down 60 percent in America since Columbine happened. Child cancer deaths in the United States of America are down a quarter since then.

Congress has passed countless laws that have made our roads and our cars safer. We have passed historic legislation to reduce drunk-driving fatalities. We have appropriated billions of dollars for cancer research. Well, that is good. That is all good.

But in the last 25 years, the number of kids that have died by guns in America has increased by 68 percent. If you take all of the people in this world who die by gun violence—at least in the industrialized world—that are age 4 and younger, 95 percent of the people that die from guns die in the United States of America, and 3 percent die somewhere else.

There is no other country, as I said, in the industrialized world where gun violence is the leading cause of death of children, only here in the United States. There is no other country in the world where kids sit there on the couch watching television, seeing another one of these events and wondering, as our children have for the last 25 years, whether they are going to be next.

You know, one of the really staggering things about that statistic, about the gun death being the leading cause of death among kids, when I first heard it, I thought to myself, that must be accidents of some kind or another. That must be people being careless with firearms, leaving them someplace, or kids being careless with firearms.

Only 5 percent of those gun deaths are accidents, and 65 percent are violent actions between a person and that child, while 30 percent have been deemed suicides. So 95 percent of them are, in effect, acts of violence of one kind or another, and 5 percent are accidents.

It is hard for me to imagine that any other ratio like that would be something where we didn't feel like we had a moral obligation to address it, a moral obligation to fix it.

I know that young people who are here today feel that we have abandoned them. I know they know this is a disgrace; that it is an indictment of our Nation; that it is an indictment of their prospects; that it is incomprehensible to them and to my daughters that we have nearly 200 times the rate of violent gun deaths as Japan has or as South Korea has and nearly 100 times the United Kingdom.

I wish I could stand here 25 years after Columbine and tell you that we have addressed this. But matters are much, much worse than they were 25 years ago, certainly from the perspective of our kids.

But we can't stop; we can't give up; we can't stop trying—because it is a disgrace; because it is an indictment; because it calls into question what it means to live in a nation that is committed to the rule of law, in a nation that is committed to the public safety and the safety of our citizens.

I see the Senator from Connecticut, CHRIS MURPHY, and I, who have had many conversations about this over the years. No one has led more on this question in the Senate than CHRIS because of what happened in Newtown and what has happened throughout the United States. And I am grateful for that.

I am grateful for Daniel Mauser's dad Tom, who I saw again this week, having been fortunate to speak with him many times over the years. If he were alive today, Daniel, his son, would be 40 this year. And to this day—yesterday, I think it was, maybe the day before—when he comes to Congress, Tom wears the same sneakers that Daniel had on the day he was killed at Columbine.

And Tom has never, never given up. He has fought tirelessly to build safer schools, to argue for stronger gun laws, to raise awareness around gun violence protection—just like the families from Newtown who sat up in that balcony over there and saw the catastrophic failure on this floor that night; just like the kids from Parkland, who came to Congress over and over again in an effort to say: We don't want one more kid in this country to be killed this way. We don't want one more life to be cut short. We are tired of living in a country that doesn't seem to care for us. We are tired of accepting odds that no other kid in America or no other kid in the world has to accept for themselves.

Tom told me that he comes to Congress less and less these days because there are a lot of other ''me's'' out there now. There are so many other people that have had the same experience that Tom Mauser and his family have had. But I will bet if he thought there was a chance, he would be back here, and even if he thought there wasn't a chance. And he has made a huge difference in Colorado.

And I am not singling him out either. I mean, many people who have been through this in the State have raised their voices to be able to accomplish the things that we have been able to do. But I think he set such an incredible example for the rest of us, for anybody here who thinks that we should just give up.

Just 10 days after his son was murdered, he was protesting the NRA's annual convention, which was in Denver, CO, that year. And Tom has been a fixture in the State capitol in Colorado where, because of him and because of other advocates across the State, as a western State, which has a long tradition of Second Amendment rights, we have been able to enact one piece of sensible gun legislation after another—while Congress has failed, failed, failed, failed.

After the massacre at Columbine, we closed the gun show loophole. After the tragedy in Aurora, we strengthened background checks and limited the size of magazines.

In the wake of the shooting at Club Q, we raised the age to purchase a firearm from 18 to 21. If Colorado can pass

laws like that, there is no excuse for this place. And Colorado needs this place to pass laws like the laws we passed in Colorado.

What sense is there to have—I mean, it makes sense to have background checks in Colorado, but think about how much better it would be if we had background checks that covered the entire country.

How much sense it would be if we limited the size of magazines the way we have in Colorado, if we banned these weapons of war. I am telling you young pages who are here, I guarantee you we are going to do that someday. I guarantee you that we are going to do that someday, and among many surprises that we have as a society when we look back from there, when we look back from that future, this is going to be one where we say to ourselves, What in the world were we thinking with these weapons of war on our streets and in our classrooms in this country?

What were we thinking when there were people here saying that that was just the price of freedom?

So I think we can do this. I hope it is not going to take another 25 years. In fact, I don't think it is going to take another 25 years. And I think it is because your generation is out of patience with us on this issue. I think your generation is out of excuses or thinks we are out of excuses and lame explanations. And like so many other things, you know that there is an answer here and that the State—as I say, like Colorado can do it, we can do it. And I have met with so many people now over the years who have said: In that instant, my life changed forever; our family's life changed forever; we never thought it could happen to us; I never thought I was saying goodbye that morning for the last time.

And 25 years ago on that April day, our entire country was changed forever. But we haven't changed it for the better.

And there isn't anybody else on planet Earth who can do it except for the people who occupy these desks and the desks down the hall in the House of Representatives.

So as we pay tribute, and I hope we all will, to the 13 lives that were taken too soon at Columbine, we need to rededicate ourselves to freeing every American, and especially our children, from the threat of gun violence. And I would say to this next generation too: I hope you will take inspiration from the work of Tom Mauser and the work of the kids at Parkland and the moms who wear those red shirts demanding that this country get better and people all over this country who are acting out of the memories of their loved ones, not for the sake of their loved ones who are gone but for the idea, for the sake of the idea that it should never happen again. That is what people say.

I am always amazed when people come here to Congress when there is so much cynicism that is well-earned about this place, and yet they will come here and they will advocate on behalf of their kids, kids who have died of fatal diseases, advocating for research that we can put those diseases in the rearview mirror, and the strength it takes for somebody to come here who has lost a child under those circumstances. I always say that I am so grateful that you came. I am so grateful you came because there are a lot of people who can't come here who are in the same circumstance that you are in. Thank God you are here having this conversation.

But it is almost impossible to imagine the strength that it takes to come here and lobby this body on the subject of gun violence when you have lost a loved one in America, when you know that, as the years have gone by, matters have gotten worse. We have become the leading—where gun deaths have become the leading cause of death of children in this country as opposed to any other, and you still come.

And so I say to the young people who are here today and to the young people all over America: You can't give up. Our hope is in you and we have to deliver and we will put the scourge of gun violence behind us. I know we will.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMBLER ACCESS PROJECT

Mr. SULLIVAN. Mr. President, I am going to come down to the Senate floor right now and build on my Senate colleague from Alaska, Senator MURKOWSKI's, remarks that she just made dealing with national security, the challenges we are facing as a country, the authoritarian dictatorships on the march, and what the Biden administration is actually going to do to my State—our State, Senator MURKOWSKI's and my State—tomorrow. What we have been told by the Biden administration: Hey, Alaska Senators, here it comes. More crushing of the State of Alaska.

And why this should matter, not just to my constituents—which it really does; they are going to be really upset about it—but this should matter to every American who cares about our country's national security and energy security and jobs and the environment.

So we all know the United States is facing very serious global national security challenges. In fact, we are living in one of the most dangerous times since World War II. I think anyone who is watching recognizes that. We had the Chairman of the Joint Chiefs and the Secretary of Defense testify in front of the Armed Services Committee just last week. They said that.

Dictators in Beijing, Moscow, Tehran, and North Korea are on the march. They are working together to undermine America's national security interest and those of our allies across the globe. That is happening. I think pretty much everybody here recognizes that.

At other times of dangerous global challenges and peril, the normal policy approach of Democrat administrations, Republican administrations—doesn't matter—has been to maximize our country's strengths while undermining the strengths of our adversaries. That is how you beat them. And here in Congress, over decades, we have supported such policies.

But the Biden administration is not normal. Indeed, this administration deliberately is undertaking policies to punish Americans, undermine our core strengths, while continuing to empower our adversaries.

Now, OK, I know some of you who are watching say: Wow. That is a pretty big charge, Dan. What are you talking about? Well, let's get into that. What am I talking about?

I have this chart right up here. The President is making a choice tomorrow. Is he helping out with our dictatorship adversaries or is he going to help out working men and women in Alaska and our country's national security?

Let's take the example of Iran. Due to the successful comprehensive approach to sanctioning Iran's energy sector by the Trump administration, by the end of the administration—3 years ago—Iranian exports were down to about 200,000 barrels a day, leaving Iran—the world's largest state sponsor of terrorism, the country that swears to wipe Israel off the map—by the end of the Trump administration's massive sanctions policy against Iran, they had about $4 billion in foreign reserves. For a country that size, that is not a lot—$4 billion.

So what do we have with the Biden administration? They started their appeasement policy of Iran from day one, and one element of that was to stop enforcing these oil and gas sanctions. I don't know why, you know, appeasement. Maybe we are going to get back into the JCPOA they thought.

But they did that. There is no one who doubts that. Jake Sullivan and the President of the United States, they will all admit it because here is the result: As a result, the amount of oil that Iran has started to export over the last 3 years has been up every year, and it is about over 3 million barrels a day—200,000 barrels a day at the end of Trump, 3 million barrels a day now.

Foreign reserves that the Iranians have are about $75 billion. Four billion at the end of Trump, 75 billion right now during the Biden administration.

And, of course, the terrorist leadership of Iran is using this windfall, as everybody knew they would, to fund their terrorist proxies: Hamas, Hezbollah, the Houthis. Remember, you don't have those proxy terrorist groups at all if you don't have Iran.

Iran funds them; they train them; they resupply them with missiles.

So these groups are not only vowing to wipe Israel off the face of the Earth but aggressively targeting the U.S. Navy and American sailors and marines in the Red Sea. So that is happening.

China is buying about 80 percent of that Iran oil. So they are being helped by this policy that the Biden administration has to lift sanctions on the Iranian oil and gas sector. And, of course, China is also dominating rare earth and critical minerals throughout the world.

Hardly a day goes by without a story being published in the American media about the danger to America's economic strength, transition to cleaner energy, and national security that is posed by China's domination of critical minerals around the world: mining them, processing them.

So those are two important trends that are happening: Iran's dominance on exporting oil and gas, the funding they get from that. The Chinese benefit; they get oil at a discounted price, and China continues to dominate critical mineral around the world.

So what is the Biden administration doing to reverse these very troubling national security trends? They are undertaking policies that will make them much worse. Tomorrow, the Biden administration has let the media know—they started leaking this at the beginning of the week. By the way, they let the Alaska delegation know much later. They wanted the liberals in the media to know. But here is what they are going to do. They are going to announce that they are shutting down from further development two of the most important areas of energy and critical mineral development in America, the National Petroleum Reserve of Alaska, what we call NPR–A, and the Ambler Mining District in Alaska.

So, tomorrow, the Biden administration is going to announce that it is sanctioning Alaska. They are not going to sanction Iran. They let China produce all the critical minerals. Tomorrow, they are going to sanction Alaska, Americans, my constituents.

I mean, you can't make this stuff up. They are coming after the people I represent, and the terrorists in Iran: Hey, drill, baby, drill. It is nuts. It is an insult.

Let me give you a little more detail on what this means. I talked about the National Petroleum Reserve of Alaska. This is a part of the North Slope of Alaska, about the size of Indiana. It was set aside by President Warren Harding in 1923 for oil for the country, particularly the U.S. Navy. They actually called it the Navy Petroleum Reserve, and then in the 1970s Congress called it the National Petroleum Reserve. This isn't ANWR. This isn't a wilderness area. This is an area designated by this body for American oil and gas development because we need it.

This is one of the most prolific oil basins on the planet Earth. Estimates close to 20 billion barrels of conventional oil, 15 trillion cubic feet of natural gas, as I mentioned, one of the most prolific areas in the world for oil production.

It is right next to existing infrastructure. And, oh, by the way, it is developed with the highest environmental standards in the world.

Do you think the Iranians have high standards?

Do you think the Chinese do, when they mine their critical minerals?

Do you think the Russians do?

Do you think the Saudis do?

They don't.

The place that has the highest environmental standards in the world on resource development, by far, is my State, hands down. Everybody knows it.

So what does the Biden administration do? Drill, baby, drill for the ayatollahs who don't give a damn about the environment. Alaska, with the highest standards in the world—we are going to shut you down.

So tomorrow the Biden administration is going to announce it is going to take 13 million acres of the National Petroleum Reserve off the table for development.

Wow, that is a good idea, Joe. That is a really good idea for the national security and energy security of our country. Let the terrorists here drill and let Putin drill, and you are going to shut down Alaska—13 million acres.

Let's go to the Ambler Mining District. It is considered one of the most extensive sources of undeveloped zinc, copper, lead, gold, silver, cobalt anywhere in the world. Senator MURKOWSKI did a good job just a couple of minutes ago explaining what we have in the Ambler Mining District in Alaska in America. Again, when we mine in Alaska—highest standards in the world, by far. Not even a close call.

Do you think the Chinese have high environmental standards when they mine?

Yeah, they don't.

So this part of Alaska, part of America, is critical for the minerals we need for our renewable energy sector; for our economy, of course, to compete against China; and for our national security—F–35s have all kinds of critical minerals that we need and rare Earth elements.

But, tomorrow, the Biden administration is going to announce that they are going to reverse a previously permitted road—by the way, with a 7-year EIS that cost 10 million bucks which we paid for in Alaska that was permitted. Tomorrow, the Biden administration is going to announce that they are going to reverse that permitted road and say: Ah, Ambler Mining District, America—sorry, off limits.

Our adversaries will certainly be celebrating these national security suicide measures of the Biden administration. It is only going to strengthen them. Putin, Xi Jinping, the terrorists in Iran, North Korea—they are going to be like: Holy cow, these Americans have all this stuff in Alaska and Joe Biden and his radical allies are going to shut it down.

Xi Jinping is going to be like: Damn, the Americans are going to be more reliant on us for critical minerals. I guarantee you they were worried about the Ambler Mining District. But don't worry, Xi Jinping. Joe Biden is sanctioning my State. Don't worry. He is sanctioning Alaskans. He won't sanction the Iranians; drill, baby, drill with them. But you are going to sanction Alaskans.

So this is just insanely stupid policy. Everybody knows it.

But I want to mention something else. These policies are also lawless. Even my colleagues on the other side of the aisle who don't always get it when it comes to American energy, Alaskan energy—you should get it when we pass laws that say: You got to do X, Y, and Z, and when we pass laws that say things like ''shall.''

The Biden administration doesn't get it, especially when it comes to Alaska. We passed, in 2017, the requirement to do two lease sales for ANWR. My State had been working on that for 40 years. The leases, the first one was done during the Trump administration. The Biden administration came along and said: Oh, we are going to cancel those leases. No reason—lawless.

But let me just give you an example. So they are going to take half of the NPR–A off the table tomorrow for development—13 million acres—even though Congress, in 1980, directed the Secretary of the Interior to conduct an expeditious program of competitive leasing for oil and gas in the NPR–A. So we are telling any executive branch official: Hey, you got to develop the NPR–A. It is for America. It is for the oil and gas that we need. Tomorrow, Joe Biden is going to say: Congress, we don't need to listen to you.

That is lawless action No. 1 as it relates to NPR–A.

But lawless action No. 2 that they are going to announce tomorrow on the Ambler Mining District is a real shocker. I mean, even Joe Biden and his lawless administration have to be blushing on this one.

By the way, there were some emails. There was a FOIA request when they said: We are going to cancel those ANWR leases even though Congress said we had to do it. This is the Biden administration canceling the leases. OMB—in emails back and forth between the Interior and OMB and the Biden administration—OMB was like: Hey, wait a minute, where do you get the legal authority to do that?

This is the Biden administration's OMB. This is in emails with the Interior, Deb Haaland. They are like: Yeah, whatever. We don't care. We are just going to cancel them.

So then, they are going to take NPR–A off the table, and now with the Ambler Mining District, the law is very, very clear. I will read it to you.

This is on the Department of the Interior's website right now as we speak. Their website says ANILCA—a really important law, Alaska National Interest Lands Conservation Act, which was passed in 1980—mandates a right-of-way to the Ambler Mining District. Senator Stevens put that in there. Congress agreed.

Here is a poster of Secretary Haaland's Department of the Interior website right now. It says:

(ANILCA) requires that a right-of-way access be permitted across NPS lands for this project.

The Ambler mining project, OK? That is what the Department of the Interior website says right now.

And here is actually the language from the law:

Congress finds that there is a need for access for surface transportation purposes across the Western (Kobuk River) unit of the Gates of the Arctic National Preserve (from the Ambler Mining District to the Alaska Pipeline Haul Road) and the Secretary shall permit such access . . .

''Shall.''

I ask unanimous consent to have this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANILCA, PL 96–487 § 201

SEC 201 (4)(a) Gates of the Arctic National Park, containing approximately seven million fifty-two thousand acres of public lands, Gates of the Arctic National Preserve, containing approximately nine hundred thousand acres of Federal lands, as generally depicted on map numbered GAAR–90,011, and dated July 1980. The park and preserve shall be managed for the following purposes, among others: To maintain the wild and undeveloped character of the area, including opportunities for visitors to experience solitude, and the natural environmental integrity and scenic beauty of the mountains, forelands, rivers, lakes, and other natural features; to provide continued opportunities, including reasonable access, for mountain climbing, mountaineering, and other wilderness recreational activities; and to protect habitat for and the populations of, fish and wildlife, including, but not limited to, caribou, grizzly bears, Dall sheep, moose, wolves, and raptorial birds. Subsistence uses by local residents shall be permitted in the park, where such uses are traditional, in accordance with the provisions of title VIII.

(b) Congress finds that there is a need for access for surface transportation purposes across the Western (Kobuk River) unit of the Gates of the Arctic National Preserve (from the Ambler Mining District to the Alaska Pipeline Haul Road) and the Secretary shall permit such access in accordance with the provisions of this subsection.

(c) Upon the filing of an application pursuant to section 1104(b), and of this Act for a right-of-way across the Western (Kobuk River) unit of the preserve, including the Kobuk Wild and Scenic River, the Secretary shall give notice in the Federal Register of a thirty-day period for other applicants to apply for access.

(d) The Secretary and the Secretary of Transportation shall jointly prepare an environmental and economic analysis solely for the purpose of determining the most desirable route for the right-of-way and terms and conditions which may be required for the issuance of that right-of-way. This analysis shall be completed within one year and the draft thereof within nine months of the receipt of the application and shall be prepared in lieu of an environmental impact statement which would otherwise be required under section 102(2)(C) of the National Environmental Policy Act. Such analysis shall be deemed to satisfy all requirements of that Act and shall not be subject to judicial review. Such environmental and economic analysis shall be prepared in accordance with the procedural requirements of section 1104(e). The Secretaries in preparing the analysis shall consider the following—

(i) Alternative routes including the consideration of economically feasible and prudent alternative routes across the preserve which would result in fewer or less severe adverse impacts upon the preserve.

(ii) The environmental and social and economic impact of the right-of-way including impact upon wildlife, fish, and their habitat, and rural and traditional lifestyles including subsistence activities, and measures which should be instituted to avoid or minimize negative impacts and enhance positive impacts.

(e) Within 60 days of the completion of the environmental and economic analysis, the Secretaries shall jointly agree upon a route for issuance of the right-of-way across the preserve. Such right-of-way shall be issued in accordance with the provisions of section 1107 of this Act.

Mr. SULLIVAN. The Biden administration, tomorrow, is going to say: We don't care about the law. We are going to take that off the table and reverse the EIS and the road that you guys have, tomorrow—for good. Again, who is going to benefit?

Who is going to benefit?

Well, I think these dictators are going to benefit—the Ayatollah, Xi Jinping. Certainly, the Alaska workers aren't going to benefit. That is a big issue.

The Presiding Officer is my friend, but I am going to say something I said on the floor many times. When it comes to national Democratic policy, when they have a choice between that guy or that woman building a pipeline—the great men and women who built this country—their interests—because everybody wants to develop resources in my State; that is the Trans-Alaska Pipeline—or the interests of the radical far left who is driving these policies to shut down my State, every time, the national Democratic leaders go with the radical far left, and they tell that young woman who is building that pipeline: Good luck. Sorry for your job that you just lost.

So the working men and women of Alaska, of America, because these are big projects, they are going to lose.

But I will tell you who else is going to get hurt really badly by this—and this is a fact—by these decisions tomorrow: These great people. These great people.

This is a picture of some of the Inupiat Native Alaskan leaders from my State. They live on the North Slope of Alaska. They have been living there for thousands of years—thousands of years. They are fully, unequivocally against this rule that Secretary Haaland and the White House are putting out tomorrow—100 percent against it—the tribal leaders, the borough leaders—that is our new borough mayor, the North Slope borough, Josiah Patkotak—the Alaska Native Corporation leaders. They are fully against this. Every Alaskan Native leader who lives up there—this is where they are going to do this. This is their homeland. And the Biden administration tomorrow is going to look at them and go: We don't care what you think. We don't care what your interests are. The lower 48 eco-colonialists are telling us what to do, so you Alaska Natives, tough luck.

Now let me tell you a story that is really infuriating. We held a press conference a couple months ago in Alaska, led by these great Alaskan Native leaders. They are wonderful, incredible people. They have been living in Alaska for tens of thousands of years. They don't like this rule, so they come to DC. They came to DC eight times—eight different times—traveling over 4,000 miles. The leaders of the North Slope, where the Biden administration is going to issue this rule tomorrow, eight times they came to DC, flew here, and asked for a meeting with Secretary Haaland to advocate: Madam Secretary, this is bad for us. Bad for our future. Bad for our economy. Bad for jobs. We do not want this rule. Hear us.

Eight times they have come here.

Do you know how many times Secretary Haaland met with them, the leaders of the North Slope, the Inupiaq Native leaders of the North Slope? Eight times they came to this city flying 4,000 miles. Guess how many times Deb Haaland, who has an Indian trust relationship with these great Americans, guess how many times she met with them?

You know the answer: Zero. Zero.

They came here. They came here eight times.

So we held a press conference with that banner: ''Secretary Haaland, Hear Our Voices.''

She doesn't want to hear their voices.

She doesn't want to hear their voices.

She won't hear their voices.

You want to talk about cancel culture?

This administration talks a big game about, oh, we are going to take care of the indigenous people of America, the people of color. But, guess what. There is a giant asterisk when it comes to that policy on the Biden administration: Not if you are an Alaskan Native. Not if you are an Alaskan Native. If you want to develop your resources, we are not going to listen to you at all.

Eight times they came to this city. Eight times Deb Haaland said: Sorry, I am not listening to you. I am not going to listen to you. I am not going to meet with you.

So what is going to happen tomorrow? The Biden administration is going to issue a rule that every single one of these leaders is adamantly opposed to, and not one official in this administration gives a damn.

Let me give you a couple of quotes from these great Alaskan Native leaders. This is Charles Lampe, President of the Kaktovik Inupiat Corporation. This is about the Department of the Interior's actions locking up their lands. These are their lands. This is not Interior's lands, not Deb Haaland's lands.

We will not succumb to eco-colonialism and become conservation refugees on our own lands.

That they have lived in for 10,000 years.

The [Inupiat] people have every right to pursue economic, social and cultural self-determination.

My community unapologetically supports the leasing program.

ANWR—that is what he is talking about.

Many people try to steer the debate to caribou. For Kaktovik, it's about our people and having an economy to survive.

Here is Nagruk Harcharek. He is the president of the Voice of the Arctic Inupiat, this great guy right here. He is talking about the NPR–A rule that Secretary Haaland won't meet with him on. In this press conference, here is what he said:

[This NPR–A rule from the Department of the Interior] is yet another blow to our right to self-determination in our ancestral homelands, which we have stewarded for over 10,000 years.

That is Nagruk Harcharek right there, talking:

Not a single organization or elected leader on the North Slope [of Alaska] which fully encompasses the [National Petroleum Reserve of Alaska] supports this proposed rule.

None of them do.

Joe Biden, Secretary Haaland, are you listening? None of these great Alaskan Native people want this rule. And you don't give a damn.

He continues:

In fact, everyone has asked the [Department of Interior and Secretary Haaland] to rescind the rule . . . [These] actions will also foreclose on future development opportunities and long-term economic security for North Slope Inupiat communities . . .

The Native communities.

You can tell I am a little mad because these great Alaskans are being canceled. Secretary Haaland will not hear their voices. We are going to see that tomorrow. They are going to issue a rule that locks up a huge chunk of their homeland.

Here is the bottom line: The Biden administration sanctions Alaskans—sanctions them—while the terrorists in Iran and the communists in China get strengthened by their policies. No wonder authoritarians are on the march.

You are sanctioning us. You are sanctioning them. The goal is to sanction the terrorists, not these great Americans whom you won't listen to.

When I say ''sanctioning Alaskans,'' I am not just talking about what we are going to see tomorrow—which, by the way, again, every American should be worried. They are going to shut down one of the biggest oil basins in America and one of the biggest critical mineral basins in America. For what? Well, I think we all know for what. Joe Biden is kowtowing to the far-left radicals because that is the way he thinks he is going to get reelected.

But how bad is it when I talk about sanctioning Alaska? Here is how bad it is: My State, since the Biden administration came into office, has had 60 Executive orders and Executive actions exclusively focused on Alaska—60. Tomorrow, it will be 61 and 62. It hits every part of our State—every resource development project, every access to Federal lands, every infrastructure project.

We got a lot done during the Trump administration, a historic amount of things done for Natives, for non-Natives—things we had been trying to get done for Alaska for decades. During the Trump administration, working with a Republican Congress, we got a ton done. The Biden administration comes in, and on day one—day one—they start their war on Alaska.

This is a tough chart to read. These are the specific 60 Executive orders and actions targeting Alaska by the Biden administration on day one.

By the way, that is the President's first day in office, January 20, 2021. He issued 10 Executive orders and Executive actions exclusively focused on Alaska—10.

So this administration loves to sanction us. It loves to sanction Alaskans. When that happens, you are hurting the country. We need Alaska's resources—our oil, our gas, our renewables. We are proud of all of it, and we have the highest standards in the world on the environment. So this is really bad for my State.

By the way, I was in the Oval Office last year, trying to convince the President not to keep crushing Alaska, and I handed him this chart. At the time, it was 46 Executive orders. Now it is 60—62 tomorrow. I handed him that.

I was respectful—I am in the Oval Office—but I said: Mr. President, do you know what you are doing to my State? Do you have any idea what you guys are doing?

At the time, it was 44 Executive orders and Executive actions singularly focused, exclusively focused on Alaska.

I handed him this. I said: Sir, this is wrong. You know it. I know it. It is wrong. If a Republican administration came in and issued 44 Executive orders and actions targeting little Delaware—sorry; it is little—and you were still a U.S. Senator, sir, you would be on the Senate floor, raising hell every day, because it is wrong. You know it, and I know it, and it is wrong.

But let me end by saying this: It is not just wrong for Alaska. It is not just wrong for Alaska. It is wrong for America. The President is making a choice not just whether to stiff the working men and women of our great Nation, which he is doing with these orders tomorrow, not just whether he is going to hurt my constituents, which he is going to do tomorrow, particularly the Native people, but whether or not to damage our national security even greater. When you shut down the great State of Alaska's potential and ability to produce natural resources for America, you are hurting the country—it doesn't matter where you live. He is making a choice to favor these terrorists over these workers, to favor these terrorists over these great Native people in my State.

Here is the message they are going to be sending—the Biden administration is going to be sending to the world tomorrow. They are going to be sending this message to the dictators in Iran, in China, in Venezuela, in Russia. President Biden is essentially going to be saying this: We won't use our resources to strengthen our country. Sorry, Alaska. You are off the table. But we are going to let you dictators develop your resources—Iran—to strengthen your country.

I will end with this: I will never forget a meeting I had many years ago with the late Senator John McCain and a very brave Russian dissident named Vladimir Kara-Murza. A lot of my colleagues know who Vladimir Kara-Murza is. As a matter of fact, a bunch of us wrote a letter on his behalf. Putin has poisoned him twice. He survived those, but now he is in jail in Moscow, and I worry about his life—a brave man, a wise man.

Senator McCain, Vladimir Kara-Murza, and I were having a meeting, and at the very end of the meeting, I said: Vladimir, one more question. What can the United States do to further undermine the Putin regime and other authoritarians around the world? What can we do?

He looked at me without even hesitating, and he said: Senator, it is easy. The No. 1 thing the United States can do to undermine Putin and other authoritarian regimes is produce more American energy. Produce more American energy.

We are not doing that tomorrow. The Biden administration is going to tell the world that we are going to shut down Alaska in terms of critical minerals and any more oil and gas development. Joe Biden is fine with our adversaries producing more energy themselves and dominating the world's critical mineral supply while shutting down our own as long as the far-left radicals he feels are key to his reelection are satisfied. So they are probably going to be satisfied tomorrow, and so are our adversaries. They are going to be gleeful. But certainly the people I represent and I would say the vast majority of Americans who understand these issues are going to be once again dismayed that this administration is selling out strong American national security interests and American strength for far-left radicals whom he listens to more than the Native people of my State or commonsense Americans.

I yield the floor.

The PRESIDING OFFICER (Mr. KAINE). The Senator from Utah.

H.R. 7888

Mr. LEE. Mr. President, over the last few hours, I have listened to debates occurring on the Senate floor over the Foreign Intelligence Surveillance Act and specifically discussions surrounding section 702 of FISA, discussions surrounding, among other things, the FISA 702 reauthorization passed last week by the House of Representatives.

That bill they passed last week is commonly known as RISA, and under RISA, there are a lot of conversations going on about what does and what doesn't concern Americans, what should or shouldn't concern Americans.

Under this bill I am going to be talking about today, RISA—it is an acronym that stands for Reforming Intelligence and Securing America Act. Like so many other bills that get passed by Congress, RISA has a really Orwellian name. It purports to do something that, upon further inspection, it doesn't do, and in some cases, it does quite the opposite of that. So there has been a lot of misinformation being peddled by the purveyors of the cult of infallibility surrounding FISA and those who implement it, so I have come to the floor to dispel some of those myths.

The first myth I would like to try to dispel today involves what exactly it is that we are talking about with the FISA 702 collection and what exactly it is that some of us find objectionable. Remember that under FISA 702, a collection that is supposed to occur under that section really doesn't trigger Fourth Amendment concerns. In fact, most of what they collect I am willing to assume and have reason to believe doesn't trigger Fourth Amendment concerns because it is there to collect information about foreign adversaries operating on foreign soil, doing things against American national security.

We are not concerned about someone plotting a terrorist attack overseas as a non-U.S. citizen—we are not concerned about that person's Fourth Amendment rights. We are concerned about that person and what that person intends to do, but that person doesn't have Fourth Amendment rights—at least not rights that are cognizable under the U.S. system of government. That is why Congress was willing to enact FISA—to allow for the acquisition of intelligence on foreign targets operating outside the United States.

But under FISA 702, there are some communications from some U.S. citizens that are, as we say, incidentally collected, that get swept up into the collection under FISA 702—meaning, if you are a U.S. citizen and you are in the United States and you have a phone call with someone, there is a possibility that that person is outside the United States and is not a U.S. citizen and might be under some sort of collection—some kind of FISA 702 collection effort. There is a possibility that when you talk to that person that that phone call is being recorded or that text message exchange or that email thread is being collected by U.S. intelligence Agencies, and we call that incidental collection.

There are a lot of people who have come down here and have the audacity to claim that the Fourth Amendment has no role to play whatsoever under FISA 702. Now, in a broad sense, they have a point in that what FISA 702 was created to do—and I assume—I certainly hope that the bulk of what it does, the bulk of what it collects has no Fourth Amendment protection attached to it, but some of it does, and how you access that information after it has been incidentally collected by our government and then stored in a U.S. Government database under FISA 702—that matters.

One of the lies that I have heard perpetuated on this very floor on this very day by some Members of this body is that somehow United States article III courts, Federal courts, have concluded that FISA 702 collection just simply isn't a problem, and therefore we have nothing to worry about here. That is misleading. It is misleading to a profound degree, especially because in some instances these arguments have been presented in a way so as to suggest that we have no Fourth Amendment interest, no reason under the Fourth Amendment to care about the querying of a specific U.S. person, a specific American citizen, to see whether or where or to what extent that person's private communications that are stored on the FISA 702 database exist—whether they exist and then what the contents of them are.

In other words, if you want to search the FISA 702 database for a specific American citizen, you can figure out, first, whether there is information there; and, secondly, when you open it, you can read the contents of it, figure out what that person said, to whom, when they said it, how long they talked, and what else transpired.

This is a question on which no Federal court in the United States has ever given its blessing, much less said that there are no Fourth Amendment ramifications from this. In fact, some of the case law that has been cited or referenced—indirectly, in some instances; directly, in others—seems to suggest the exact opposite.

Each and every circuit that has addressed this has identified a distinction. We have got, in one step, the incidental collection of communications by a U.S. person who knowingly or unknowingly was connecting with a foreign national located overseas, who happens to be under surveillance under FISA 702. That is one question, a distinct question.

We have come to accept the fact that some of that is going to happen. It is not the collection itself that presents the Fourth Amendment injury that we can remedy and must remedy here. It is, rather, the second question: whether the querying of 702 data in its 702 database for information on a specific American citizen implicates the Fourth Amendment, thus requiring a warrant in order to search for that American's stored private but incidentally collected information.

Each circuit that has identified this second step to which I refer after the incidental collection—the query—each circuit that has identified that as a separate step has acknowledged that it presents different Fourth Amendment questions from the first step, and both circuits have declined to answer that question.

It, thus, remains an open question. And it is my frustration with those who have come down to this floor and suggested directly and indirectly that this matter is closed; that it has been considered and decided by multiple circuits, no less; that we have got nothing to worry about under the Fourth Amendment here. That simply is not true.

Let me read to you an excerpt from one of the cases most frequently cited. This is the ruling from the U.S. Court of Appeals for the Second Circuit, a case called the United States v. Hasbajrami. You can find it at 945 F.3d—again, decided by the Second Circuit in 2019. Here is what they said:

> But querying the stored data does have important Fourth Amendment implications, and those implications counsel in favor of considering querying a separate Fourth Amendment event that, in itself, must be reasonable.
>
> What kinds of querying, subject to what limitations, under what procedures, are reasonable within the meaning of the Fourth Amendment, and when (if ever) such querying of one or more databases, maintained by an agency of the United States for information about a United States person, might require a warrant, are difficult and sensitive questions. We do not purport to answer them here, or even to canvass all of the considerations that may prove relevant or the various types of querying that may raise distinct problems.

Then another circuit, the Tenth Circuit—the Tenth Circuit, where I have argued dozens of cases, and that includes my home State, Utah, along with a number of other States in the West—decided another case that also recognized this distinction. This case was decided in 2021. It is called United States v. Muhtorov. It is found at 20 F.4th 558.

In this case, the Tenth Circuit says that Mr. Muhtorov's Fourth Amendment argument, specifically on this point, ''asserts the government unconstitutionally queried Section 702 databases using identifiers associated with his name without a warrant. He contends that querying led to retrieval of communications or other information that were used to support the traditional FISA applications. But this is sheer speculation. There is nothing in the record to support that evidence derived from queries was used to support the traditional FISA applications.''

The Tenth Circuit then goes on to say:

The record confirms that the relevant evidence did not arise from querying. We therefore do not address Mr. Muhtorov's second Fourth Amendment argument.

Querying might raise difficult Fourth Amendment questions that we need not address here.

So like the Second Circuit Court of Appeals, the Tenth Circuit Court of Appeals also acknowledged that that is a different question, a second question—one that almost certainly raises Fourth Amendment questions, Fourth Amendment questions that weren't addressed by that court.

Notice, by the way, some of the language used. This highlights some of the problem, some of the reason why we need to be concerned about this. They said that there is nothing in the record to support where exactly that evidence came from. That is part of the problem, you see, with the Foreign Intelligence Surveillance Court, or the FISC, as it is sometimes known. It operates in secret.

Having the FISC operate in secret for purposes limited to communications involving foreign nationals operating on foreign soil undertaking acts hostile to the United States of America, that is one thing. But we have reason to be concerned when they operate in secret and don't have additional legal requirements to follow with respect to a query specifically identifying a particular American citizen. We should all be concerned about that.

We should be even more concerned about it, given this feature that the Tenth Circuit acknowledged, which is that there is almost no way of knowing or approving what they might gain. It is one of the reasons why more exacting standards are required under the law.

The second broad misconception that I want to try to dispel—that has been thrown around a lot today, and I suspect will continue to be thrown around a lot today—is that somehow we are operating under a really, really tight timeframe—a timeframe that acknowledges that section 702 of the Foreign Intelligence Surveillance Act is going to expire at midnight tomorrow, and that if it does expire—which they are saying it will expire if we do anything other than just rubberstamp this hamfistedly drawn up and passed legislation from the House of Representatives without doing our own homework, without dotting the i's and crossing the t's and making sure that they did their job right, which they did not—that the cost of that will be certain doom and gloom because FISA 702 collection will abruptly cease at exactly midnight tomorrow night.

I would otherwise make mention here of the fact that we have known for months, since December, that April 19 at midnight this deadline was happening. You have seen a deliberate decision in both Houses of Congress. They have religiously, scrupulously avoided bringing it up until just days before that deadline occurs. So they have contrived the very deadline that they are now trying to use as leverage to manipulate our votes to prevent us from doing our jobs to make sure that the i's are dotted and that the t's are crossed and that the American people's Fourth Amendment rights aren't being steamrolled. Shame on them.

I said if I had more time, I would go into that. But I won't because there is another much better argument to make here.

They are lying. They are lying when they say that FISA 702 collection will end abruptly at midnight tomorrow. It will not. The reason we know it will not is because when they shamelessly reauthorized this thing in another eleventh-hour vote back in 2018, our foreign intelligence Agencies and the clever lawyers who work with them threw in language anticipating then that the next time around—that next time when the bill came due late last year in 2023—that there might be a moment then of hesitation because the truth would catch up to them by then that FISA 702 is rife with opportunities for abuse of Americans' Fourth Amendment rights.

Recognizing that, they built into the legislative text, which they dropped at the very last minute and passed by the thinnest of margins, language to guarantee that, even if FISA 702 were to lapse, that as long as there was a certification by the FISC, or the Foreign Intelligence Surveillance Court, a recertification of the FISA 702 collection program broadly—not specific orders regarding specific targets, just the program broadly—that that certification would allow for all FISA 702 collection to continue for 365 days following the issuance of that certification by the FISC, even if during that 365 days, whether at the beginning or near the end of it, FISA 702 had lapsed.

Now, just last week—in fact, I believe it may have been a week ago today—the FISC granted another FISA 702 program certification. What that means is that, because the language that was adopted in 2018 continued until December of last year, and, in December of last year, we punted this issue forward to April 19 of this year, they reenacted a version of that same language from 2018 into the 2023 short-term extension. So it says the same thing.

And because we got, just last week, the FISC certification, that FISC certification and all 702 collection remain lawful 365 days into that, even if FISA 702 lapses statutorily in the meantime.

Mr. SCHUMER. Would my colleague yield so I can make a brief announcement about schedule to inform the Members?

Mr. LEE. I will do so.

Mr. SCHUMER. I appreciate his courtesy. Thank you.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, we do not expect votes this evening, but we are continuing to work on an agreement on the FISA bill. Members should expect votes tomorrow.

I yield back to my colleague and thank him for his courtesy.

H.R. 7888

Mr. LEE. Thank you.

I am glad to hear that we will be having votes tomorrow. We need votes tomorrow, for some of the reasons that I am discussing. We shouldn't fear those votes.

There is a great song by Blue Oyster Cult: ''(Don't Fear) the Reaper.''

We are lawmakers. It is what we do. We cast votes. We vote on amendments. We shouldn't fear votes. We shouldn't fear doing our jobs.

I have heard it said many times: If you don't like fires and you can't stand being in their presence, then you shouldn't become a firefighter. And if you can't handle taking tough votes, for heaven's sake, you shouldn't be a lawmaker. So that is what we need to be talking about.

One of the reasons why people are fearing the reaper here, fearing amendment votes here—even though there is nothing to fear—they are wanting people to fear those amendment votes because they say: If we cast any amendment votes, if we depart in even the slightest degree from what the House, in its supposedly infinite wisdom, passed last week—with its ham-fisted draftsmanship and its manipulated, truncated approach to voting on amendments over there—that if we depart from that to even the slightest degree, it will be Armageddon, dogs and cats living together in the streets. It will be Armageddon stuff playing out in America. We are all going to blow up. We are all going to die because all FISA 702 collection is going to come to an abrupt halt.

That is a damned lie, and they know it is a damned lie because they guaranteed that that would not be the case.

When I bring this language up to them, they have the audacity to tell me: Oh, no, but that is all great and everything, but the reason it would halt is because some of the service providers, some of the third-party companies through whom they have to work to collect a lot of this information, they are not smart enough to realize what it says. So they are going to fight it, and some of them say they are going to sue us.

Yeah. Good luck with that. Good luck with that theory. In the first place, if they are relying on the fact that they would sue the Federal Government in order to not have to participate with them, I really would like to see that because it is never going to happen. And if it did happen, they would lose. And if they did try, it would take so long to do it that it wouldn't do them any good, especially because they are wrong.

The clock is, in one sense, ticking, but we have got an entire year left before FISA 702 collection would even stop at all. Now, don't get me wrong. I am not thrilled about that. That doesn't make me happy.

It was a manipulative thing to do when they added it. It was a manipulative thing to do when they extended it using the same language. But it is the law. And if they want the benefit of it, which they clearly did just a few weeks ago—just like 3 months ago—then, you know, if you pick up that stick, you are picking up both sides of the stick. And the fact remains that the law makes abundantly clear that FISA 702 collection is not going to halt at midnight tomorrow. It is not going to halt until approximately April 10 or 11 of 2025.

Now, that does not mean we should wait until then to enact legislation addressing these issues and we need not act until then, but it sure as heck means that we can at least take the time to do our own work. There is a reason why we have a bicameral legislative branch.

Washington described the Senate as the cooling saucer; tea would come over sometimes very hot from the House, and it would have time to cool over here. This tea hasn't had any time to cool, certainly not enough time to cool, much less be aired and understood by those whose rights may be affected by it.

So let's do away with those lies at the outset. It is completely fake news; it is a complete, darned lie to say that courts have weighed in and said that there is no problem with the U.S. person queries, to go after a U.S. person's private communications incidentally collected under FISA 702 and stored on a FISA 702 database.

Now, look, I get it. That doesn't fit well onto a bumper sticker. Nobody is going to have that embroidered onto a pillow, although someone should, but it is true.

Second, FISA 702 collection is not going to end tomorrow at midnight. It is not going to end for almost a year. So let's get over ourselves, and let's get over the lies and deal with the actual truth.

All right. Let's talk about RISAA again. I want to talk specifically about RISAA and some of what RISAA does.

Now, a lot of people voted for RISAA over in the House, saying: Oh, it does so much good. I voted for it even though I have concerns with warrantless backdoor searches on Americans. I have got concerns with that, too, but it did so much good, so many reforms. Just so many reforms. Can't even count them. Reforms are so good. You can't let the perfect be the enemy of the good.

Nonsense. Most of those reforms are fake. Some of them are worse than fake. In fact, I could make an argument that RISAA amounts to a net loss for Fourth Amendment privacy interests. Those folks over there who tell themselves that to justify their votes, they are kidding themselves, absolutely kidding themselves.

Let's go through some of the reasons why. When it comes to backdoor searches of American citizens, the bulk of RISAA is just a codification of preexisting internal FBI procedures, the same procedures that continue to produce illegal queries of Americans' communications.

In fact, you know, I have been here since 2011. I have been on the Judiciary Committee the whole time, had opportunities to have conversations with FBI Directors serving under three different Presidents, different political parties. They have all told me variations of the same thing over the years: Don't worry about it. We have got procedures to stop it. These aren't the droids you are looking for. You really have nothing to worry about. In fact, you are kind of stupid for even assuming that this is a problem because, in any event, we at the FBI, we are serious about this stuff, and we have got procedures that will stop it.

Well, fool me once, shame on you. Fool me twice, shame on me. Fool me hundreds of thousands of times, that is not acceptable, not to anyone.

Look, RISAA fails to address the worst of warrantless 702 surveillance. It just does. It codifies the existing FBI requirement of having prior approval from the Deputy Director of the FBI, not from an article III court, a normal court, not from the Foreign Intelligence Surveillance Act Court—or the FISC. And it has this requirement only for sensitive queries involving a U.S.-elected official, a Presidential appointee, or an appointee of a Governor, political organization, U.S. media organizations, and so forth.

And then, for queries of religious organizations or batch queries, RISAA requires preapproval, again, internal FBI approval only, from—get this—an FBI attorney. What could go wrong? Great. So the Deputy Director of the FBI, the current occupant of the legacy position once held by Andrew McCabe. I am sure that will make a lot of Americans feel a lot better. I am sure a lot of Americans will feel a lot better also knowing that the likes of Peter Strzok and Lisa Page won't be involved in this.

Look, there are a lot of great FBI agents out there, rank-and-file FBI agents, a lot of great work that they do. The top brass at the FBI is not held in as high esteem as they once were. In fact, that is putting it really, really mildly and indeed euphemistically—not just depending on your political leanings but based on what they have done, based on the number of times we have been lied to, based on the number of times we, as Members of the U.S. Senate and members of the public, the voting public, we have been given assurances that time and time again that have just turned out to be dead wrong.

So it is as though, under RISAA, they say: Hey, Mr. Fox, come on in. Here are the keys to the henhouse. Have fun. Get stuff done, and use your power and your keys responsibly. I am sure you won't be tempted to do otherwise.

What? Do they think we are stupid? Do they think the American people are stupid? They are not. They should know better. Shame on them, and shame on our counterparts in the House of Representatives for thinking that this is anything but insulting to the American people.

They say: Oh, don't worry about it. We have FBI internal controls, FBI internal controls. We are putting the same darn people in charge of this, the same people who have manipulated and abused this over and over again. And we have said: You are in charge now. You will be employing the same sort of reviews that you have employed on the honor system in the past, knowing full well that the American public can't see anything that you do. And we are supposed to trust you with that? This is crazy.

This is the same FBI that approved the surveillance of President Trump's campaign and has failed to prevent illegal queries year after year after year, even after denying that they don't happen.

In all cases involving Americans but especially in these sensitive cases, outside checks and balances—actual checks and actual balances—on the use of surveillance authority should be firmly in place, but alas they are not, nothing like them.

In addition to narrow queried preapproval requirements, RISAA codifies additional changes to some of these internal FBI procedures regarding the abuse of 702 queries of U.S. citizens by its agents. But these internal procedures have not stopped violations, thousands of which are occurring every year. In fact, we have had hundreds of thousands. Until last year, I think we had over—it was in the hundreds of thousands, like over 200,000, occurring several years in a row until last year when they ramped down a bit. And in the meantime, all while telling us that the same darn procedures that they are now codifying, putting the same people in charge of enforcing them, of providing this oversight—that those same people are now going to be put in charge of making sure that they comply with the same requirements they have already falsely been claiming to follow.

So what exactly is this going to stop? Well, it didn't stop the FBI with the same personnel, employing the same standard from, I don't know, let's think about the guy, the unsuspecting guy who wanted to rent an apartment and, unbeknownst to him, the guy who owned the apartment was an agent who decided that he would run the would-be tenant through the FISA 702 database. Or what about the agent who had some kind of an unparticularized suspicion or hunch, something that wouldn't even most likely justify a Terry stop, that his father might be cheating on his mother, and he therefore ran his dad through the FISA 702 database. Or what about the unsuspecting 19,000 donors to a particular congressional campaign, all of whom were run through the FISA 702 database? Or what about

the Member of Congress who was run through the FISA 702 database?

These are just a few of the people we know about. Through some miracle, we have been able to learn about the existence of those very, very inappropriate, very, very unlawful, very indefensible searches—searches approved against the backdrop of the same procedures, under the supervision of the same people holding the same positions at the FBI. So forgive me if I don't think that is necessarily going to change a lot.

Now, RISAA purports to rein in warrantless searches of Americans' information by ending the practice of querying data to find evidence of a crime unrelated to national security. However, such queries represent just a tiny fraction of warrantless violations of Americans' privacy.

Keep in mind, what we are talking about here are those that are deemed solely for that purpose. They are there solely for the purpose of looking for evidence of a crime. That was never a significant percentage of the problem. It was always a tiny, tiny portion of the problem. And in any event, this is entirely within the FBI's own ability to circumvent just by recharacterizing the nature and purpose of the query in question.

(Mr. KING assumed the Chair.)

You know, of the more than 200,000 backdoor searches performed in 2022, the prohibition would have denied authority in exactly 2 instances—2 searches. And in both of those instances, the FBI could easily have gotten around them by characterizing them differently than they did. Again, this is not serious. This is not the kind of reform that the American people are demanding. It is certainly not the kind of reform that they deserve.

Now, when it comes to transparency and surveillance oversight, there are a number of purported reforms that many Members of the House of Representatives who voted for this are clinging to with all their might, insisting that ''oh, these do a lot of good; these fix the problem.''

But let's look into that. Let's look at what RISAA does to amicus participation. Remember what ''amicus'' means. ''Amicus'' is short for ''amicus curiae.'' The plural of ''amicus curiae'' is ''amici curiae.'' It means ''friends of the court.'' And ''amicus curiae'' is a ''friend of the court.''

Back in 2015, a bipartisan effort that I led on the Republican side in the Senate, called the USA FREEDOM Act, was passed by Congress and signed into law by President Obama. It imposed a number of reforms. It ended the bulk of metadata collection, among other things. It also imposed some requirements related to the FISC, allowing for the participation of an amicus curiae before the FISC in a number of circumstances—because, remember, in the FISC, unlike in ordinary court, its members consist of presidentially appointed, life-tenured article III Federal judges. But in their capacity, while they are serving in their capacity as FISC judges, they sit in a courtroom without opposing counsel. Only the government has historically been present in those circumstances. And because of the sensitive nature of some of the issues that we have described today, we created in the USA FREEDOM Act provisions requiring the participation, in a number of circumstances, for amicus curiae.

There have been no complaints about this not working well—none. I am not aware of a single instance where amicus participation before the FISC has caused a problem. And yet, consistent with its pattern and practice of scanning the horizon, looking high and low to find a solution in search of a problem, those loyal to the intelligence Agencies over on the House of Representatives side have put in place some very significant restrictions on amici before the FISC by limiting the arguments amici can raise and by limiting those who can even serve as amici in 702 proceedings.

Again, not one complaint that I am aware of has been raised on this. Not one reason has been provided as to why they shouldn't do this—not one. But they still said we have got to limit them.

RISAA's amicus provisions will actually weaken oversight, instead of adopting the reforms that passed the Senate, 77 to 19, in 2020, as part of the Lee-Leahy amendment, which would have strengthened oversight by bolstering the role of amici.

By the way, that measure passed in 2020 by the Senate, 77 to 19, was part of a legislative package expected, at the time, to move over in the House, where it would have passed by correspondingly overwhelming bipartisan supermajority margins over there, but for the fact that that vehicle, for reasons unrelated to the Lee-Leahy amendment, caused that bill to stall out. Now, 77 to 19, those are the margins by which this passed the Senate just a few years ago.

That Lee-Leahy amendment would have created a presumption that amici should participate in cases that raise critical issues—such as those involving the First Amendment-protected activity of a U.S. citizen or any other U.S. person, a request for approval of a new program, a new technology, or a new use of an existing one, a novel or significant civil liberties issue with respect to a known U.S. person or a sensitive investigative matter—while giving the FISC the ability to deny participation where there was some particularized reason why that would be inappropriate.

Amicus participation is critical, especially so where you have this kind of ex parte proceeding. An ex parte proceeding is one in which only one side is represented by counsel. It is just the government's lawyer and the judge or judges. Without an amicus, there is no one there to look out for, to protect, to advocate for the rights of the American public.

RISAA requires the government also to provide only limited and inadequate presentation of what we call exculpatory evidence, the type of evidence required by United States v. Brady in an ordinary Federal court. By contrast, the Lee-Leahy amendment would have required a full presentation to the court of all material, exculpatory evidence that might come into play there. And this is absolutely necessary.

Now, why these guys chose to weaken that, I think, is consistent with—I mean, we can only surmise what the reasons might be, but I think they have a lot to do with the fact that, of course, no government Agency wants additional responsibilities or additional burdens. It makes additional work for them.

And that is the whole point. The whole point of the Fourth Amendment is not to make the government's job more efficient. I am sure law enforcement, domestically, would be a whole heck of a lot easier if there were not a Fourth Amendment. That is not a reason to jettison the protections of the Fourth Amendment.

And even though I am sure some of the legitimate foreign intelligence gathering operations of our intelligence Agencies would be made easier, less burdensome if we just threw all of these protections to the wind and pretended that there aren't legitimate reasons related to Fourth Amendment interests to be concerned here, should that make it easier, that doesn't make it the right thing do. It doesn't mean that it is consistent with the letter and spirit of the Fourth Amendment.

Look, this requirement about exculpatory evidence, as it is contained in RISAA, just provides a mere veneer. It is a Potemkin village version of the real thing, just the illusion of protection. This provision draws near to the Fourth Amendment with its lips, but its heart is far from the Fourth Amendment.

The FISC should be given all exculpatory material evidence before a proven surveillance. We have to remember, in December of 2019, the Department of Justice IG reported 17 errors and omissions in the FBI's FISA applications, requesting authority to surveil President Trump's Presidential campaign adviser, Carter Page.

Unsurprisingly, this included the failure to disclose the unreliability of the Steele dossier, an opposition research document with largely fabricated, unsubstantiated claims.

Now, unfortunately, the April 2020 memorandum from the inspector general to FBI Director Wray proved that this was not an isolated incident.

After a sampling of 29 FBI applications for FISA's surveillance of U.S. persons, he found an average of 20 errors per application.

The Lee-Leahy amendment that passed, in 2020, with 77 votes in this Chamber would have required that the

government provide all of that material—all material, exculpatory evidence to the FISC—since the U.S. person being surveilled is excluded from the FISA proceedings.

Next, we will turn to another provision that I think persuaded, unfortunately, some Members of the House of Representatives to support this bill, even though it lacked adequate substantial Fourth Amendment reforms. I am referring, of course, to the protections directed specifically at Members of Congress.

The RISAA bill provides protections not available to others, specifically for Members of Congress. Think about this for a second. One of the reasons why a number of people felt comfortable voting for it was because of the belief—the mistaken belief, as I will explain in a minute—that this protects rank-and-file Members of the House and the Senate. I don't believe it even does that. But, even if it did, think about what that says.

Anyone persuaded by this is tacitly admitting—if not to the public, at least should admit to themselves—that, No. 1, this is enough of a concern that they ought to be worried about it, such that they ought to provide some sort of language requiring accountability for when they do 702 queries on individual Members of Congress. So they are acknowledging that there is a problem, that it can be abused. But then they are providing a type of accountability available only to Members of Congress. That is kind of creepy.

If this thing is bad such that it needs protection, why not make that protection or other similar protections available to Americans broadly—to all Americans? Why limit this to Members of Congress?

So what it does is it requires notification not to all of Congress but notification to congressional leaders—meaning to the law firm of Schumer, McConnell, Johnson, and Jeffries and to the top Republican and top Democrat of the House Intel Committee and the top Republican and top Democrat of the Senate Intel Committee. Sometimes, collectively, we refer to this as the Gang of 8.

It requires notification to them if FBI queries the name of a Member of Congress, and RISAA requires prior consent from the Member of Congress in question, but only if it wishes to perform a query on that Member for purposes of a defensive briefing. Otherwise, if it is not for the purpose of a defensive briefing, that Member doesn't get notified.

But the law firm of Schumer, McConnell, Johnson, and Jeffries gets notified, and the Intel bruhs—you know, the top heads of the Intel Committee on both sides of the Capitol—they get notified too. Nobody else does.

Now, it is not like they are going to feel inclined to notify the Member. In fact, they are probably prohibited from doing so. Who exactly does that protect? Why is that a good thing? If the querying is being done, then you are allowing a tiny handful, 8 Members out of 535 sworn and currently serving Members of the legislative branch, who have been elected by their respective States—8 of them, just 8 of them—to get to know what they are doing about any and every other Member of Congress. How is that going to help anyone?

In fact, how is that not something that could actually work to the disadvantage of those being surveilled, except in the specific context of a defensive briefing?

This is crazy. This is throwing gasoline on the fire. In addition to giving the keys of the henhouse to the fox, you are then dousing the whole thing with gasoline and then adding more gasoline to it after it is on fire.

As much as anything, these are fake reforms. And to the extent they are not fake, because they are available exclusively to Members of Congress, they are a slap in the face to our constituents, who receive no such protections—none. Including those protections shows that the drafters of RISAA knew that there is a problem. It shows that those who voted for it, who relied on this, to their detriment, understand how invasive these queries really are. And that is why they want to protect Members of Congress, even though they are failing to do that here, unless they happen to be in the Gang of 8. That is why they are claiming to protect themselves from being subjected to 702 queries focused on them.

In reality, these protections for Members of Congress aren't just self-serving, they are elusory. The consent requirement is flimsy, at best, and there is an exception that quite arguably swallows the whole rule, even where it might otherwise apply. And the FBI can, based on the way it categorizes the search in question, it can get around it, the consent requirement, even in the narrow circumstances where it might otherwise apply. So this thing is a fake. But it is worse than fake. I actually think it would be a detriment to privacy and even to the interests of most Members of Congress.

Then we get to one of the big enchiladas of this: the electronic communication service providers expansion, the so-called Turner amendment. And it was basically drawn up and thrown together and thrown into the bill at the last minute, rubberstamped by the House. This particular provision of RISAA authorizes the largest surveillance expansion of this type of surveillance on U.S. domestic soil since the PATRIOT Act.

Egregious Fourth Amendment violations against the United States and its citizens will, I am confident, increase dramatically if this thing is passed into law. RISAA, as amended by the Turner amendment, would allow the government to compel a huge range of ordinary U.S. businesses and individuals—exempting only an odd assortment of entities, including hotels, libraries, restaurants, and cafes—to assist the government in spying on U.S. persons.

Currently, the government conducts 702 surveillance with the compelled assistance of electronic communications service providers or ECSPs. Historically, the definition of ECSP included those entities with direct access to Americans' electronics communications; for example, Google, Microsoft, Verizon, et cetera. This new proposition would allow the government to compel warrantless surveillance assistance of any provider of any service that has access to equipment on which communications are routed and supported. This would include a huge number of U.S. businesses that provide Wi-Fi to their customers and, therefore, have access to routers and communications equipment.

Apparently, this provision is the result of the intelligence community's ire at being told by the Feds that data centers for cloud computing do not have to comply with FISA-compelled disclosures. House Intel Committee members claim it was a narrow fix to allow the government to compel information from a single service provider.

I don't buy it. The reason I don't buy it is because if that is what it was supposed to do, they would have written it differently. They didn't write it that way. They have smart lawyers. They are smart people. They know exactly what they are doing. But even if they didn't know what they were doing, we know what they did, and it is not good. The fix was deliberately written, you see, in really broad terms to conceal the particular provider at issue.

As written, the provision could be used to compel any service provider that could potentially access communications equipment including, potentially, janitors, people involved in repairs, plumbers, to assist NSA in spying. Nothing in the language provides any backstop, any limitation of the unfettered use of this newly, dramatically expanded authority.

Moreover, because these businesses and individuals lack the ability to turn over specific communications, they would be forced to give NSA access to the equipment itself. The NSA would then have access to all of the communications transmitted over or stored on the equipment, including a trove of wholly domestic communications. It would be up to the NSA to capture only the communications of foreign targets.

No disrespect to the fine men and women who work at the NSA, but it is one of the most impenetrable—necessarily impenetrable—Agencies that has ever existed in any government anywhere. Yet no visibility, no transparency, no oversight there that is going to make any difference. Giving the NSA access to Americans' communications on such a broad scale is a recipe for disaster, and it is contrary to the purportedly narrow focus of 702 on foreign targets.

Look, I have outlined some of the myths surrounding this whole FISA 702

debate. I explained that the collection under 702 is not going to go dark if something doesn't pass immediately, meaning we are not forced with this obstinate choice between having to accept lock, stock, and barrel with no amendments, with no opportunity to review it, to air it, to improve it, to make it better, to address the disaster that is the Turner amendment, to address the hypocrisy and the sham that is the Member of Congress exclusive protection; to address any of the glaring omissions, including the failure to add any type of a warrant requirement for communications—private communications—of U.S. citizens incidentally collected and stored on a 702 database.

These are all lies that we can't address any of those to try to include in this thing because FISA 702 collection is going to end abruptly, tragically, at midnight tomorrow.

We already established this language that was first adopted in 2018 then reupped, renewed, and reenacted in December of last year to extend this deadline to April 19. It makes clear that once the FISC has issued a recertification of the program, 702 collection may continue unabated, undisturbed even if FISA 702, itself, expires in the meantime, as long as it is still valid at the time of the certification. That certification was renewed a week ago, and so we have a year. We have a year before that ends. Let's get rid of this nonsensical, unbelievable lie that is being told that we are all going to die if we don't do it.

What do we need to do? First, we have to have an amendment process. We have to have an amendment process that, among other things, allows for a probable cause warrant to be the backstop of any U.S. person query. We have language that I support that is being offered in a Durbin amendment that would require that. And it would attach at the moment they want to review the content, they want to do a U.S. person query, to figure out whether it is there in an emergency or in some other circumstance for some reason. Even if they do that, before they open it, before they review the substantive content after doing a U.S. person-specific query, they would have to get a warrant.

Mr. President, I ask unanimous consent that I be allowed to finish my remarks within the next 15 minutes.

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

Mr. LEE. So we need a probable cause warrant requirement. Now, all of the sky-is-falling predictions about why that would be so bad to have a probable cause warrant requirement is really not addressing the facts here.

Look, I think we would have been just fine had we adopted what is known as the Biggs amendment—you know, the amendment that failed by a tied vote 212 to 212. And it failed, I believe, because they gaveled out the second they saw that it was tied, even though there were still more Members coming to the floor to vote—more Members coming to the floor to vote—I was over there at the time—who were believed to be intending to support it. They gaveled out the second they thought they could get away with it and make it fail.

One of the reasons why it didn't get more votes is because of the scare tactics associated with that and overblown, exaggerated concerns that it would just make it impossible. You know, I heard members of the intelligence community argue that it would just necessarily bring an abrupt halt to everything we do in this area. It is not credible. It is not true.

But even if that were true, let's indulge that for purposes of this discussion. The same concerns are minimized by the warrant requirement in the Durbin amendment. In the Durbin amendment, the warrant requirement would be triggered not at the moment of the query itself, but at the moment they want to open the results of the query so they could see whether the particular U.S. person, the U.S. citizen addressed in the search, triggered some kind of response. But then before they could open the search result, read the contents of the email, listen to the contents of the phone calls, read the text messages, whatever it is, then they would have to go get a warrant, unless they make the same argument here and scare people yet again because this is what they do and they get away with it because they are the spies, the spy Agencies: Trust me, trust me, people are going to die unless Congress does exactly what I say.

That is what they say over and over again. You know, it gets really irritating when they say the same thing year after year.

But lest they gain any advantage here by coming up with that, it would affect such a tiny, tiny portion of all—you know, U.S. person queries are a tiny fraction of all queries run on the FISA 702 database. I am told it is, likewise, a tiny percentage of all U.S. person queries, something like 1 or 2 percent, that would be implicated by the Durbin amendment's warrant requirement.

According to Senator DURBIN, I believe the estimate he provided was about eight queries a month would trigger that. That is not hard to comply with at all. Those of us who have been prosecutors know it is not hard to get a warrant, especially in a program as huge as FISA 702. To suggest that it is just unduly oppressive for them to get up to eight warrants per month when querying specifically for the private communications of U.S. citizens on the 702 database, no, don't tell me that is unduly burdensome. That is not credible.

So we need that amendment. It is not the only amendment we need, but we definitely need that one. Without that one, I think this bill is an absolute mistake without adopting that amendment.

There are other amendments as well. One that I will focus on is the amendment I am running providing necessary reforms to the amicus curiae process requiring the government to disclose exculpatory evidence. Yes, it is essentially the same amendment. It does exactly the same thing as the Lee-Leahy amendment but introduced now as the Lee-Welch amendment. With a certain degree of poetic symmetry, I have united now with the Senator from Vermont who took the place of our dear former colleague Senator Pat Leahy. Peter Welch is now cosponsoring this measure with me, and we introduced what is the Lee-Welch amendment, which would do as I described a moment ago.

It would beef up the amicus curiae process participation, which has been badly weakened and undermined by RISAA, and it would restore it, making it just a little bit more like the adversarial process that is the hallmark of our country's legal system, designed to protect our individual rights.

It would require, among other things, that at least one of the court-appointed amici have expertise in privacy and civil liberties unless the court found that such qualifications were inappropriate in a particular case.

It would also require the FISC to appoint an amicus in cases presenting a novel or a significant interpretation of law or significant concerns with First Amendment-protected activities of a U.S. person, a sensitive investigative matter, a request for approval of a new program, new technology, or a new use of an existing technology with novel or significant civil liberties issues with respect to a known U.S. person.

All of these things are important, and it is also important that they be required to provide the full panoply of material exculpatory evidence to the FISC as they are going before the FISC in cases involving U.S. person queries under 702.

It is really important that we have these reforms because, again, remember, we suspend what would otherwise be significant restrictions in this arena. We suspend those. Because we suspend them and because this is a secret court, it is that much more important to be careful.

We still understand that because of the risks associated with it, it is still not a court that would operate in a public way, but at least there would be another set of eyes in there looking at it. A set of eyes under some circumstances is allowed to be in there now but maybe not as often as they should be, and that will be weakened if we just pass RISAA reflexively. RISAA would actually weaken transparency in surveillance oversight, very significantly and very dangerously.

So, look, I am about out of time, and so I need to wrap this up. Let me just close by saying this: We can't fall for the lie every time, and we certainly can't fall for the lie every time and then claim surprise when it gets abused again.

The American people have seen over and over again that there is some risk in this. Sure, these things have made us safer, and we like those things that have made us safe.

I don't personally know any American who is concerned—who stays up late at night worrying about FISA 702 surveillance of a foreign adversary operating on U.S. soil. That is not a zone where Fourth Amendment interests are cognizable in our legal system, and it is not something that Americans I know spend time worrying about. But they are worried when they learn that a number of innocent, unsuspecting Americans have their own private communications incidentally collected or swept up in what might well be legitimate operations associated with FISA 702. It is the querying of their name, of their personal identifiers, their phone numbers, the email addresses of a known U.S. citizen, looking for them—it is a great cause of concern to many.

That is my principal focus, and it is why I am focused so heavily on the Lee-Welch amendment and on the Durbin amendment, of which I am also a cosponsor, requiring a warrant for them to access the contents of those private communications of U.S. persons when they are queried on the FISA 702 database.

That doesn't mean these are the only reforms that are necessary. There are a handful of our other colleagues who have introduced other reforms. One of them addresses the Turner amendment.

This breathtakingly broad expansion of FISA was written in a ham-fisted way. I understand that there is a legitimate reason for it, but the way it is written, one has to wonder about what the subjective motives of those writing it may have been. But even if you assume for purposes of argument that they were pure, their draftsmanship sure wasn't pure, and we have to fix that. We have to fix that.

There are some other amendments that also need to be considered. You know, I am not sure how I feel about every one of these amendments, but, you know, when you get elected to the United States Senate, one of the things that differentiates this body from other legislative bodies—we pride ourselves on supposedly being the world's most deliberative legislative body. We need to act like it.

Our rules and nearly 2½ centuries of tradition, precedent, custom, and practice are such that we are expected to vote on each other's amendments even when we don't necessarily agree with them. Even those amendments that I don't feel great about, that I might well oppose, perhaps even vigorously, I want them to have votes too.

We can't fall for fake scare tactics telling us that Armageddon will be upon us if we get past tomorrow night at midnight because it is just not true. Nor can we fall for the lie that has been repeated on this floor today that Federal courts have addressed this issue and concluded that this issue raises no Fourth Amendment concerns. That is a lie.

To the extent that it is being spun innocently or just negligently, then I guess in that circumstance, we wouldn't call it a lie; we would call it a badly, badly mistaken argument. But it is not something that should persuade us. Just let us vote.

We have to end this practice of filing cloture and filling the tree. That is fancy Senate parlance for preventing people from offering up amendments and having those amendments voted on. Every time you do that, you bolster the disproportionate, hegemonic power of the law firm of Schumer, McConnell, Johnson, and Jeffries so that you make them superlegislators while subordinating all of us and, more importantly, those who elected us from a pretty important legislative process.

I implore my colleagues to think about them—those who voted for us and those who didn't vote for us but those to whom we stand accountable—before reflexively enacting this again. And I implore our Senate majority leader to just let the people's elected lawmakers vote.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

STRENGTHENING COASTAL COMMUNITIES ACT OF 2023

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 213, S. 2958.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2958) to amend the Coastal Barrier Resources Act to make improvements to that Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works.

Mr. SCHUMER. I further ask that the Carper substitute amendment at the desk be agreed to and that the bill, as amended, be considered read a third time.

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

The amendment (No. 1835), in the nature of a substitute, was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate on the bill?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 2958), as amended, was passed.

Mr. SCHUMER. I ask that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

NATIONAL ASSISTIVE TECHNOLOGY AWARENESS DAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration and the Senate now proceed to consideration of S. Res. 594.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 594) designating April 17, 2024, as ''National Assistive Technology Awareness Day''.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, that the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 594) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of March 19, 2024, under ''Submitted Resolutions.'')

HONORING THE LIFE OF JOSEPH ISADORE LIEBERMAN, FORMER SENATOR FOR THE STATE OF CONNECTICUT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 655, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 655) honoring the life of Joseph Isadore Lieberman, former Senator for the State of Connecticut.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, that the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 655) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

MORNING BUSINESS

TRIBUTE TO AUSTIN T. FRAGOMEN, JR.

Mr. SCHUMER. Mr. President, I rise today to recognize Austin T. Fragomen, Jr., who for more than five decades has made extraordinary contributions to the field of immigration law and policy and who has dedicated his life to serving the underprivileged in New York City and across the United States.

Austin T. Fragomen is chairman emeritus of Fragomen, Del Rey, Bernsen & Loewy, a global immigration law firm based in New York City with more than 60 offices worldwide. He began his legal career over five decades ago as counsel on the House subcommittee on immigration, citizenship, and international law. Since then,