

REFORMING INTELLIGENCE AND  
SECURING AMERICA ACT

The PRESIDING OFFICER (Mr. KING). The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 7888) to reform the Foreign Intelligence Surveillance Act of 1978.

The PRESIDING OFFICER. The majority leader.

## ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the only amendments in order to H.R. 7888 be the following: Paul No. 1829; Marshall No. 1834; Wyden No. 1820; Paul No. 1828; Durbin No. 1841, as modified; Lee No. 1840; further, that upon disposition of the amendments, the bill, as amended, if amended, be considered read a third time and the Senate vote on passage, with 60 affirmative votes required for adoption of the Paul amendments and on passage, as amended, if amended, with 2 minutes for debate, equally divided, prior to each vote, with Senator PAUL permitted to speak for up to 10 minutes prior to the vote on amendment No. 1829, all without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Hearing none, without objection, it is so ordered.

Mr. SCHUMER. Mr. President, we have good news for America's national security. Senators have reached an agreement that clears the way to approve the FISA reauthorization tonight.

For the information of my colleagues, we will have up to seven roll-call votes. First, we will vote on the six amendments and then final passage.

All day long, we persisted and persisted and persisted in the hopes of reaching a breakthrough, and I am glad we got it done. There was a great deal of doubt that we could get this done, but now we are on a glidepath to passing this bill.

Allowing FISA to expire would have been dangerous. It is an important part of our national security toolkit, and it helps law enforcement stop terrorist attacks, drug trafficking, and violent extremism. This legislation has been carefully tailored, and I am ready to work with colleagues on both sides of the aisle to keep strengthening protections for American citizens.

I thank all of my colleagues on both sides of the aisle for their good work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

## AMENDMENT NO. 1829

Mr. PAUL. Mr. President, the title of this amendment is the "Fourth Amendment Is Not For Sale."

The Fourth Amendment is no mere limitation of government power. The Fourth Amendment is fundamental to the concept of American liberty. The Fourth Amendment was a response to the British writs of assistance, which served as general warrants and per-

mitted almost limitless searches of homes and ships of colonies. In 1761, an attorney named James Otis forcefully attacked the writs of assistance, and John Adams described that he was so inspired by Otis and the arguments that, then and there, the "child of Independence" was born.

The Fourth Amendment prohibits these kinds of general warrants. For a search to be reasonable, the Fourth Amendment dictates that the government must identify the individual, the items, and the location to be searched, but, today, all it takes to eviscerate the Fourth Amendment is some cash. The Electronic Communications Privacy Act already requires the government to seek a court order before compelling service providers to disclose contents and records, but this law does not restrict providers from voluntarily selling that information to nongovernmental third parties.

Due to this loophole in the law, American Government has effectively resurrected the idea of general warrants that the Founding Fathers were so appalled by. Thankfully, the House of Representatives voted to close that loophole. The House voted overwhelmingly this week for the Fourth Amendment Is Not For Sale Act.

I am so glad that the Fourth Amendment Is Not For Sale Act is popular; that Senator SCHUMER has been a co-sponsor of this. I hope he will vote with us tonight.

But if he chooses not to vote with us tonight, the bill has passed the House. All he would need to do is bring it up in the next few weeks, and we could actually put it on the books.

Leaders of both parties from across the political spectrum have come together to say you shouldn't be able to buy your way around the Fourth Amendment. The Senate must not prove itself to be less concerned about the Fourth Amendment. I hope that we will take this up.

The data you transmit can reveal much about your life, such as where you work, where you drop off your child for daycare, whether you visit a gun range, who you associate with, your health data. Some of these applications sell that data to third-party brokers who then sell it to the government.

It may be concerning that some of your information is traded away, but we should insist that the Fourth Amendment should be respected so that individuals are not tracked and investigated without a warrant.

When law enforcement suspects you of a crime, the supreme law of the land is clear: Officers must demonstrate to a neutral judge in an open court that probable cause of a crime exists. In fact, if you want to find the people in our country who respect the Fourth Amendment, meet with any local police officer, any local sheriff. They know they don't come into your house. What has happened is the politicized aspects of our intel Agencies don't

have the same respect for the Fourth Amendment that local law enforcement does.

According to Professor Matthew Tokson, a professor at the University of Utah, after the Supreme Court prohibited warrantless collection of cell phone location data in *Carpenter v. United States*, the government Agencies just began buying that information anyway. They were told not to by the Supreme Court. So they just went and purchased it and eviscerated a Supreme Court decision. This is something we should not tolerate.

A recent report by the inspector general of the Department of Homeland Security demonstrated that several DHS Agencies, including the Secret Service, bought Americans' phone location data without a court order. The IRS purchases location data without a court order. The FBI purchases your location data without an order—to just name a few. The NSA, the Defense Intelligence Agency—all have bought Americans' location data without a court order.

The embrace of this tactic proves that the feds will zealously exploit any loophole and test the limits of their authorities, to the detriment of our constitutionally protected liberties.

It is time to end the use of cash to purchase general warrants that the Fourth Amendment should have abolished over two centuries ago. Let's ensure that the Fourth Amendment is truly not for sale.

I ask for a "yes" vote.

Mr. President, I call up my amendment No. 1829 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 1829.

(The amendment is printed in the RECORD of April 18, 2024, under "Text of Amendments.")

The PRESIDING OFFICER. There will now be 2 minutes to debate equally divided on the Paul amendment No. 1829.

Ms. WARREN. Mr. President, I rise in opposition to the amendment. Before I get to the substance, let me remind my colleague, I think, of something we have discussed a lot.

Any amendment added to this bill at the moment is the equivalent of killing the bill. Many have said: If we go past midnight tonight, it doesn't really matter.

Already, telecom companies—a number—have contacted the Department of Justice saying: If this bill expires—as it will at midnight—they will stop complying with 702, one of the most critical components of our intelligence backbone.

The specifics of this amendment are opposed by every law enforcement agency in America. It also is opposed by a number of Jewish community groups, including B'nai B'rith and the Anti-defamation League.

I would agree with the Senator from Kentucky: We ought to have a debate about data brokers. But 702 is not the place to have it. As a matter of fact, the House decided not to include this in their discussion of 702.

If we pass this amendment, the only people who are going to be taken out from purchasing data will be law enforcement—not foreign companies, not foreign governments, or others.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Kentucky.

Mr. PAUL. The idea that we don't have time is a specious one. The only reason we wouldn't have time is because the supporters of this bill delayed to the last hour. We have 5 years to renew this. We delayed it until we have 4 hours left, and then we are told we can't amend it because we don't have enough time. That is a false argument.

The House is still here. They are going to be voting tomorrow. We should pass the good amendments today, send them to the House tomorrow. This is an argument that has been forced upon us by the supporters of FISA who want no debate, and they want no restrictions. They want no warrants, and they want nothing to protect the Americans. They want to allow whatever goes, whatever happens to happen, and to hell with the American individual citizen and the Bill of Rights.

I say: Don't listen to the people who don't want amendments and don't want debate, and let's pass this amendment.

VOTE ON AMENDMENT NO. 1829

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from West Virginia (Mrs. CAPITO), the Senator from Tennessee (Mr. HAGERTY), the Senator from Missouri (Mr. SCHMITT), and the Senator from Ohio (Mr. VANCE).

The result was announced—yeas 31, nays 61, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—31

Baldwin	Daines	Kennedy
Braun	Durbin	Lee
Cantwell	Hawley	Lummis
Coons	Hirono	Markey
Cramer	Hoeben	Marshall
Cruz	Johnson	Menendez

Merkley	Sanders	Warren
Murkowski	Sullivan	Welch
Murphy	Tester	Wyden
Murray	Tuberville	
Paul	Van Hollen	

NAYS—61

Barrasso	Gillibrand	Risch
Bennet	Graham	Romney
Blumenthal	Grassley	Rosen
Booker	Hassan	Rounds
Boozman	Heinrich	Rubio
Britt	Hickenlooper	Schatz
Brown	Hyde-Smith	Schumer
Budd	Kaine	Scott (FL)
Butler	Kelly	Scott (SC)
Cardin	King	Shaheen
Carper	Klobuchar	Sinema
Casey	Lankford	Smith
Cassidy	Lujan	Stabenow
Collins	McConnell	Thune
Cornyn	Moran	Tillis
Cotton	Mullin	Warner
Crapo	Ossoff	Whitehouse
Duckworth	Padilla	Wicker
Ernst	Peters	Young
Fetterman	Reed	
Fischer	Ricketts	

NOT VOTING—8

Blackburn	Hagerty	Vance
Capito	Manchin	Warnock
Cortez Masto	Schmitt	

The PRESIDING OFFICER. On this vote, the yeas are 31, the nays are 61.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 1829) was rejected.

The PRESIDING OFFICER. The majority leader.

SENATOR COLLINS 9,000TH VOTE

Mr. SCHUMER. Mr. President, now, before we move on, I would like to acknowledge a rare milestone that is just about to be achieved on this coming vote in the Senate. Our dear colleague from Maine, Senator SUSAN COLLINS, will cast her nine-thousandth consecutive rollcall vote.

(Applause, Senators rising.)

She has never—never—missed a single rollcall vote in her entire career. Who else can claim that? Raise your hand. Even the freshmen can't claim that.

I congratulate Senator COLLINS on this historic accomplishment. It puts her in rare company in the history of the Chamber.

Senator COLLINS and I, of course, belong to different parties, but she has the enormous respect of those of us on this side of the aisle as well as her own colleagues. And I have been grateful for the chance to work with her in recent years on many issues. So we all have applauded her great work.

I yield the floor to my colleague and friend, Senator MCCONNELL.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I would like to thank the majority leader for his acknowledgement of this historic moment.

The senior Senator from Maine, our good friend, is about to cast, as we all know, her nine-thousandth consecutive rollcall vote.

Quite literally, as the occupant of the Chair knows, Senator COLLINS has never failed to discharge the most fundamental duty of her office.

According to the Historical Office, only one Senator in history has managed a longer streak of consecutive votes—and let's just say, Senator COLLINS is closing in on that record as well.

I hope our colleague is as proud of this accomplishment as we are of her. One thing is for certain: She didn't reach the milestone by accident. Senator COLLINS arrived as a freshman already well aware of the obligations of public service. After all, she was raised by not one but two smalltown mayors.

And as our colleagues know, one of those distinguished mayors—her mother, Patricia—passed away earlier this year, right as the government funding she had stewarded was nearing the finish line.

It was a situation that made the tension we have all felt at times between the demands of the Senate and of family. But as always, the example of the senior Senator from Maine was instructive: poised under pressure, prepared for any outcome, and as determined as ever to do right by the people she represents.

Day after day, year after year, our senior-most appropriator has demonstrated through her dedication that if you do your homework and show up to vote, most everything else will fall in line.

So I would like to add my congratulations to my good friend Senator COLLINS on this tremendous milestone. The people of Maine are lucky to have her. (Applause, Senators rising.)

The PRESIDING OFFICER. The Republican whip.

Mr. THUNE. Mr. President, if I might, again, 9,000 is remarkable—the “iron” Senator. And she was asked by the Washington Post 12 years ago why she had never missed a vote, why she made a decision to make every vote. And this is what she said:

I think it's important at this time, when public confidence in Congress is very low, to demonstrate to my constituents that I really care about doing a good job for them.

For 27 straight years and 9,000 straight votes, she has delivered every single day for the people of Maine, for the people of this country. And I am grateful to have the privilege and opportunity to serve with her, as I think every single one of us is—not only those who are here today but those who have come before. It is a remarkable achievement.

Senator COLLINS, thank you. Thank you for your record. Thank you for your example.

(Applause.)

The PRESIDING OFFICER. And the Chair conveys his heartfelt congratulations and pride to his colleague.

Thank you, SUSAN, for all you have done.

AMENDMENT NO. 1834

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MARSHALL. Mr. President, I call up my amendment No. 1834 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kansas [Mr. MARSHALL] proposes an amendment numbered 1834.

The amendment is as follows:

(Purpose: To strike the prohibition on political appointees being involved in the approval of queries by the Federal Bureau of Investigation)

On page 3, strike line 16 and all that follows through page 4, line 12, and insert the following:

(b) REQUIREMENT FOR SENIOR LEADERSHIP TO APPROVE FEDERAL BUREAU OF INVESTIGATION QUERIES.—Subparagraph (D) of section 702(f)(3), as added by subsection (d) of this section, is amended by inserting after clause (v) the following:

“(vi) REQUIREMENT FOR SENIOR LEADERSHIP TO APPROVE FEDERAL BUREAU OF INVESTIGATION QUERIES.—The procedures shall require that the Director of the Federal Bureau of Investigation or the Attorney General be included in the Federal Bureau of Investigation’s prior approval process under clause (ii).”.

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, on the Marshall amendment No. 1834.

The Senator from Kansas.

Mr. MARSHALL. Mr. President, during the last administration, we saw career, unelected bureaucrats, many of whom were FBI agents, actively work against our Commander in Chief.

Now, in this bill, we are giving unilateral control over section 702 to those same career staff who have a record of abusing their power. As written, section 2(b) of the bill would prohibit political appointees from being within the process of approving section 702 queries. This means there is no accountability for these agents by the FBI Director or Attorney General.

Regardless of who is President, they and their politically appointed FBI Director and Attorney General should have full control of the Agencies and Departments they are leading.

We must make FBI and DOJ leadership accountable for eventual section 702 abuses. We should require the Attorney General and FBI Director to sign off on 702 investigations.

As this is such a momentous vote, it would be great that it also passed. So, with that, I urge your “yes” vote.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, actually, what the bill does is it requires, especially in cases of politically sensitive queries, that it be approved by a supervisor to take it out of the hands of the career individuals who in the past have or potentially have abused this authority.

Now, there are two ways to skin this cat. The challenge of the political appointees is twofold. The first is it is a political appointee. There is a person who owes their job to the party in power in the White House.

And so the thinking was that if you put someone like that in charge, it actually might lend itself to this being abused for political use.

The second is, it is actually harder to hold political appointees accountable. As we saw this week, the only way to get rid of, for example, the Attorney General would be to impeach them.

In this particular case, if it is a supervisor, that supervisor could be fired. Everyone in these Departments is ultimately accountable to the Attorney General and/or the FBI Director.

And I would add one more point. Another reform that is in this bill that is important to point to is that the compensation of the FBI Director will now be directly tied to how the Department performs every single year on the audit of compliance with 702.

So I urge this amendment be defeated.

#### VOTE ON AMENDMENT NO. 1834

The PRESIDING OFFICER. The question is on the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from West Virginia (Mrs. CAPITO), the Senator from Tennessee (Mr. HAGERTY), the Senator from Missouri (Mr. SCHMITT), and the Senator from Ohio (Mr. VANCE).

The result was announced—yeas 17, nays 75, as follows:

#### [Rollcall Vote No. 145 Leg.]

##### YEAS—17

Braun	Kennedy	Paul
Daines	Lee	Scott (FL)
Grassley	Lummis	Scott (SC)
Hawley	Marshall	Sullivan
Hyde-Smith	Mullin	Tuberville
Johnson	Murkowski	

##### NAYS—75

Baldwin	Fetterman	Reed
Barrasso	Fischer	Ricketts
Bennet	Gillibrand	Risch
Blumenthal	Graham	Romney
Booker	Hassan	Rosen
Boozman	Heinrich	Rounds
Britt	Hickenlooper	Rubio
Brown	Hirono	Sanders
Budd	Hoeven	Schatz
Butler	Kaine	Schumer
Cantwell	Kelly	Shaheen
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Lankford	Stabenow
Cassidy	Lujan	Tester
Collins	Markey	Thune
Coons	McConnell	Tillis
Cornyn	Menendez	Van Hollen
Cotton	Merkley	Warner
Cramer	Moran	Warren
Crapo	Murphy	Welch
Cruz	Murray	Whitehouse
Duckworth	Ossoff	Wicker
Durbin	Padilla	Wyden
Ernst	Peters	Young

#### NOT VOTING—8

Blackburn	Hagerty	Vance
Capito	Manchin	Warnock
Cortez Masto	Schmitt	

The amendment (No. 1834) was rejected.

The PRESIDING OFFICER. The Senator from Oregon.

#### AMENDMENT NO. 1820

Mr. WYDEN. I call up my amendment No. 1820 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself and Ms. LUMMIS, proposes an amendment numbered 1820.

The amendment is as follows:

(Purpose: To strike section 25, relating to definition of electronic communication service provider)

Beginning on page 87, strike line 14 and all that follows through page 90, line 4.

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided on the Wyden amendment No. 1820.

The Senator from Oregon.

Mr. WYDEN. Mr. President, this bipartisan amendment strikes a dangerous provision that was slipped in at the last moment in the House of Representatives and has never been considered or examined here in the Senate. The provision dramatically expands warrantless surveillance by authorizing the government, for countless typical Americans and American companies, to secretly assist in their surveillance. If there is one thing we know, expansive surveillance authorities will always be used and abused.

Let's do the right thing and vote aye to strike the horribly drafted, sweeping new surveillance authorities that we will surely regret.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I oppose this amendment. When 702 was drafted in 2008, the telecom world was very different than it is today. Things like cloud and data centers didn't exist.

I disagree with my colleague's definition of the amendment. I have a letter here from the Attorney General that says that under this new definition, section 702 could never be used to target any entity inside the United States, including, for example, business, home, or place of worship. I will work with colleagues to further refine this definition within the IAA bill that we take up this year.

I yield the balance of my time to Senator RUBIO.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Briefly, this is actually pretty narrowly tailored even though it is written in the way it is. It is tough to talk about in this setting. The information is available to all the Members and has been now for 5 or 6 days.

It is actually narrowly tailored to a very specific problem that was identified by the court. Basically the FISA

Court of Review said that if there is an unintended gap in coverage revealed by their interpretation, you have to go to Congress to fix it. That is what this tries to do. It is important.

As I said, that information has been available to Members in the appropriate setting for the last few days.

I hope we can defeat this amendment. It is actually a 21st-century solution to a unique problem in an era in which telecommunications is rapidly evolving, and so are our adversaries.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, this matter that came from the House of Representatives has not been narrowly drafted. It is not technical. The reason you know that is they keep coming up with exceptions. The rule is so broad, and then they keep adding all these exceptions. This is a deeply flawed proposal that comes from the House.

I urge my colleagues to vote yea on this.

#### VOTE ON AMENDMENT NO. 1820

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from West Virginia (Mrs. CAPITO), the Senator from Tennessee (Mr. HAGERTY), the Senator from Missouri (Mr. SCHMITT), and the Senator from Ohio (Mr. VANCE).

The result was announced—yeas 34, nays 58, as follows:

[Rollcall Vote No. 146 Leg.]

#### YEAS—34

Baldwin	Hoeven	Paul
Barrasso	Johnson	Sanders
Booker	Kennedy	Scott (FL)
Braun	Lee	Scott (SC)
Brown	Lummis	Tester
Cantwell	Markey	Tuberville
Coons	Marshall	Van Hollen
Cramer	Menendez	Warren
Daines	Merkley	Welch
Durbin	Murphy	Wyden
Hawley	Murray	
Hirono	Padilla	

#### NAYS—58

Bennet	Cotton	Hickenlooper
Blumenthal	Crapo	Hyde-Smith
Boozman	Cruz	Kaine
Britt	Duckworth	Kelly
Budd	Ernst	King
Butler	Fetterman	Klobuchar
Cardin	Fischer	Lankford
Carper	Gillibrand	Lujan
Casey	Graham	McConnell
Cassidy	Grassley	Moran
Collins	Hassan	Mullin
Cornyn	Heinrich	Murkowski

Ossoff	Rubio	Thune
Peters	Schatz	Tillis
Reed	Schumer	Warner
Ricketts	Shaheen	Whitehouse
Risch	Sinema	Wicker
Romney	Smith	Young
Rosen	Stabenow	
Rounds	Sullivan	

#### NOT VOTING—8

Blackburn	Hagerty	Vance
Capito	Manchin	Warnock
Cortez Masto	Schmitt	

The amendment (No. 1820) was rejected.

The PRESIDING OFFICER. There will be 2 minutes equally divided for debate on the Paul amendment No. 1828.

The PRESIDING OFFICER. The Senator from Kentucky.

#### AMENDMENT NO. 1828

Mr. PAUL. I call up my amendment No. 1828.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 1828.

The amendment is as follows:

(Purpose: To prohibit the use of authorities under the Foreign Intelligence Surveillance Act of 1978 to surveil United States persons, to prohibit queries under such Act using search terms associated with United States persons, and to prohibit the use of information acquired under such Act in any criminal, civil, or administrative proceeding or as part of any criminal, civil, or administrative investigation.)

At the end, add the following:

#### SEC. 26. LIMITATION ON AUTHORITIES IN FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(1) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

#### “TITLE IX—LIMITATIONS

#### “SEC. 901. LIMITATIONS ON AUTHORITIES TO SURVEIL UNITED STATES PERSONS, ON CONDUCTING QUERIES, AND ON USE OF INFORMATION CONCERNING UNITED STATES PERSONS.

“(a) DEFINITIONS.—In this section:

“(1) PEN REGISTER AND TRAP AND TRACE DEVICE.—The terms ‘pen register’ and ‘trap and trace device’ have the meanings given such terms in section 3127 of title 18, United States Code.

“(2) UNITED STATES PERSON.—The term ‘United States person’ has the meaning given such term in section 101.

“(3) DERIVED.—Information or evidence is ‘derived’ from an acquisition when the Government would not have originally possessed the information or evidence but for that acquisition, and regardless of any claim that the information or evidence is attenuated from the surveillance or search, would inevitably have been discovered, or was subsequently reobtained through other means.

“(b) LIMITATION ON AUTHORITIES.—Notwithstanding any other provision of this Act, an officer of the United States may not under this Act request an order for, and the Foreign Intelligence Surveillance Court may not under this Act order—

“(1) electronic surveillance of a United States person;

“(2) a physical search of a premises, information, material, or property used exclu-

sively by, or under the open and exclusive control of, a United States person;

“(3) approval of the installation and use of a pen register or trap and trace device to obtain information concerning a United States person;

“(4) the production of tangible things (including books, records, papers, documents, and other items) concerning a United States person; or

“(5) the targeting of a United States person for the acquisition of information.

“(c) LIMITATION ON QUERIES OF INFORMATION COLLECTED UNDER SECTION 702.—Notwithstanding any other provision of this Act, an officer of the United States may not conduct a query of information collected pursuant to an authorization under section 702(a) using search terms associated with a United States person.

“(d) LIMITATION ON USE OF INFORMATION CONCERNING UNITED STATES PERSONS.—

“(1) DEFINITION OF AGGRIEVED PERSON.—In this subsection, the term ‘aggrieved person’ means a person who is the target of any surveillance activity under this Act or any other person whose communications or activities were subject to any surveillance activity under this Act.

“(2) IN GENERAL.—Except as provided in paragraph (3), any information concerning a United States person acquired or derived from an acquisition under this Act shall not be used in evidence against that United States person in any criminal, civil, or administrative proceeding or as part of any criminal, civil, or administrative investigation.

“(3) USE BY AGGRIEVED PERSONS.—An aggrieved person who is a United States person may use information concerning such person acquired under this Act in a criminal, civil, or administrative proceeding or as part of a criminal, civil, or administrative investigation.”.

(2) CLERICAL AMENDMENT.—The table of contents preceding section 101 of such Act is amended by adding at the end the following:

#### “TITLE IX—LIMITATIONS

“Sec. 901. Limitations on authorities to surveil United States persons, on conducting queries, and on use of information concerning United States persons.”.

(b) LIMITATIONS RELATING TO EXECUTIVE ORDER 12333.—

(1) DEFINITIONS.—In this subsection:

(A) AGGRIEVED PERSON.—The term ‘aggrieved person’ means—

(i) a person who is the target of any surveillance activity under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities), or successor order; or

(ii) any other person whose communications or activities were subject to any surveillance activity under such Executive order, or successor order.

(B) PEN REGISTER; TRAP AND TRACE DEVICE; UNITED STATES PERSON.—The terms ‘pen register’, ‘trap and trace device’, and ‘United States person’ have the meanings given such terms in section 901 of the Foreign Intelligence Surveillance Act of 1978, as added by subsection (a).

(2) LIMITATION ON ACQUISITION.—Where authority is provided by statute or by the Federal Rules of Criminal Procedure to perform physical searches or to acquire, directly or through third parties, communications content, non-contents information, or business records, those authorizations shall provide the exclusive means by which such searches or acquisition shall take place if the target of the acquisition is a United States person.

(3) LIMITATION ON USE IN LEGAL PROCEEDINGS.—Except as provided in paragraph

(5), any information concerning a United States person acquired or derived from an acquisition under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities), or successor order, shall not be used in evidence against that United States person in any criminal, civil, or administrative proceeding or as part of any criminal, civil, or administrative investigation.

(4) **LIMITATION ON UNITED STATES PERSON QUERIES.**—Notwithstanding any other provision of law, no governmental entity or officer of the United States shall query communications content, non-contents information, or business records of a United States person under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities), or successor order.

(5) **USE BY AGGRIEVED PERSONS.**—An aggrieved person who is a United States person may use information concerning such person acquired under Executive Order 12333, or successor order, in a criminal, civil, or administrative proceeding or as part of a criminal, civil, or administrative investigation.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section or the amendments made by this section shall be construed to abrogate jurisprudence of the Supreme Court of the United States relating to the exceptions to the warrant requirement of the Fourth Amendment to the Constitution of the United States, including the exigent circumstances exception.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, Benjamin Franklin warned us that those who would trade liberty for security might wind up with neither, but somewhere along the way, we lost our courage. It takes courage to defend the Constitution. It takes courage to defend the Fourth Amendment. It takes courage to understand that, even when people are guilty of crimes, we let them have lawyers. We have open courts. We have an adversarial process.

People think: Well, gosh, a murderer gets a lawyer.

Yes, everybody in our system gets a lawyer, at least under the system of the Fourth Amendment. But as we became fearful of terrorists, we said: Well, we can't exist under the Constitution. We have to lower the standard of the Fourth Amendment.

So in 1978, we set up FISA, and it went after foreigners under a different standard. It was probable cause, not of a crime but probable cause that you are associated with a foreign government.

And for even myself, I am fine with that for foreigners. But for Americans, we still have the Constitution. So my amendment would simply say this: You can investigate all the foreigners you want under 702, under FISA, whatever you wish for foreigners, but for Americans you go to an article III court. They work.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PAUL. We have prosecuted over 300 terrorists in article III courts, and we could do it.

My amendment says that FISA would only be utilized on foreigners, not Americans.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise in opposition to this amendment. This amendment would have the effect of basically destroying section 702.

Unfortunately, over the last 20 years—Anwar al-Awlaki, Robert Hanssen, Faisal Shahzad—there have been a number of American citizens who created terrorists acts that 702 has been used for.

As a matter of fact, many times, when you start the investigation, you don't know if the individual is an American or a foreigner. I respectfully ask us to defeat the amendment and give the balance of my time to Senator RUBIO.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Anwar al-Awlaki was an American-born cleric who became a leader of al-Qaida. Syed Farook was born in America, and he murdered 14 people in a terrorist attack in San Bernardino. The brothers that committed the Boston marathon—one was naturalized, and the other was a lawful permanent resident. I could go on and on.

If we had suspected them of terrorism, we would not have been able to—and none of these were prevented. But if these cases emerged today and you suspected them of terrorism, under this amendment, you would not have been able to surveil them to prevent the terrorist attack. Afterward, you could have gone after them, but now it is too late to prevent the terrorist attack. That is what this amendment would—that is the harm that this amendment, if passed, would create, and I urge you to vote against it.

The PRESIDING OFFICER. All time is expired.

#### VOTE ON AMENDMENT NO. 1828

The question is on agreeing to the amendment No. 1828.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from West Virginia (Mrs. CAPITO), the Senator from Tennessee (Mr. HAGERTY), the Senator from Missouri (Mr. SCHMITT), and the Senator from Ohio (Mr. VANCE).

The result was announced—yeas 11, nays 81, as follows:

[Rollcall Vote No. 147 Leg.]

#### YEAS—11

Braun	Kennedy	Paul
Daines	Lee	Scott (FL)
Hawley	Lummis	Tuberville
Johnson	Marshall	

#### NAYS—81

Baldwin	Gillibrand	Reed
Barrasso	Graham	Ricketts
Bennet	Grassley	Risch
Blumenthal	Hassan	Romney
Booker	Heinrich	Rosen
Boozman	Hickenlooper	Rounds
Britt	Hirono	Rubio
Brown	Hoeven	Sanders
Budd	Hyde-Smith	Schatz
Butler	Kaine	Schumer
Cantwell	Kelly	Scott (SC)
Cardin	King	Shaheen
Carper	Klobuchar	Sinema
Casey	Lankford	Smith
Cassidy	Lujan	Stabenow
Collins	Markey	Sullivan
Coons	McConnell	Tester
Cornyn	Menendez	Thune
Cotton	Merkley	Tillis
Cramer	Moran	Van Hollen
Crapo	Mullin	Warner
Cruz	Murkowski	Warren
Duckworth	Murphy	Welch
Durbin	Murray	Whitehouse
Ernst	Ossoff	Wicker
Fetterman	Padilla	Wyden
Fischer	Peters	Young

#### NOT VOTING—8

Blackburn	Hagerty	Vance
Capito	Manchin	Warnock
Cortez Masto	Schmitt	

The PRESIDING OFFICER. On this vote the yeas are 11, the nays are 82.

Under the previous order, requiring 60 affirmative votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 1828) was rejected.

The PRESIDING OFFICER. There will be two minutes for debate, equally divided, on the Durbin amendment No. 1841, as modified.

The Senator from Illinois.

#### AMENDMENT NO. 1841, AS MODIFIED

Mr. DURBIN. I call up my amendment No. 1841, as modified, and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1841, as modified.

The amendment is as follows:

(Purpose: To prohibit warrantless access to the communications and other information of United States persons)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . PROHIBITION ON WARRANTLESS ACCESS TO THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.

(a) **DEFINITION.**—Section 702(f) is amended in paragraph (5), as so redesignated by section 2(a)(2) of this Act—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

“(B) The term ‘covered query’ means a query conducted—

“(i) using a term associated with a United States person; or

“(ii) for the purpose of finding the information of a United States person.”.

(b) **PROHIBITION.**—Section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)) is amended—

(1) by redesignating paragraph (5), as redesignated by section 2(a)(1) of this Act, as paragraph (8);

(2) in paragraph (1)(A) by inserting “and the limitations and requirements in paragraph (5)” after “Constitution of the United States”; and

(3) by inserting after paragraph (4), as added by section 16(a)(1) of this Act, the following:

“(5) PROHIBITION ON WARRANTLESS ACCESS TO THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no officer or employee of any agency that has access to unminimized communications or information obtained through an acquisition under this section may access communications content, or information the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States, acquired under subsection (a) and returned in response to a covered query.

“(B) EXCEPTIONS FOR CONCURRENT AUTHORIZATION, CONSENT, EMERGENCY SITUATIONS, AND CERTAIN DEFENSIVE CYBERSECURITY QUERIES.—Subparagraph (A) shall not apply if—

“(i) the person to whom the query relates is the subject of an order or emergency authorization authorizing electronic surveillance, a physical search, or an acquisition under this section or section 105, section 304, section 703, or section 704 of this Act or a warrant issued pursuant to the Federal Rules of Criminal Procedure by a court of competent jurisdiction;

“(ii)(I) the officer or employee accessing the communications content or information has a reasonable belief that—

“(aa) an emergency exists involving an imminent threat of death or serious bodily harm; and

“(bb) in order to prevent or mitigate the threat described in item (aa), the communications content or information must be accessed before authorization described in clause (i) can, with due diligence, be obtained; and

“(II) not later than 14 days after the communications content or information is accessed, a description of the circumstances justifying the accessing of the query results is provided to the Foreign Intelligence Surveillance Court, the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate;

“(iii) such person or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the access on a case-by-case basis; or

“(iv)(I) the communications content or information is accessed and used for defensive cybersecurity purposes, including the protection of a United States person from cyber-related harms;

“(II) other than for such defensive cybersecurity purposes, no communications content or other information described in subparagraph (A) are accessed or reviewed; and

“(III) the accessing of query results is reported to the Foreign Intelligence Surveillance Court.

“(C) MATTERS RELATING TO EMERGENCY QUERIES.—

“(i) TREATMENT OF DENIALS.—In the event that communications content or information returned in response to a covered query are accessed pursuant to an emergency authorization described in subparagraph (B)(i) and the subsequent application to authorize electronic surveillance, a physical search, or an acquisition pursuant to section 105(e), section 304(e), section 703(d), or section 704(d) of

this Act is denied, or in any other case in which communications content or information returned in response to a covered query are accessed in violation of this paragraph—

“(I) no communications content or information acquired or evidence derived from such access may be used, received in evidence, or otherwise disseminated in any investigation by or in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof; and

“(II) no communications content or information acquired or derived from such access may subsequently be used or disclosed in any other manner without the consent of the person to whom the covered query relates, except in the case that the Attorney General approves the use or disclosure of such information in order to prevent the death of or serious bodily harm to any person.

“(ii) ASSESSMENT OF COMPLIANCE.—Not less frequently than annually, the Attorney General shall assess compliance with the requirements under clause (i).

“(D) FOREIGN INTELLIGENCE PURPOSE.—

“(i) IN GENERAL.—Except as provided in clause (ii) of this subparagraph, no officer or employee of any agency that has access to unminimized communications or information obtained through an acquisition under this section may conduct a covered query of information acquired under subsection (a) unless the query is reasonably likely to retrieve foreign intelligence information.

“(ii) EXCEPTIONS.—An officer or employee of an agency that has access to unminimized communications or information obtained through an acquisition under this section may conduct a covered query of information acquired under this section if—

“(I)(aa) the officer or employee conducting the query has a reasonable belief that an emergency exists involving an imminent threat of death or serious bodily harm; and

“(bb) not later than 14 days after the query is conducted, a description of the query is provided to the Foreign Intelligence Surveillance Court, the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate;

“(II) the person to whom the query relates or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the query on a case-by-case basis;

“(III)(aa) the query is conducted, and the results of the query are used, for defensive cybersecurity purposes, including the protection of a United States person from cyber-related harms;

“(bb) other than for such defensive cybersecurity purposes, no communications content or other information described in subparagraph (A) are accessed or reviewed; and

“(cc) the query is reported to the Foreign Intelligence Surveillance Court; or

“(IV) the query is necessary to identify information that must be produced or preserved in connection with a litigation matter or to fulfill discovery obligations in a criminal matter under the laws of the United States or any State thereof.

“(6) DOCUMENTATION.—No officer or employee of any agency that has access to unminimized communications or information obtained through an acquisition under this section may access communications content, or information the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States, returned in response to a covered query unless an electronic record is created that includes a

statement of facts showing that the access is authorized pursuant to an exception specified in paragraph (5)(B).

“(7) QUERY RECORD SYSTEM.—The head of each agency that has access to unminimized communications or information obtained through an acquisition under this section shall ensure that a system, mechanism, or business practice is in place to maintain the records described in paragraph (6). Not later than 90 days after the date of enactment of the Reforming Intelligence and Securing America Act, the head of each agency that has access to unminimized communications or information obtained through an acquisition under this section shall report to Congress on its compliance with this procedure.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 603(b)(2) is amended, in the matter preceding subparagraph (A), by striking “, including pursuant to subsection (f)(2) of such section.”.

(2) Section 706(a)(2)(A)(i) is amended by striking “obtained an order of the Foreign Intelligence Surveillance Court to access such information pursuant to section 702(f)(2)” and inserting “accessed such information in accordance with section 702(f)(5)”.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Throughout our history and certainly since 9/11, we have been focused on a challenge: Can we keep America safe and still honor our Constitution?

I have been engaged in this debate for quite a few years, and I continue with it this evening. Over the course of our history, we have seen section 702 misused by our government: 3.4 million American conversations were monitored in 1 year; another, 200,000.

This modification I am suggesting, suggested by the Privacy and Civil Liberties Oversight Board, would mean that the Agency would have to report for warrants 80 cases a month. That is not too much when we are dealing with hundreds of thousands of targets and millions of conversations.

Yes, we can protect the constitutional Bill of Rights and keep our country safe. We have got to be mindful that this requires vigilance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, it is illegal for the U.S. Government or any of its Agencies to spy on American citizens. It is illegal. And nothing in this bill changes that. The fact is, the House has passed a reform bill which has made it far less likely for there to be abuses, inadvertent and otherwise, and it has real accountability measures that will punish people who abuse these necessary tools.

The fact of the matter is 702 applies to foreigners overseas, not Americans here in the United States. And where there is incidental collection, court after court after court has said it does not violate the Fourth Amendment. There is no constitutional violation. And if the intelligence Agencies want to look further at an American citizen, they have to go to the Foreign Intelligence Surveillance Court and get a warrant to show probable cause that a crime has been committed.



If we pass this requirement, it will simply benefit our foreign adversaries—Russia, China, Iran, Hamas—just to name a few.

The PRESIDING OFFICER. The Senator's time has expired.

VOTE ON AMENDMENT NO. 1841, AS MODIFIED

The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from West Virginia (Mrs. CAPITO), the Senator from Tennessee (Mr. HAGERTY), the Senator from Missouri (Mr. SCHMITT), and the Senator from Ohio (Mr. VANCE).

The result was announced—yeas 42, nays 50, as follows:

[Rollcall Vote No. 148 Leg.]

#### YEAS—42

Baldwin	Hirono	Murray
Barrasso	Hoeven	Padilla
Booker	Johnson	Paul
Braun	Kaine	Sanders
Brown	Kennedy	Scott (FL)
Butler	Lee	Scott (SC)
Cantwell	Lujan	Smith
Coons	Lummis	Sullivan
Cramer	Markey	Tester
Cruz	Marshall	Tuberville
Daines	Menendez	Van Hollen
Durbin	Merkley	Warren
Hawley	Murkowski	Welch
Heinrich	Murphy	Wyden

#### NAYS—50

Bennet	Gillibrand	Risch
Blumenthal	Graham	Romney
Boozman	Grassley	Rosen
Britt	Hassan	Rounds
Budd	Hickenlooper	Rubio
Cardin	Hyde-Smith	Schatz
Carper	Kelly	Schumer
Casey	King	Shaheen
Cassidy	Klobuchar	Sinema
Collins	Lankford	Stabenow
Cornyn	McConnell	Thune
Cotton	Moran	Tillis
Crapo	Mullin	Warner
Duckworth	Ossoff	Whitehouse
Ernst	Peters	Wicker
Fetterman	Reed	Young
Fischer	Ricketts	

#### NOT VOTING—8

Blackburn	Hagerty	Vance
Capito	Manchin	Warnock
Cortez Masto	Schmitt	

The amendment (No. 1841), as modified, was rejected.

The PRESIDING OFFICER. There will be 2 minutes of debate, equally divided, on Lee amendment No. 1840.

The Senator from Utah.

AMENDMENT NO. 1840

(Purpose: To appropriately address the use of amici curiae in Foreign Intelligence Surveillance Court proceedings and to require adequate disclosure of relevant information in For-

eign Intelligence Surveillance Act of 1978 applications.)

Mr. LEE. Mr. President, I call up my amendment No. 1840, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 1840.

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

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, in 2020, 77 Members of this body voted for this amendment, and I would love to see the same result today.

According to the IG report following the Crossfire Hurricane investigation, there were a lot of FBI employees who appeared before the FISA Court who had made substantial misrepresentations to the FISA Court. It is one of the things that can happen in a non-adversarial courtroom setting. That is why this amendment that most of us voted for just 4 years ago does two things.

First, it beefs up the ability to have amicus curiae representation so that there is an extra set of eyes, not individual lawyers representing any one single person, but an extra set of eyes there to defend the rights of individual Americans—individual Americans—about 50,000 of whom are queried without any warrant, in a typical quarter, as recently as 2 years ago.

The second thing it does is it requires the disclosure to the court of all material, exculpatory evidence, or impeachment evidence—what we would call, in a courtroom, Brady and Giglio evidence—to the court.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEE. This is not too much. We should all be able to support this just as 77 of us did in 2020.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, there is some validity here, and the bill begins to cover some of it, but there is more we can do to fix this.

In Crossfire Hurricane, particularly in the case of Carter Page, the FBI agents lied to the court, and they inserted a dossier that proved to be opposition research, which you no longer can do under the reforms of this bill. You can no longer also include things like press media accounts of the case before them.

The function of this would be, on the other hand—and this is a real application because they would have probably brought it beyond that setting. Manuel Rocha was a spy in the Cuban Government, working for us as an Ambassador. Now he would have some advocate there arguing on his behalf in the court, someone who doesn't even have to have an intelligence background, and you may potentially even have to provide that advocate with intelligence

information as exculpatory even though it really isn't exculpatory.

So this, as drafted, is problematic in the context of what we are trying to fix here, especially in light of the reforms that are already coming in as part of the bill.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, this is the last amendment. If we can get this bill passed before 12 midnight, we will meet our goal. I commit to working with all to make sure that we continue to review the amicus proceedings in the next Intel authorization. So I urge Senators to reject the amendment.

VOTE ON AMENDMENT NO. 1840

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

Mr. LEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been called for.

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 Nevada (Ms. CORTEZ MASTO), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from West Virginia (Mrs. CAPITO), the Senator from Missouri (Mr. SCHMITT), and the Senator from Ohio (Mr. VANCE).

The result was announced—yeas 40, nays 53, as follows:

[Rollcall Vote No. 149 Leg.]

#### YEAS—40

Baldwin	Hawley	Padilla
Barrasso	Hirono	Paul
Booker	Hoeven	Sanders
Braun	Johnson	Scott (FL)
Britt	Kennedy	Scott (SC)
Brown	Lee	Sullivan
Cantwell	Lummis	Tester
Coons	Markey	Tuberville
Cramer	Marshall	Van Hollen
Cruz	Menendez	Warren
Daines	Merkley	Welch
Durbin	Murkowski	Wyden
Grassley	Murphy	
Hagerty	Murray	

#### NAYS—53

Bennet	Graham	Risch
Blumenthal	Hassan	Romney
Boozman	Heinrich	Rosen
Budd	Hickenlooper	Rounds
Butler	Hyde-Smith	Rubio
Cardin	Kaine	Schatz
Carper	Kelly	Schumer
Casey	King	Shaheen
Cassidy	Klobuchar	Sinema
Collins	Lankford	Smith
Cornyn	Lujan	Stabenow
Cotton	McConnell	Thune
Crapo	Moran	Tillis
Duckworth	Mullin	Warner
Ernst	Ossoff	Whitehouse
Fetterman	Peters	Wicker
Fischer	Reed	Young
Gillibrand	Ricketts	

## NOT VOTING—7

Blackburn	Manchin	Warnock
Capito	Schmitt	
Cortez Masto	Vance	

The amendment (No. 1840) was rejected.

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

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

The PRESIDING OFFICER. There will now be up to 2 minutes of debate equally divided.

The majority leader.

Mr. SCHUMER. Mr. President, in the nick of time, bipartisanship has prevailed here in the Senate. We are reauthorizing FISA right before it expires at midnight—20 minutes before midnight, as the time is now. This bill now goes to the President's desk.

All day long, we persisted and persisted and persisted in trying to reach a breakthrough. In the end, we have succeeded, and we are getting FISA done. Democrats and Republicans came together and did the right thing for our country's safety. It wasn't easy. People had many different views. But we all know one thing: Letting FISA expire would be dangerous. It is an important part of our national security to stop acts of terror, drug trafficking, and violent extremism.

Thank you to all of my Senate colleagues on both sides of the aisle for their good work in getting this done.

## ORDER OF BUSINESS

Now, for the information of the Senate, after this vote, we will have no further votes this evening. We are working on an agreement for consideration of the supplemental. Without an agreement, we will vote on laying down the supplemental as soon as we receive it from the House tomorrow. But we are working on the agreement now.

MARK WARNER has done a great job here as chairman of the Intelligence Committee, and I yield to him for 30 seconds.

Mr. WARNER. I thank Senator SCHUMER.

I just want to say I know these issues are tough. I appreciate all of the members of the Intelligence Committee, particularly Senator RUBIO.

For the areas that still need improvement, we commit to work with you to make this incredibly important tool more efficiently and effectively overseen as well.

I urge adoption of the bill.

The PRESIDING OFFICER. Is there further debate?

## VOTE ON H.R. 7888

The bill having been read the third time, the question is, Shall the bill pass?

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

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO), the Senator from Missouri (Mr. SCHMITT), and the Senator from Ohio (Mr. VANCE).

The result was announced—yeas 60, nays 34, as follows:

## [Rollcall Vote No. 150 Leg.]

## YEAS—60

Barrasso	Graham	Reed
Bennet	Grassley	Ricketts
Blumenthal	Hassan	Risch
Boozman	Heinrich	Romney
Britt	Hickenlooper	Rosen
Budd	Hyde-Smith	Rounds
Cardin	Kaine	Rubio
Carper	Kelly	Schatz
Casey	Kennedy	Schumer
Cassidy	King	Shaheen
Collins	Klobuchar	Sinema
Cooms	Lankford	Smith
Cornyn	Lujan	Stabenow
Cotton	McConnell	Sullivan
Crapo	Moran	Thune
Duckworth	Mullin	Tillis
Ernst	Murkowski	Warner
Fetterman	Ossoff	Whitehouse
Fischer	Padilla	Wicker
Gillibrand	Peters	Young

## NAYS—34

Baldwin	Hawley	Paul
Blackburn	Hirono	Sanders
Booker	Hoeven	Scott (FL)
Braun	Johnson	Scott (SC)
Brown	Lee	Tester
Butler	Lummis	Tuberville
Cantwell	Markey	Van Hollen
Cramer	Marshall	Warren
Cruz	Menendez	Welch
Daines	Merkley	Wyden
Durbin	Murphy	
Hagerty	Murray	

## NOT VOTING—6

Capito	Manchin	Vance
Cortez Masto	Schmitt	Warnock

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 34.

Under the previous order requiring 60 votes for the passage of this bill, the bill is passed.

The bill (H.R. 7888) was passed.

## SIGNING AUTHORITY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions from April 20, 2024, through April 21, 2024.

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

## SECURING GROWTH AND ROBUST LEADERSHIP IN AMERICAN AVIATION ACT—MOTION TO PROCEED

Mr. SCHUMER. Mr. President, I move to proceed to Calendar No. 211, H.R. 3935.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 211, H.R. 3935, a bill to amend title 49, United

States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

## PREVENTING CHILD TRAFFICKING ACT OF 2024

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 3687 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3687) to direct the Office for Victims of Crime of the Department of Justice to implement anti-trafficking recommendations of the Government Accountability Office.

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

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 3687) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3687

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Preventing Child Trafficking Act of 2024".

## SEC. 2. DEFINITIONS.

In this Act, the term "anti-trafficking recommendations" means the recommendations set forth in the report of the Government Accountability Office entitled "Child Trafficking: Addressing Challenges to Public Awareness and Survivor Support", which was published on December 11, 2023.

## SEC. 3. IMPLEMENTATION OF ANTI-TRAFFICKING PROGRAMS FOR CHILDREN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Office for Victims of Crime of the Department of Justice, in coordination with the Office on Trafficking in Persons of the Administration for Children and Families, shall implement the anti-trafficking recommendations.

(b) REPORT.—Not later than 60 days after the date on which the Office for Victims of Crime implements the anti-trafficking recommendations pursuant to subsection (a), the Director of the Office for Victims of Crime shall submit a report to the Committee on the Judiciary of the Senate and Committee on the Judiciary of the House of Representatives that explicitly describes the steps taken by the Office to complete such implementation.

## FEDERAL JUDICIARY STABILIZATION ACT OF 2024

Mr. SCHUMER. Mr. President, I ask unanimous consent the Committee on the Judiciary be discharged from further consideration of S. 3998 and the