Qaeda safe house in Yemen.''—Senator Marco Rubio

A bulk collection program was not necessary to find Al Mihdhar prior to 9/11. As the PCLOB report details, the NSA had already begun intercepting calls to and from the safe house in Yemen in the late 1990s. Since the government knew the number of the safe house, and Al Mihdhar was calling that number, it would only be necessary to collect the phone records of the safe house to discover Al Mihdhar in San Diego. This is, in fact, an example of how targeted surveillance would have been more effective than bulk collection. The 9/11 Commission Report and other sources note that the CIA was aware of Mihdhar well before the attack and missed multiple opportunities to deny him entry to the U.S. or intensify their surveillance of him.

Claim 3: Bulk collection of phone records is the same as a subpoena. ''This is the way the system works and has worked for the last 50 years—40 years at least. A crime occurs. A prosecutor or the DEA agent investigates. They issue a subpoena to the local phone company that has these telephone toll records—the same thing you get in the mail—and they send them in response to the subpoena.''—Senator Jeff Sessions

The Second Circuit opinion, which held that the bulk collection program is unlawful, included a lengthy comparison of subpoenas and the bulk collection program. The bulk collection program encompasses a vastly larger quantity of records than could be obtained with a subpoena. The Second Circuit notes that subpoenas typically seek records of particular individuals or entities during particular time periods, but the government claims Sec. 215 provides authority to collect records connected to everyone—on an ''ongoing daily basis''—for an indefinite period extending into the future.

Claim 4: The government is only analyzing a few phone records. ''The next time that any politician—Senator, Congressman—talking head, whoever it may be, stands up and says ''The U.S. Government is [. . .] going through your phone records,'' they are lying. It is not true, except for some very isolated instances—in the hundreds—of individuals for whom there is reasonable suspicion that they could have links to terrorism.''—Senator Marco Rubio

The NSA's telephony bulk collection program collects the phone records of millions of Americans with no connection to a crime or terrorism. These records are stored with the NSA and they are analyzed scores of times each year when the NSA queries the numbers' connection to the phone numbers of suspects. Moreover, until 2014, when the NSA suspected a phone number was connected to terrorism, the NSA analyzed the phone records ''three hops'' out—querying those who called those who called those who called the original suspect number. As a result, the PCLOB estimated, a single query could subject the full calling records of over 420,000 phone numbers to deeper scrutiny. In 2014, the President limited the query to ''two hops''—though this can still encompass the full call records of thousands of phone numbers. The USA FREEDOM Act (Sec. 101) would authorize the government to obtain ''two hops'' worth of call records from telecom companies.

Claim 5: The USA FREEDOM Act threatens privacy by leaving phone records with telecom companies. ''[T]he opponents of America's counterterror programs would rather trust telecommunication companies to hold this data and search it on behalf of our government. [. . .] In addition to making us less safe, the USA FREEDOM Act would make our privacy less secure.''—Senator Mitch McConnell

The telecom companies already have the phone records since the records are created in the normal course of their business. The USA FREEDOM Act does not shift control of data from NSA to telecoms; the bill limits the volume of what the government can collect from companies with a single 215 order. Keeping the records with the phone companies, as the USA FREEDOM Act would require, does not create a new privacy intrusion, or, according to the public record, pose new security risks. In contrast, it is highly intrusive for the government to demand companies provide a copy of the communication records of millions of Americans on a daily basis to a secretive military intelligence agency for data mining.

One last important point: The discussion on the Senate Floor centered exclusively on the bulk collection of phone records. However, the debate and the legislation before Congress are not just about one telephony metadata program. The debate is over whether the government should have the authority to collect a variety of records in bulk under the PATRIOT Act. The government has claimed that its bulk collection authority extends to any type of record that can reveal hidden relationships among individuals—which could include phone call, email, cell phone location, and financial transaction records. Framing the issue in terms of phone records makes the problem seem much smaller than it is, especially as our society moves into a technology-enabled future where each individual will create much more metadata and digital records than the present. The stakes are high.

VOTE EXPLANATION

Mrs. BOXER. Mr. President. Due to a commitment in my state, I was unable to be here for the votes on the Iran Nuclear Agreement Review Act. Had I been present, I would have voted in support of this bill.

HONORING THOSE WHO HAVE GIVEN THE ULTIMATE SACRIFICE SERVING IN U.S. CUSTOMS AND BORDER PROTECTION

Mr. CARPER. Mr. President, the mission of U.S. Customs and Border Protection, CBP, is broad and diverse. The more than 60,000 men and women of CBP protect our borders at and between our ports of entry. They protect Americans against terrorists and the instruments of terror. They enforce our laws and help boost our economic security and prosperity by facilitating trade and travel. While the roles they play each day may differ, the men and women of CBP share one common goal: to keep our country a safe, secure, and resilient place where the American way of life can thrive. They provide selfless service to our country, and they do so with honor and distinction under an ever-present and evolving threat.

Today I wish to pay tribute to the agents and officers who have given the ultimate sacrifice in the service of our Nation. All told, 33 courageous men and women of CBP have died in the line of duty since the agency's inception in 2003. Today we commemorate these brave men and women, celebrate their lives, and offer their families and loved ones our continued support. They have earned the respect and appreciation of a grateful nation. I ask unanimous consent that a list of these agents and officers be printed in the RECORD.

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

James P. Epling, Border Patrol Agent, U.S. Customs and Border Protection, Yuma, Arizona, End of Watch: December 16, 2003; Travis W. Attaway, Senior Patrol Agent, U.S. Customs and Border Protection, Harlingen, Texas, End of Watch: September 19, 2004; Jeremy M. Wilson, Senior Patrol Agent, U.S. Customs and Border Protection, Harlingen, Texas, End of Watch. September 19, 2004; George B. Debates, Senior Patrol Agent, U.S. Customs and Border Protection, Casa Grande, Arizona, End of Watch: December 19, 2004; Nicholas D. Greenig, Senior Patrol Agent, U.S. Customs and Border Protection, Tucson, Arizona, End of Watch: March 14, 2006; David N. Webb, Senior Patrol Agent, U.S. Customs and Border Protection, Ajo, Arizona, End of Watch: November 3, 2006.

Ramon Nevarez, Jr., Border Patrol Agent, U.S. Customs and Border Protection, Lordsburg, New Mexico, End of Watch: March 15, 2007; David J. Tourscher, Border Patrol Agent, U.S. Customs and Border Protection, Lordsburg, New Mexico, End of Watch: March 16, 2007; Clinton B. Thrasher, Air Interdiction Agent, U.S. Customs and Border Protection, McAllen, Texas, End of Watch: April 25, 2007; Richard Goldstein, Border Patrol Agent, U.S. Customs and Border Protection, Indio, California, End of Watch: May 11, 2007; Robert F. Smith, Air Interdiction Agent, U.S. Customs and Border Protection, El Paso, Texas, End of Watch: May 22, 2007; Eric N. Cabral, Border Patrol Agent, U.S. Customs and Border Protection, Boulevard, California, End of Watch: July 26, 2007.

Julio E. Baray, Air Interdiction Agent, U.S. Customs and Border Protection, El Paso, Texas, End of Watch: September 24, 2007; Luis A. Aguilar, Border Patrol Agent, U.S. Customs and Border Protection, Yuma, Arizona, End of Watch: January 19, 2008; Jarod C. Dittman, Border Patrol Agent, U.S. Customs and Border Protection, San Diego, California, End of Watch: March 30, 2008; Nathaniel A. Afolayan, Border Patrol Agent, U.S. Customs and Border Protection, Artesia, New Mexico, End of Watch: May 1, 2009; Cruz C. McGuire, Border Patrol Agent, U.S. Customs and Border Protection, Del Rio, Texas, End of Watch: May 21, 2009; Robert W. Rosas, Jr., Border Patrol Agent, U.S. Customs and Border Protection, Campo, California, End of Watch: July 23, 2009.

Mark F. Van Doren, Border Patrol Agent, U.S. Customs and Border Protection, Falfurrias, Texas, End of Watch: May 24, 2010; Charles F. Collins II, CBP Officer, U.S. Customs and Border Protection, Anchorage, Alaska, End of Watch: August 15, 2010; Michael V. Gallagher, Border Patrol Agent, U.S. Customs and Border Protection, Casa Grande, Arizona, End of Watch: September 2, 2010; John R. Zykas, CBP Officer, U.S. Customs and Border Protection, San Diego, California, End of Watch: September 8, 2010; Brian A. Terry, Border Patrol Agent, U.S. Customs and Border Protection, Naco Cochise, Arizona, End of Watch: December 15, 2010; Hector R. Clark, Border Patrol Agent, U.S. Customs and Border Protection, Yuma, Arizona, End of Watch: May 12, 2011; Eduardo Rojas, Jr., Border Patrol Agent, U.S. Customs and Border Protection, Yuma, Arizona, End of Watch: May 12, 2011.

Leopoldo Cavazos, Jr., Border Patrol Agent, U.S. Customs and Border Protection, Fort Hancock, Texas, End of Watch: July 6, 2012; James R. Dominguez, Border Patrol Agent, U.S. Customs and Border Protection, Cline, Texas, End of Watch: July 19, 2012; Jeffrey Ramirez, Border Patrol Agent, U.S. Customs and Border Protection, Laredo, Texas, End of Watch: September 15, 2012; Nicholas J. Ivie, Border Patrol Agent, U.S. Customs and Border Protection, Bisbee, Arizona, End of Watch: October 2, 2012; David R. Delaney, Border Patrol Agent, U.S. Customs and Border Protection, Big Bend National Park, Texas, End of Watch: November 2, 2012; Darrell J. Windhaus, CBP Officer, U.S. Customs and Border Protection, Brownsville, Texas, End of Watch: December 29, 2013; Alexander I. Giannini, Border Patrol Agent, U.S. Customs and Border Protection, Benson, Arizona, End of Watch: May 28, 2014; Tyler R. Robledo, Border Patrol Agent, U.S. Customs and Border Protection, Carrizo Springs, Texas, End of Watch: September 12, 2014.

ADDITIONAL STATEMENTS

DEREGULATION

• Mr. ALEXANDER. Mr. President, I ask to have printed in the RECORD a copy of my remarks at the American Action Forum.

The remarks follow.

DEREGULATION

Thank you for what the American Action Forum does. I've had a burr under my saddle for a long time about too much federal regulation. You always in politics have a hot button. That's my hot button. I had it when I was governor. I had it when I was university president. I had it when I was Education Secretary. I probably contributed to it when I was Education Secretary, so I've been trying ever since to do something about it.

Overregulation is annoying. It wastes time and money. It interferes with prompt decision making. It superimposes someone else's judgment on what you are trying to do. It interferes with your freedom. It comes from Washington, D.C. It usually prescribes a one-size-fits-all solution that doesn't fit the world in which you live.

Washington, D.C., in my judgment, is populated by too many elected officials of both political parties who think that because they take a one-hour airplane ride from their hometown that they suddenly get smarter when they get here.

Nothing used to make me more mad as governor than to look up towards Washington and see some member of Congress coming up with a big idea, holding a press conference, passing a law, taking credit for some great leap forward and sending the bill to me as governor. Then the next thing I know, that congressman would be home in Tennessee at the Lincoln Day Dinner or the Jackson Day Dinner giving a big speech about local control.

So, I've had a burr under my saddle for a long time about too much federal regulation.

I'm going to talk about two subjects this morning: overregulation of higher education and regulatory guidance. What connects the two? Federal government overreach.

The case of higher education has been the piling up of well-intentioned regulations that strangle our 6,000 colleges and universities.

The case of regulatory guidance, is the inclination of our legislative bureaucrats to forget why we had an American Revolution, which was against a king.

The agencies appear to be using guidance, which is free of notice and comment requirements—that means that people don't have any say about it—to put binding requirements on American businesses and colleges and universities.

To solve the problem, we have to have a bipartisan desire in Congress to weed the garden of bad laws and bad regulations and keep the garden clear. It's always been very hard to pass a law in this country. It ought to be very hard also to create a new regulation.

The good news is I believe for the first time in a long time there is bipartisan interest in weeding that garden. I'd like to tell you a little bit more about it.

Let me begin with higher education regulations.

Sometimes it's best to approach an issue with examples, so let me use three.

More than a year ago, Vanderbilt University in Nashville hired the Boston Consulting Group to determine how much it costs the university to comply with federal rules and regulations on higher education.

The answer: $150 million in a single year—or 11% of the university's total non-hospital expenditures.

Chancellor Nick Zeppos of Vanderbilt says this adds about $11,000 in additional tuition per year for each of the university's 12,700 students.

The second example:

Each year, twenty million families fill out a complicated 108–question form called the FAFSA.

108 questions. Now, think about this: 20 million American families fill this out. If you want a federal grant or you want a federal loan, you fill this out first and you fill it out every year. Now, you can do it online. After you've done it a few times, you know, it gets easier. But, several of our experts in this country that came from all different directions testified before our education committee in Congress that we only really needed two questions. What's your family income? And what's the family size? That would give you 95% of what you needed to know for the government to give out the $100 billion of student loans and the $33 billion of Pell grants that it gives out every year.

So, Senator Michael Bennet and I and Cory Booker and Richard Burr and Johnny Isakson, six of us, Democrats and Republicans have a bill in to cut this FAFSA to the two-question short form.

Now, we may not get that far, but it'll be closer to this short form than the FAFSA when we get through.

And, the President has even said he thinks it is a good idea. In his budget, he said that he could think of thirty or forty questions that could come off this.

Now, these aren't evil people who are putting questions on here. They're just well-intentioned people who say now, I've got an idea. I'd like to know this. They don't think about the fact that 20 million people have to fill this out.

The problem with this is a couple of obvious things. One is it wastes time and money. But the other problem is it discourages people from going to college who we'd like to have go.

The President of Southwest Community College in Memphis said he thinks he loses 1,500 students each semester because of the complexity of the form.

Tennessee has become the first state to make community college tuition free for qualifying students, but first every applicant must fill out that FAFSA. Now that tuition is free, the principle obstacle to a Tennessee high school senior going to community college is a federal, complicated set of regulations.

The third example: Ten years ago and again three years ago, surveys by the National Academy of Sciences—not the Republican National Committee, the National Academy of Sciences—found that principle investigators spend 42 percent of their time associated with federal research projects on administrative tasks instead of research.

I then asked the head of the National Academies what a reasonable period of time would be for a researcher to spend on administrative tasks. He said, well, maybe about 10 percent.

Now, think about how many billions we could save.

We, taxpayers give NIH $30 billion a year, $24 billion to research and development at colleges and universities.

The President has asked for another billion for NIH research. The Republican House has said let's make it $2 billion more every year.

But, the average annual cost of NIH research projects is $480,000, and if we reduce spending on unnecessary red tape by $1 billion, we could potentially fund a thousand multi-year grants.

Twenty-four of the 30 billion dollars that goes to NIH goes to university-based research. At the moment, 42% of an investigator's time is spent on administrative tasks.

This piling up of regulations is one of the greatest obstacles to innovation and cost consciousness in higher education has become—and the reason is us, the federal government.

So if all of us created the mess, then it is up to all of us to fix it.

We've begun to do that.

Here's the good news: On the Senate education committee, which I chair, there is a bipartisan effort to examine these regulations—to identify which ones are the problems, and see if we can get rid of them or simplify them.

More than a year ago, four members of the committee—Senator Mikulski and Senator Bennet, two Democrats, and Senator Burr and I, two Republicans—asked a group of distinguished educators to examine the federal rules and regulations for colleges and universities. They returned to us a document with 59 specific recommendations—requirements and areas for Congress and the Department of Education to consider—including 10 that were especially problematic. They told us that the colleges and universities were operating, in their words, in a ''jungle of red tape.''

I had a letter from a university president in Missouri who said that in his forty years of being in higher education, he had never been so oppressed by regulations.

Most of these are common-sensical things; for example, in our proposal to fix the student aid form, we suggest that students apply for student aid in their junior year in high school instead of their senior year.

Now, why does that make so much difference?

Well, one is if you know in your junior year, you're going to get this much in a Pell grant and this much in a loan, you can shop around and know where you're going.

Right now, you don't know the amount of money you'll get until after you're already enrolled in the school. So, that doesn't make any sense. In addition, you're asked in your senior year, which is the current way they do it, to report what your tax returns showed. Well, you haven't filed your tax returns yet for that year.

So, there are all sorts of unnecessary confusion, which could be solved by just moving the application time from the senior year in high school to the junior year.

The other area is regulatory guidance. Now, this is the kind of subject that usually puts people right to sleep—unless you're a