begin the debate. We should realize, as Democrats, that we already realized a great victory here. In the past, the Republicans have rejected our efforts almost every time to include trade assistance adjustment, so that when folks are displaced from their jobs, they can actually get help on their health care, job training, and have an opportunity to put their lives back together.

This legislation today, the trade promotion authority, actually expresses what our views and our priorities are as a Congress through the trade negotiator and to our negotiating partners overseas, and I think that is in our interest. The other thing that we get out of moving TPA with TAA together is that we get the assurance upfront that we are going to look after workers who are displaced. It is the best trade adjustment assistance we have ever had, at least in terms of the way it treats workers and displaced workers. It even helps those who are maybe not even affected by this agreement but are affected by other calamities in our economy—not just in the manufacturing sector but also in the service sector as well.

I suggest this to my colleagues: Let's spend the time between now and 2:30 p.m. trying to figure out how we can establish some confidence, faith, and trust here, so that if we move to this bill, it will not be just to consider trade promotion authority and trade adjustment assistance, we will have an opportunity to consider the other two pieces of legislation as well.

There is a lot riding on this. The economic recovery of our country does not rise and fall simply on the passage of this legislation and the conclusion of these negotiations, but it sure would help. It would sure help bolster a stronger economic recovery, just as would the passage of a 6-year transportation bill, just as would cyber security legislation, data breach legislation, and on and on.

I will close with this thought about the debate we have had in recent months with respect to the negotiations between the five permanent members of the Security Council, the Germans, and the Iranians in our efforts to make sure the Iranians don't develop a nuclear weapon. We have said again and again—we reworked the old Reagan slogan ''trust but verify,'' except with the Iranians, we have not said ''trust but verify, we have said ''mistrust but verify.''

I would suggest to my colleagues, especially on this side of the aisle, let's take that approach here. Maybe we don't trust the Republicans that they are going to do what they say they are going to do, but we have an opportunity to verify. The verifying comes with a vote later on. We go to the bill; we actually move to the bill, debate the amendments, and so forth.

If at the end of the day we are not happy with what has happened, if we feel as though we have been given a raw deal, that workers in this country have been given a raw deal, middle-class families have been given a raw deal, we have a chance to verify and we vote not to move the bill off the floor. We would not provide cloture to end debate. That is where we have our final vote. I hope we keep that in mind.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I ask unanimous consent to engage in a colloquy for up to 30 minutes.

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

USA FREEDOM ACT

Mr. LEE. Mr. President, I am here to speak in support of the USA FREEDOM Act, a bill that would restrain the power of government to collect data on phone calls made by average, everyday, ordinary, law-abiding American citizens—300 million-plus Americans—without any suspicion that any one of them is engaged in any kind of criminal activity, any kind of activity involving the collection of foreign intelligence.

I appreciate the support I have received for this bill, and I appreciate the opportunity to work with my distinguished colleague, the senior Senator from Vermont. Senator LEAHY and I feel passionate about this issue. Although Senator LEAHY and I come from different ends of what some would perceive as the political spectrum and although we don't agree on every issue, there are many issues on which we do agree. There are many issues, such as this one, on which we can say that these issues are neither Republican nor Democratic, they are neither liberal nor conservative, they are simply American issues, constitutional issues. They are issues that relate to the proper order of government. They are issues that relate to the rule of law itself.

The Constitution of the United States protects the American people against unreasonable searches. It does so against a long historical backdrop of government abuse. Over time, our Founding Fathers came to an understanding that the immense power of government needs to be constrained because those in power will tend to accumulate more power and, in time, they will tend to abuse that power unless that power is carefully constrained.

America's Founding Fathers were informed in many respects by what they learned from our previous national government, our London-based national government. They were informed, in part, by the story of John Wilkes.

John Wilkes—not to be confused with John Wilkes Booth, the assassin of Abraham Lincoln—John Wilkes was a member of the English Parliament. He was a member of Parliament who in 1763 found himself at the receiving end of King George III's justice.

In 1763, John Wilkes had published a document known as the North Briton No. 45. The North Briton was a weekly circular, a type of news magazine in England—one that, unlike most of the other weeklies in England at the time, was not dedicated to fawning praise of King George III and his ministers. No. This weekly would from time to time criticize the actions of King George III and his ministers.

At the time John Wilkes published the North Briton No. 45, he became the enemy of the King because he had criticized certain remarks delivered by the King in his address to Parliament. While not openly directly critical of the King himself, he criticized the King's minister who had prepared the remarks.

For King George III, this was simply too much; this simply could not stand. So, before long, on Easter Sunday 1763, John Wilkes found himself arrested, and he found himself subject to an invasive search—a search performed pursuant to a general warrant and one that didn't specify the names of the individuals to be searched, the particular places to be searched, or the particular items subject to that invasive search. It said, basically, in essence: Go and find the people responsible for this horrendous publication, the North Briton No. 45, and go after them. Search through their papers and get everything you want, everything you need.

John Wilkes decided that his rights as an Englishman prevented this type of action—or should have, under the law, prevented this type of action—so he chose to fight this action in court. It took time. John Wilkes spent some time in jail, but he eventually won his freedom. He was subsequently re-elected to multiple terms in Parliament. Because he fought this battle against the administration of King George III, he became something of a folk hero across England.

In fact, the number 45, with its association with the North Briton No. 45—the publication that had gotten him in trouble in the first place—the number 45 became synonymous not only with John Wilkes but also with the cause of freedom itself. The number 45 was a symbol of liberty not only in England but also in America. People would celebrate by ordering 45 drinks for their 45 closest friends. People would recognize this symbol by writing the number 45 on the walls of taverns and saloons. The number 45 came to represent the triumph of the common citizen against the all-powerful force of an overbearing national government.

With the example of John Wilkes in mind, the Founding Fathers were rightly wary of allowing government access to private activities and the communications of citizens. They feared not only that the government could seize their property but that it could gain access to details about their private lives. It was exactly for this reason that when James Madison began writing what would become the Fourth

Amendment in 1789, he used language to make sure that general warrants would not be the norm and, in fact, would not be acceptable in our new Republic.

Ultimately, Congress proposed and the States ratified the Fourth Amendment to the U.S. Constitution, which provides in pertinent part that any search warrants would have to be warrants ''particularly describing the place to be searched and the persons or things to be seized.''

General warrants are not the norm in America. General warrants are not acceptable in America. They are not compatible with our constitutional system. Yet, today, we see a disturbing trend, one that bears some eerie similarities to general warrants in the sense that we have the NSA collecting information—data—on every phone call that is made in America. If a person owns a telephone, if a person uses a telephone, the NSA has records going back 5 years of every number a person has called and every number from which a person has received a call. It knows when the call was placed. It knows how long the call lasted.

While any one of these data points might themselves not inform the government too much about a person, researchers using similar data have proven that the government could, if it wanted to, use that same data set, that same database to discern an awful lot of private information about a person. The government could discern private information, including a person's religious affiliation; political affiliation; level of activity politically, religiously, and otherwise; the condition of a person's health; a person's hobbies and interests. These metadata points, while themselves perhaps not revealing much in the aggregate, when put into a large database, can reveal a lot about the American people.

This database is collected for the purpose of allowing the NSA to check against possible abuses by those who would do us harm, by agents, foreign intelligence agents, spies. But the problem here is that the NSA isn't collecting data solely on numbers that are involved in foreign intelligence activity, nor is it collecting data solely on phone numbers contacted by those numbers suspected to be involved in some type of foreign intelligence activity. They are just collecting all of the data from all of the phone providers. They are putting it in one database and then allowing that database to be searched.

This issue was recently challenged in court. It was challenged and was recently the subject of a ruling issued by the U.S. Court of Appeals for the Second Circuit based in New York. Just a few days ago, this last Thursday, the Second Circuit concluded that Congress, in enacting the PATRIOT Act, in enacting section 215 of the PATRIOT Act—the provision in the PATRIOT Act that claims to justify this bulk data collection program—the Second Circuit concluded that section 215 of the PATRIOT Act does not authorize bulk collection. It does not authorize the NSA to simply issue orders to telephone service providers saying: Send us all of your data. The language in the PATRIOT Act permitted the government to access the records that were ''relevant to an authorized investigation.'' That is the language from section 215 that is at issue.

The government argued in that case that the term ''relevant'' in the context of the NSA's work meant and necessarily included every record regarding every telephone number used by every American. By interpreting it this way, they tried to basically strip all meaning from the word ''relevant.'' If Congress had meant every record, Congress could have said every record. It did not. That is not to say it would have been appropriate for Congress to do so, and had Congress legislated in such broad terms, I suspect there would have been significant concern raised, if not in court then at least within this Chamber and within the House of Representatives. But, importantly, Congress did not adopt that statutory language. Congress instead authorized NSA to collect records that are ''relevant to an authorized investigation.''

The Second Circuit agreed that this is a problem, holding last week that the bulk collection program exceeded the language of the statute—specifically, the word ''relevant.'' While ''relevant'' is a broad standard, it is intended to be a limiting term whose bounds were read out of the statute by a government willing to overreach its bounds.

The proper American response to government overreach involves setting clear limits—limits that will allow the people to hold the government accountable. We must not permit this type of collection to continue.

While it is true that a single call record reveals relatively little information about a person, again, the important thing to remember is that when we aggregate all of this data together, the government can tell a lot about a person. I have every confidence that and I am willing to assume for purposes of this discussion that the hardworking, brave men and women who work at the NSA have our best interests at heart. I am willing to assume for purposes of this discussion that they are not abusing this database as it stands right now.

Some would disagree with me in that assumption, but let's proceed under that assumption, that they are lawabiding individuals who are not abusing their access to this database. Who is to say the NSA will always be inhabited only by such people? Who is to say what the state of affairs might be 1 year from now or 2 years or 5 years or 10 or 15 years? We know that in time people tend to abuse these types of government programs.

We know from the Church report back in the 1970s that every administration from FDR through Nixon used our Nation's intelligence-gathering activities to engage in espionage. It is not a question of if such tools will be abused; it is a question of when they will be abused. It is our job as Senators to help protect the American people against excessive risk of this type of abuse. That is why Senator LEAHY and I have introduced the USA FREEDOM Act. It directly addresses the bulk data collection issue while preserving essential intelligence community capabilities.

Rather than relying on the government's interpretation of the word ''relevant,'' our bill requires that the NSA include a specific selection term—a term meant to identify a specific target—and that the NSA then use the term to limit to the greatest extent reasonably practicable the scope of its request.

We give the government the tools to make targeted requests in a manner that parallels the current practice at the NSA—in many respects, a practice that is currently limited only by Presidential preferences.

This bill would enable the court to invite precleared privacy experts to help decide how to address novel questions of law, if the court wanted input.

The bill also would increase our security in several ways, including by providing emergency authority when a target of surveillance enters the United States to cause serious bodily harm or death and instituting the changes necessary to come in line with the Bush era nuclear treaties.

This bill was negotiated in consultation with the House Judiciary Committee, the House Intelligence Committee, and the intelligence community at large. It is supported by the chairman and ranking members of the House Judiciary Committee, the House Intelligence Committee, and the Director of National Intelligence. It enjoys broad support from industry and from privacy groups.

This is a compromise—an important compromise that will enable us to protect Americans' privacy while giving the government the tools it needs to keep us safe. This is a compromise that is expected to pass the House overwhelmingly, and it is a bill I think we should take up and pass as soon as they have voted.

So I would ask my friend, my colleague, the distinguished senior Senator from Vermont, about his insights. My friend from Vermont has served his country well, having served a significant amount of time in the U.S. Senate. Prior to that time, he served as a prosecutor—a prosecutor who had to follow and was subject to the Fourth Amendment.

I would ask Senator LEAHY, in his experience as a prosecutor and as a Senator, what he sees as the major benefits to this legislation and the major pitfalls to the NSA's current practice of bulk data collection.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Vermont.

Mr. LEAHY. Mr. President, the senior Senator from Utah has laid out very well the reasons for the changes proposed in the House and proposed by his and my bill. He also said something we should all think about. A couple of minutes ago, he said: Assuming everybody is following the rules today, are they going to follow the rules tomorrow or next year or the year after?

When he mentioned that, he also mentioned my years as a prosecutor. Let me tell a short story. I became one of the officers of the National District Attorneys Association and eventually vice president. A number of us had occasion to meet the then-Director of the FBI, J. Edgar Hoover. I thought back to some of the frightening things he said about investigating people because of their political beliefs. You could tell Communists because they were all ''hippies driving Volkswagens'' was one of the things he said; secondly, that the New York Times was getting too leftist in some of its editorials and was coming very close to being a Communist paper, and he was making plans to investigate it as such. Think about that for a moment. The New York Times had criticized him editorially, and he was thinking he should investigate it as a Communist paper.

Not long thereafter, he died. We found out more and more about the secret files he had on everybody, from Presidents to Members of Congress. What if a J. Edgar Hoover had the kinds of tools that are available today? That would be my response to the Senator from Utah, and that is why I totally agree with him that we have to think about not just today but what might happen in the future.

For years, Section 215 of the USA PATRIOT Act has been used by the NSA to justify the bulk collection of innocent Americans' phone records. Americans were appropriately outraged when they learned about this massive intrusion into their privacy.

Look at what happened last week. The highly respected Federal Second Circuit Court of Appeals confirmed what we have known for some time: The NSA's bulk collection of Americans' phone records is unlawful, it is not essential, and it must end. That basically says it all. It is unlawful, it is not essential, and it should end.

Under the government's interpretation of Section 215, the NSA or FBI can obtain any tangible thing so long as it is ''relevant'' to an authorized investigation. Think for a moment back to J. Edgar Hoover—and I do not by any means equate the current Director of the FBI or his predecessors with what happened back then, but if you have somebody with that mindset.

In the name of fighting terrorism, the government convinced a secret court that it needed to collect billions of phone records of innocent Americans—not because those phone records were relevant to any specific counterterrorism investigation but, rather, because the NSA wanted to sift through them in the future. This is an extraordinarily broad reading of the statute—one that I can say, as someone who was here at the time, that Congress never intended—and the Second Circuit rightfully held that such an expansive concept of ''relevance'' is ''unprecedented and unwarranted.'' Such an interpretation of ''relevance'' has no logical limits.

This debate is not just about phone records. If we accept that the government can collect all of our phone records because it may want to sift through them someday to look for some possible connection to terrorists, where will it end?

We know that for years the NSA collected metadata about billions of emails sent by innocent Americans using the same justification. Should we allow the government to sweep up all of our credit card records, all of our banking or medical records, our firearms or ammunition purchases? Or how about anything we have ever posted on Facebook or anything we have ever searched for on Google or any other search engine? Who wants to tell their constituents that they support putting all this information into government databases?

I say enough is enough. I do not accept that the government will be careful in safeguarding this secret data—so careful that they allowed a private contractor named Edward Snowden to walk away with all this material. What is to stop anybody else from doing exactly the same thing?

During one of the six Judiciary Committee hearings that I convened on these issues last Congress, I asked the then-Deputy Attorney General whether there was any limit to this interpretation of Section 215. I did not get a satisfactory answer—that is, until the Second Circuit ruled last week and correctly laid out the implication of this theory. They said that if the government's interpretation of Section 215 is correct, the government could use Section 215 to collect and store in bulk ''any other existing metadata available anywhere in the private sector, including metadata associated with financial records, medical records, and electronic communications (including e-mail and social media information) relating to all Americans.'' I don't think you are going to find many Americans anywhere in the political spectrum who want to give this government or any other government that kind of power because nothing under the government's interpretation would stop it from collecting and storing in bulk any of this information.

The potential significance of this interpretation is staggering. It is no wonder that groups as disparate as the ACLU and the National Rifle Association have joined together to file a lawsuit in the Second Circuit to stop this bulk collection program.

Congress finally has the opportunity to make real reforms not only to Section 215 but to other parts of FISA that can be used to conduct bulk collection. Tomorrow, the House will consider the bipartisan USA FREEDOM Act of 2015. Senator LEE and I have introduced an identical bill in the Senate. If enacted, our bill will be the most significant reform to government surveillance authorities since the USA PATRIOT Act was passed nearly 14 years ago. Our bill will end the NSA's bulk collection program under Section 215. It also guarantees unprecedented transparency about government surveillance programs, allows the FISA Court to appoint an amicus to assist it in significant cases, and strengthens judicial review of the gag orders imposed on recipients of national security letters.

The USA FREEDOM Act is actually a very commonsense bill. That is why Senator LEE and I were able to join together on it. He is right—we come from different political philosophies, different parts of the country, and obviously we don't agree on all things, but we agreed on this because it makes common sense and it is something that should bring together Republicans and Democrats. It was crafted with significant input from privacy and civil liberties groups, the intelligence community, and the technology industry. It has support from Members of Congress and groups from across the political spectrum.

Mr. President, I ask unanimous consent to have printed in the RECORD editorials from the Washington Times, the Washington Post, USA TODAY, and the Los Angeles Times in support of the USA FREEDOM Act.

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

[From the Washington Times, May 7, 2015]

BIG BROTHER TAKES A HIT

THE COURTS GIVE AN ASSIST TO REPEALING INTRUSIONS INTO THE PRIVACY OF EVERYONE

Sen. Mitch McConnell, the Republican majority leader, has made it clear to his colleagues that he wants the USA Patriot Act, including the controversial parts of the legislation scheduled to expire at the end of June, fully extended. He's seems ready to do whatever he can to get his way.

The USA Patriot Act was enacted in the days following Sept. 11, when the nation trembled on the verge of panic, with little debate and little opposition in Congress. The Patriot Act has been recognized since on both left and right as unfortunate legislation that granted too much power to the government to snoop into the lives, calls and emails of everyone in the name of national security.

Mr. McConnell thought he could force the Senate to either let the law lapse, to panic everyone again, or get an extension without modification until the year 2020. Even as Mr. McConnell praised the National Security Agency's reliance on the act to justify the collection of telephonic ''metadata'' from millions of Americans, the 2nd U.S. Circuit Court of Appeals was writing the decision, released Thursday, declaring the government program, first revealed by Edward Snowden, illegal because the language of the act cannot be read to justify such sweeping government action.

The lawsuit was brought by the American Civil Liberties Union and joined by groups,

including the National Rifle Association, and welcomed by civil libertarians across the land. To continue the program, the Obama administration would presumably have to persuade Congress to adopt language specifically authorizing the NSA to collect and hold such data. That attempt might be forthcoming.

The court's decision gives a boost to the advocates for the USA Freedom Act, which would modify the Patriot Act. The Freedom Act is expected to pass in the House and Mr. McConnell's strategy to kill it in the Senate may not work now, given the appeals court's decision.

Sen. Patrick Leahy, the ranking Democrat on the Senate Judiciary Committee, read the 97–page opinion and said, ''Congress should take up and pass the bipartisan USA Freedom Act, which would ban bulk collection under Section 215 and enact other meaningful surveillance reforms.''

The opinion of the liberal senator from Vermont is shared by the conservative Rep. James Sensenbrenner of Wisconsin, an author of the Patriot Act who has since regretted its excess. He joined the ACLU lawsuit as ''a friend of the court,'' and said Thursday that ''it's time for Congress to pass the USA Freedom Act in order to protect both civil liberties and national security with legally authorized surveillance.''

When the chips are down, blind partisanship, with genuine cooperation, can still be put aside.

[From the Washington Post, May 10, 2015]

NEW RULES FOR THE NATIONAL SECURITY AGENCY

For months, Congress has debated the National Security Agency's telephone metadata collection program, without legislative result. Now two factors have combined to make that frustrating situation even less sustainable. The legislative authority that first the George W. Bush administration and then the Obama administration cited for the program, Section 215 of the Patriot Act, is expiring on June 1. And, on Thursday, the U.S. Court of Appeals for the 2nd Circuit ruled that their interpretation of Section 215 was wrong anyway.

Congress needs to respond, and the sooner the better. To be sure, the court's ruling has no immediate practical impact, since the three-judge panel considered it superfluous to stop the program less than a month before Section 215 expires. The court's reasoning, though, could, and should, influence the debate. Judge Gerard E. Lynch's opinion noted that the NSA's mass storage of data, basically just in case it should be needed for a subsequent inquiry, stretched the statute's permission of information-gathering ''relevant to an authorized investigation'' beyond ''any accepted understanding of the term.''

Intelligence and law enforcement must be able to gather and analyze telephone metadata, but that requirement of national security can, and must, be balanced by robust protections of privacy and civil liberties. Under the current system, those protections consist of the NSA's own internal limitations on access to the database, subject to supervision by the Foreign Intelligence Surveillance Court (FISC)—which operates in secret and considers arguments only from the government. A democratic society requires more explicit, transparent protections.

There is, fortunately, a promising reform proposal readily available: the USA Freedom bill, which enjoys bipartisan support in both chambers as well as broad endorsement from President Obama—and the affected private industries as well. In a nutshell, it would abandon the bulk collection of the NSA's metadata, and warrantless searches of it, in favor of a system under which telecommunications firms retained the information, subject to specific requests from the government. Those queries, in turn, would have to be approved by the FISC. Along with the bill's provisions mandating greater disclosure about the FISC's proceedings, the legislation would go a long way toward enhancing public confidence in the NSA's operations, at only modest cost, if any, to public safety.

The measure has passed the House Judiciary Committee by a vote of 25 to 2. In the Senate, it failed to muster 60 votes last year when Democrats were in the majority, and its prospects appear even dimmer now that the Republicans are in control; their leader, Sen. Mitch McConnell (Ky.) favors reauthorizing Section 215 as-is.

Mr. McConnell's view—that the statute does, indeed, authorize bulk metadata collection—was legally tenable, barely, before the 2nd Circuit's opinion. Now he should revise it. If the Senate renews Section 215 at all, it should only be a short-term extension to buy time for intensive legislating after June 1—with a view toward enacting reform promptly. If the anti-terrorism effort is to be sustainable, Congress must give the intelligence agencies, and the public, a fresh, clear and, above all, sustainable set of instructions.

[From USA Today, May 10, 2015]

PATRIOT ACT CALLS FOR COMPROMISE IN CONGRESS

PROPOSAL ON NSA AND PHONE RECORDS WOULD GO A LONG WAY TOWARD REBALANCING SECURITY AND LIBERTY

In the years since the USA Patriot Act was approved in the frantic days following 9/11, it has become steadily more apparent that the law and the way it was applied were an overreaction to those horrific events.

The most flagrant abuse is the government's collection of staggering amounts of phone ''metadata'' on virtually every American. That program—which collects the number you call, when you call and how long you talk—was secret until Edward Snowden's leaks confirmed it in 2013.

Last Thursday, a federal appeals court—the highest to rule on the issue—found that the program is illegal. You'd think the unambiguous ruling from a unanimous three-judge panel would finally force changes to the bulk collection program.

But that's not necessarily going to happen, even though a compromise has emerged in Congress that would go a long way toward rebalancing security and liberty.

Under the compromise, the data would remain with the phone companies instead of the government. Requests to access the database would have to be far more limited, and each would require approval from the Foreign Intelligence Surveillance Court.

The new procedure would eliminate some of the phone collection program's most intrusive features, while keeping the security it offers at a time when the terrorist group Islamic State brings new threats. The measure has support from Republicans and Democrats, liberals and conservatives, and a long list of civil liberties and privacy groups.

It would also satisfy the court, which didn't dispute Congress' right to create such a program, just the executive branch's right to do so without Congress' assent.

Yet instead of embracing the compromise, Senate Majority Leader Mitch McConnell, Republican presidential hopeful Sen. Marco Rubio of Florida, and others are working to sabotage it. They want the Senate to ensure that the program will continue just as it is after parts of the Patriot Act expire at the end of this month.

While the phone program's benefits are dubious, its costs are clear. Several major tech companies have said that privacy intrusions have hurt U.S. companies. Meanwhile, innocent Americans suffer an assault to their privacy each day the government collects data on their calls. And if this sort of collection goes on, history demonstrates the government is likely to abuse it.

As the appeals court ruling warned, if the government's interpretation were correct in stretching the law to collect phone data, it could use the same interpretation to ''collect and store in bulk any other existing metadata available anywhere,'' including financial records, medical records, email and social media.

Choosing between privacy and security in these dangerous times is difficult. But, despite what supporters of bulk collection insist, lawmakers don't have to choose.

A carefully built compromise allows access to phone records, but with genuine privacy safeguards. The nation would be no less secure. And the civil liberties on which the nation was built would be better protected.

[From the Los Angeles Times, May 6, 2015]

THE USA FREEDOM ACT: A SMALLER BIG BROTHER

Last fall, Congress was on the verge of doing away with the most troubling invasion of privacy revealed by Edward Snowden: the National Security Agency's indiscriminate collection of the telephone records of millions of Americans. But then opponents cited the emergence of Islamic State as a reason for preserving the status quo. The Senate failed to muster the 60 votes needed to proceed with the so-called USA Freedom Act.

But the legislation has staged a comeback. Last week the House Judiciary Committee approved a bill of the same name that would end bulk collection—leaving phone records in the possession of telecommunications providers. The government could search telephone records only by convincing a court that there was ''reasonable, articulable suspicion'' that a specific search term—such as a telephone number—was associated with international terrorism. And rules would be tightened so that investigators couldn't search records from, say, an entire state, city or ZIP Code.

Americans were understandably alarmed in 2013 when Snowden revealed that information about the sources, destination and duration of their phone calls was being vacuumed up by the NSA and stored by the government, which could then ''query'' the database without court approval for numbers connected to suspected terrorists. After initially defending the program, President Obama modified it a bit, but he left it to Congress to make the fundamental change of ending bulk collection.

We had hoped that Congress would take a fresh look at whether this program is necessary at all, given a presidential task force's conclusion that it was ''not essential to preventing attacks.'' But if Congress is determined to continue the program, it must establish safeguards. The bill does this, though there is room for improvement. For example, unlike last year's Senate bill, this measure doesn't require the government to destroy information it obtains about individuals who aren't the target of an investigation or suspected agents of a foreign government or terrorist organization.

Approval is likely in the House, but prospects in the Senate are more doubtful. Senate Majority Leader Mitch McConnell (R–Ky.) has said that ending bulk collection of phone records would amount to ''tying our hands behind our backs.''

That was, and is, a specious objection. Under this legislation, the government can

continue to search telephone records when there is a reasonable suspicion of a connection to terrorism. But it will no longer be able to warehouse those records, and it will have to satisfy a court that it isn't on a fishing expedition. Those are eminently reasonable restrictions—unless you believe that the war against Islamic State and similar groups means that Americans must sacrifice their right to privacy in perpetuity.

Mr. LEAHY. Mr. President, additionally, I ask unanimous consent to have printed in the RECORD a letter from the major technology industry companies and trade associations in support of the USA FREEDOM Act.

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

MAY 11, 2015.

Hon. JOHN BOEHNER,
The Capitol, Washington, DC.
Hon. NANCY PELOSI,
The Capitol, Washington, DC.

DEAR SPEAKER BOEHNER AND DEMOCRATIC LEADER PELOSI: We, the undersigned technology associations and groups, write to express our strong support for H.R 2048, the USA Freedom Act, as reported by the House Judiciary Committee on April 30th by a vote of 25 to two.

Public trust in the technology sector is critical, and that trust has declined measurably among both U.S. citizens and citizens of our foreign allies since the revelations regarding the U.S. surveillance programs began 2 years ago. As a result of increasing concern about the level of access the U.S. government has to user-generated data held by technology companies, many domestic and foreign users have turned to foreign technology providers while, simultaneously, foreign jurisdictions have implemented reactionary policies that threaten the fabric of the borderless internet.

The USA Freedom Act as introduced in the House and Senate on April 28th offers an effective balance that both protects privacy and provides the necessary tools for national security, and we congratulate those who participated in the bipartisan, bicameral effort that produced the legislative text. Critically, the bill ends the indiscriminate collection of bulk data, avoids data retention mandates, and creates a strong transparency framework for both government and private companies to report national security requests.

Meaningful surveillance reform is vital to rebuilding the essential element of trust not only in the technology sector but also in the U.S. government. With 21 days remaining until the sunset of certain national security authorities, we urge you to swiftly move to consider and pass the USA Freedom Act without harmful amendments.

Mr. LEAHY. Some would argue that no reforms are needed. Unfortunately, they do not go into the facts, as the Second Circuit did; they invoke fearmongering and dubious claims about the utility of the bulk collection programs to defend the status quo. These are the same arguments we heard last November when we were not even allowed to debate an earlier version of the USA FREEDOM Act because of a filibuster.

Last week, some Senators came to the floor to argue that the NSA's bulk collection of phone records might have prevented 9/11. Now, this specter is always raised, that it might have prevented 9/11 and is vital to national security. We also heard that if we enact the USA FREEDOM Act, that will somehow return the intelligence community to a pre-9/11 posture. None of these claims can withstand the light of day.

I will go back to some of the facts—not just hypotheses. Richard Clarke was working in the Bush administration on September 11, 2001. I asked him whether the NSA program would have prevented those attacks. He testified that the government already had the information that could have prevented the attacks, but failed to properly share that information among Federal agencies. Likewise, Senator Bob Graham, who investigated the September 11 attacks as part of the Senate Intelligence Committee, also debunked the notion that this bulk collection program would somehow have prevented the 9/11 attacks.

The NSA's bulk collection of phone records simply has not been vital to thwarting terrorist attacks. When the NSA was embarrassed by the theft of all of their information and the news about the NSA's phone metadata program first broke, they defended the program by saying it had helped thwart 54 terrorist attacks. Well, I convened public hearings on this and under public scrutiny, that figure of 54 initially shrunk to: Well, maybe a dozen. We scrutinized that further. They said: Well, maybe it was two. Everybody realized that the government had to tell the truth in these open hearings. And then they said: Maybe it was one. That sole example was not a ''terrorist attack'' that was thwarted. It was a material support conviction involving $8,000 not a terrorist plot.

Numerous independent experts also have concluded that the NSA's bulk collection program is not essential to national security. I mention these things, because as soon as you come down and say: We are all going to face another 9/11, we are all going to face ISIS, we are all going to face these terrible attacks if we do not have this program—yet we can show that it has not stopped any attacks.

The President's Review Group, which included former national security officials, stated: The bulk collection of American's phone records was not essential to preventing attacks, and could readily have been obtained in a timely manner using conventional Section 215 orders.

So we can go with hysteria and overstatements or we can go with facts. In my State of Vermont, we like facts. We should not be swayed by fearmongering. Congress cannot simply reauthorize the expiring provisions of the USA PATRIOT Act without enacting real reforms.

When the House passes the USA FREEDOM Act tomorrow and sends it to the Senate, we should take it up immediately, pass that bill. The American people are counting on us to take action. They did not elect us to just kick the can down the road or blindly rubber stamp intelligence activities that now have been found by the court to be illegal. Congress should pass the USA FREEDOM Act this week.

I thank my good friend from Utah for yielding to me. I totally agree with his position.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I ask unanimous consent to extend the colloquy for a period of an additional 15 minutes to allow a couple of other Members to participate in the colloquy.

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

Mr. LEE. I would like to now hear from my friend and colleague, the junior Senator from Nevada, Mr. HELLER, and hear his thoughts on how people in his State—how people he knows across the country feel about this program and what we ought to do about it.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Mr. President, today, I rise to join this bipartisan group calling for support of the USA FREEDOM Act. I want to begin by thanking my friend and colleague from Utah for his hard work and effort on behalf of the American people on this, my friend from Vermont for his actions also, and other Members of this Chamber.

Together, what we are trying to do is bring transparency, accountability, and, most importantly, freedom to the American people—freedom from an unnecessary and what has now been declared an illegal invasion of American's privacy. I am talking specifically about section 215 under the PATRIOT Act. Just last week, a Federal appeals court ruled that this National Security Agency program that collects Americans' calls—these records are now illegal.

Our national security and protection of our freedom as Americans are not mutually exclusive. Allowing the Federal Government to conduct vast domestic surveillance operations under section 215 provides the government with too much authority. This court's ruling only reaffirms that the NSA is out of control.

Under section 215, the FBI can seek a court order directing a business to turn over certain records when they have reasonable grounds to believe the information asked for is ''relevant to an authorized investigation of international terrorism.'' However, the NSA has wrongly interpreted this to mean that all—all—telephone records are relevant.

So they are collecting and storing large amounts of data in an attempt to find a small amount of information that might be relevant. If we reauthorize these laws without significant reforms, we are allowing millions of law-abiding U.S. citizens' call records to be held by the Federal Government. I see this as nothing but an egregious intrusion of Americans' privacy.

So what does the NSA know? They know someone from my State in Elko, NV, got a call from the NRA and then

called their Senator. So what does the NSA know? They know someone from Las Vegas called the suicide hotline for 20 minutes and then called a hospital right after. So what does the NSA know? They know you called your church or received a phone call from political action committees.

So does the previous administration, does this administration or perhaps the next administration care about your party affiliation? Do they care about your religious beliefs? Do they care about your health concerns? How about your activities in nonprofit tax-exempt entities? Maybe not today, as the Senator from Utah said, but what about 5 years from now, what about 10 years from now and even 15 years from now?

That is why I have been working with my colleagues since the last Congress to pass the USA FREEDOM Act, and I am proud to join as an original cosponsor of this bill in this new Congress. Those reforms are not just a pipeline dream that will die in the Senate. This is a substantive bill that carefully balances the privacy rights of Americans and the needs of the intelligence community as they work to keep us safe.

That is why the House Judiciary Committee has passed this bill on a bipartisan basis and the full House of Representatives is expected to pass it later this week. Let me be clear. We are not here to strip the intelligence community of the tools needed to fight terrorism. To my colleagues who feel that the USA FREEDOM Act will do this, I would ask them to read this letter from our intelligence community.

In my hand, I have a letter signed by the Attorney General and the Director of National Intelligence that was sent to Senator LEAHY last year. I would like to read a portion of this. ''The intelligence community believes that your bill preserves essential intelligence community capabilities; and the Department of Justice and the Office of the Director of National Intelligence support your bill and believe that it is a reasonable compromise that enhances privacy and civil liberties and increases transparency.''

We are not here to harm the operational capabilities of the intelligence community who safeguard us every day. What we are here to do is provide the American people the certainty that the Federal Government is working without violating their constitutional rights. That is why I have also consistently opposed and voted against the PATRIOT Act during my time in Congress.

I will do everything I can to end the PATRIOT Act, but if I cannot do that, I will work to gut the PATRIOT Act of the most egregious sections that infringe upon American citizens' privacy and their civil liberties. That is what the reforms of the USA FREEDOM Act begin to achieve. This legislation, among other things, will rein in the dragnet collection of data by the National Security Agency. It will stop the bulk collection of American communication records by ending the specific authorization under section 215 of the PATRIOT Act.

We are reaching a critical deadline as several Foreign Intelligence Surveillance Act provisions expire at the end of May. I want to be clear that I expect reforms to our surveillance programs, and I will not consent to a straight reauthorization of the illegal activities that occur under section 215 of the PATRIOT Act.

It is time for our Nation to right this wrong, make significant changes necessary to restore America's faith in the Federal Government, and restore the civil liberties that make our Nation worth protecting. I want to again thank the Senator from Utah and my colleague from the State of Vermont for their hard work and effort on behalf of all Americans in protecting their privacies and their civil liberties. I will turn my time back over to the Senator from Utah.

Mr. LEE. Mr. President, we would like to hear next from my friend and colleague, the junior Senator from Montana, on this issue.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, I want to thank the Senator from Utah, my good friend, for his leadership on the USA FREEDOM Act. I recently returned from an official trip to the Middle East with leader MCCONNELL and several of my fellow first-term Senators. We met with leaders in Israel, Jordan, Iraq, Kuwait, and Afghanistan to discuss the political and security issues facing Middle Eastern nations.

We also met with a number of American servicemembers who are bravely securing our country in these crisis-stricken regions and working every day to keep our Nation safe from the extreme forces that wish to destroy us. These meetings painted a very clear picture; that terror imposed by extreme forces such as ISIS and the threats facing our allies in the Middle East are real and they are growing every single day.

But the growing presence of ISIS in the Middle East is not just affecting the long-term security of nations such as Iraq and Syria, it is no longer a risk isolated geographically to the Middle East.

These extreme Islamic forces are working every day to harm the American people within our borders and on our soil. It is critical our law enforcement officials and our intelligence agencies have the tools they need to find terrorists in the United States and abroad, identify potential terror attacks, and eradicate these risks. ISIS is not just working to inflict physical damage upon our country and our people, this extreme group and other like-minded terrorists are intent on destroying our very way of life, our Nation's foundation of freedom and justice for all.

But as we strengthen our intelligence capabilities, we must, with equal vigor and determination, protect our Constitution, our civil liberties, the very foundation of this country. If the forces of evil successfully propel leaders in Washington to erode our core constitutional values, we will grant these terrorists a satisfying victory. We must never allow this. We must uphold the Constitution. We must work to protect the balance between protecting our Nation's security while also maintaining our civil liberties and our constitutional rights.

That is why I, similar to so many Montanans, am deeply concerned about the NSA's bulk metadata collection program and its impact on our constitutional rights. This program allows the NSA to have uninhibited access to America's phone records. I firmly believe this is a violation of America's constitutional rights and it must come to an end. Montanans have also long been concerned that the NSA has overreached its legal authority when implementing its bulk data collection program.

The recent ruling from the New York-based Second Circuit U.S. Court of Appeals confirmed it. The court ruled unanimously that section 215 of the PATRIOT Act does not authorize the NSA's bulk collection of Americans' phone metadata, but this is not the first time the legality of NSA's bulk data practices have been questioned.

A 2015 report from the Privacy and Civil Liberties Oversight Board, which is a nonpartisan, independent privacy board, found that section 215 does not provide authority for the NSA's collection program. The report raised serious concerns that the NSA's program violated the rights guaranteed under the First and Fourth Amendments. The report states:

> Under the section 215 bulk records program, the NSA acquires a massive number of calling records from telephone companies every day, potentially including the records of every call made across the Nation. Yet Section 215 does not authorize the NSA to acquire anything at all.

The report concludes:

> The program lacks a viable legal foundation under section 215. It implicates Constitutional concerns of the first and fourth amendments, raises serious threats to privacy and civil liberties as a policy matter, and has shown only limited value. For these reasons the government should end the program.

I strongly agree. In addition, the independent Commission found that the bulk collection program contributed only minimal value in combatting terrorism beyond what the government already achieves through other alternative means. So claims that this program provides unique value to our security were not validated, and, in fact, were refused by the Commission.

As Montana's Senator, I took an oath to protect and defend the Constitution. It is a responsibility and a promise I take very seriously. That is why I have joined Senators LEE, LEAHY, and others to introduce the USA FREEDOM Act

of 2015. This bipartisan legislation will end the NSA's bulk data collection program, while also implementing greater oversight, transparency, and accountability in the government's surveillance activities.

The USA FREEDOM Act strikes the right balance between protecting our security and protecting our privacy. It still allows necessary access to information specific to an investigation, with an appropriate court order, and provides the flexibility to be able to move quickly in response to emergencies, but it stops the indiscriminate government collection of data on innocent Americans once and for all.

I have long fought to defend Montanans' civil liberties, protecting privacy and constitutional rights from Big Government overreach. After spending 12 years in the technology sector, I know firsthand the power that data holds and the threats to American civil liberties that come with mass collection.

As Montana's loan representative in the U.S. House, I cosponsored the original USA FREEDOM ACT that would have ended the NSA's abuses and overreach. I also supported efforts led by Congressman JUSTIN AMASH to amend the 2014 Defense appropriations bill and end the NSA's blanket collection of Americans' telephone records.

We made significant ground last year in raising awareness of this overreach, but the fight to protect America's civil liberties and constitutional freedoms is far from over. That is why I am proud to stand today as a cosponsor of the USA FREEDOM Act of 2015 and a strong advocate and defender of America's right to privacy. As risks facing our homeland and our interests overseas remain ever present, it is critical that our law enforcement has the tools they need to protect our national security from extremists who would destroy our Nation and our very way of life.

The USA FREEDOM Act provides these tools, but we must also remain vigilant to ensure that American civil liberties aren't needlessly abandoned in the process. We need to protect and defend the homeland. We need to protect and defend the Constitution.

I stand today with the full confidence that the USA FREEDOM Act achieves both, and I urge the Senate to pass it.

I yield back.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I ask unanimous consent to extend the colloquy by an additional 5 minutes so we can hear from my friend and colleague, the Senator from Connecticut, Mr. BLUMENTHAL.

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

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank my colleague from Utah, my friend and very distinguished colleague, as well as our friend from the State of Vermont for their leadership this morning and throughout the drafting and formulating of this very well-balanced compromise—a balance between security, which we must be able to preserve and defend, and our privacy and other essential constitutional rights, which we need to protect just as zealously, because the reason for fighting to preserve our security is so we maintain and preserve our great constitutional rights.

That balance can be struck. It is feasible, achievable, and this measure of the USA FREEDOM Act is a strong step in the right direction.

I wish to talk today about one of its great virtues, which is an American virtue, the virtue of due process having an effective adversarial process, one that is transparent and provides for effective appellate view. The lack of an adversarial process, as well as transparency and effective appellate review, is one of the reasons the USA FREEDOM Act is absolutely necessary.

We know bulk collection of megadata is unnecessary. The President's own review group made that fact clear. We also know bulk metadata collection is, essentially, un-American. This country was founded by people who, rightly, abhorred the so-called general warrant that permitted the King's officials to rummage through their homes and documents. No general warrant in our history has swept up as much information about innocent Americans as orders allowing bulk collection.

Last week, the Second Circuit Court of Appeals told us something more; that we now know bulk collection is unauthorized. It is illegal. It is unauthorized by statute and has been so for the last 9 years that the government has collected bulk data of this kind.

The question is, How did it happen? How did we arrive at a point where the Government of the United States has been collecting data illegally for 9 years? We know that in May of 2006, the FISA Court—the Foreign Intelligence Surveillance Court—first was asked whether the Federal Government could collect the phone records of potentially every single American, and it said yes.

It failed the most crucial test of any court, which is to uphold our liberties against any legal onslaught. It got it wrong because the government's argument hinged on a single word, the word ''relevance.'' The court ruled that relevance means all information. In other words, the court had to decide whether relevant information means all information, and it said yes.

That judgment was just plain wrong, and it did not strike the Second Circuit as a difficult question. It doesn't strike us—now in retrospect—as a difficult question. The Second Circuit held that the Federal Government's interpretation is ''unprecedented and unwarranted.'' Never before, in the history of the Nation, has this kind of bizarre overreaching been successfully entertained.

Now, the court—the Foreign Intelligence Surveillance Court—didn't even issue an opinion. There was no way for anyone to know that this bulk metadata collection had been authorized because the court never told anyone, never explained itself. One can hope the Court knew what it was thinking at the time, but we don't know what it was thinking.

Now, I don't mean any disrespect to the FISA Court, which is composed of judges who have been confirmed by this body, article 3 judges who serve because they have been appointed by the Chief Justice of the United States.

The reason the court got this issue so fundamentally wrong, I think, is because it heard only one side of the argument. It heard only the government's side. It heard only the advocates seeking to collect in this sweeping way that was contrary to statute and, in my view, also contrary to fundamental rights and principles.

The USA FREEDOM Act corrects that systemic problem. It not only enables, but it requires the court to hear both sides.

We know from our life's experience that people make better decisions when they hear both sides of an argument. Judges on the courts know they want to hear both sides of the argument before they make a decision. Often they will appoint someone to make the other side of the argument, if there isn't anyone to do so effectively. They want effective representation in the courtroom.

That is why I have advocated from the very start and proposed—and the President affirmed—that there needs to be advocacy for our constitutional rights before the court. The other side of the government's argument needs to be represented.

We need a FISA Court we can trust to get it right because this proposal for an adversarial proceeding in no way contemplates an abridgement of secrecy or unnecessary delay. Warrants could proceed without delay. They could proceed without violation of confidentiality and secrecy, but the systemic problem would be fixed so the FISA Court would hear from both sides.

This act also is important because it would bring more transparency to FISA Court decisions, requiring opinions to be released, unless there is good reason not to do so. It would require some form of effective appellate review so mistakes could be corrected.

These kinds of changes in the law are, in fact, basic due process. They are the rule of law throughout the United States in article 3 courts, and these changes will make the FISA Court look like the courts Americans are accustomed to seeing in their everyday experience. When they walk into a courtroom in any town in the State of Connecticut or the State of Utah or the State of Montana, what they are accustomed to seeing is two sides arguing before a judge, and that is what the FISA Court would look like—rather than one side making one argument,

whether it is for bulk collection of metadata or any other intrusion on civil rights and civil liberties, there would be an advocate on the other side to make the case that it is overreaching, that it is unnecessary, that it is unauthorized. In fact, that is what the Second Circuit said the government was doing by this incredibly overextended overreach in bulk collection of metadata.

Unless and until this essential reform is enacted, along with other critical reforms that are contained in the USA FREEDOM Act, I will oppose reauthorization of section 215, and I urge my colleagues to do so as well.

I thank my colleagues from Utah and Vermont for their leadership and all who have joined in this morning's discussion. The colloquy today, I think, illustrates some important points of why the USA FREEDOM Act is important at this point in our Nation's history.

I yield the floor.

Mr. LEE. Mr. President, I appreciate the patience of Senator HATCH and his willingness to wait while we finished this exercise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

TRADE

Mr. HATCH. Mr. President, later today, the Senate will vote on whether to begin debate on the future of the U.S. trade policy. It is a debate that has been a long time coming. In fact, we haven't had a real trade debate in this Chamber since at least 2002. That was 13 years ago.

Think about that. Let's keep in mind that 95 percent of the world's consumers live outside of the United States and that if we want our farmers, our ranchers, manufacturers, and entrepreneurs to be able to compete in the world marketplace, we need to be actively working to break down barriers for American exports. This is how we can grow our economy and create good, high-paying jobs for American workers.

While the chatter in the media and behind the scenes surrounding today's vote has been nearly deafening, no one should make today's vote more than it is. It is, once again, quite simply, a vote to begin debate on these important issues.

Now, I know some around here are unwilling to even consider having a debate if they can't dictate the terms in advance, but that is not how the Senate works and, thankfully, that is not the path we are going to take.

I have been in Congress for a long time, so I think I can speak with some authority about how this Chamber is—under normal conditions and regular order—supposed to operate. Of course, before this year, it had been a while before this body had worked the way it was supposed to. Hopefully, today's vote can serve as a reminder, and we can go to regular order on these bills and do it in a way that brings dignity to this Chamber again.

Once again, today's vote will decide only whether we will begin a debate on trade policy. It will not in any way decide the outcome of that debate. Indeed, the question for today is not how this debate will proceed but whether it will proceed at all.

Right now, everyone's focus seems to be on whether we will renew trade promotion authority—or TPA—and that will, of course, be part of the trade debate. TPA is a vital element of U.S. trade policy. Indeed, it is the best way to ensure that Congress sets the objectives for our trade negotiators and provides assurances to our trading partners that if a trade agreement is signed, the United States can deliver on the deal.

As you know, the Finance Committee reported a strong bipartisan TPA bill on April 22. The committee vote was 20 to 6 in favor of the bill. It was a bipartisan vote. That was a historic day. Before that day, the last time the Finance Committee reported a TPA bill was in 1988, almost three decades ago.

But that is not all we did on that day. In addition to our TPA bill, we reported a bill to reauthorize trade adjustment assistance, or TAA, a bill to reauthorize expired trade preference programs, and a customs and trade enforcement bill.

These are all important bills—each one of them. They all have bipartisan support. I was a principal author of three of these four bills, and I don't intend to see any of them left by the wayside. However, that looks like it is becoming increasingly what might really happen here if we don't get together.

Everyone here knows that I am anxious to get TPA across the finish line. And though it pains me a little to say it, TAA is part of that effort. We know our colleagues on the left have to have that. While I oppose TAA, I have recognized—and I have from the beginning—that the program is important to many of my colleagues, some of whom are on this side of the aisle as well, and it is a necessary component to win their support for TPA.

On a number of occasions, including at the Finance Committee markup, I have committed to helping make sure that TPA and TAA move on parallel tracks, and I intend to honor that commitment. Toward that end, if we get cloture on the motion to proceed later today, I plan to combine TPA and TAA into basically a single package that can be split by the House, and move them as a substitute amendment to the trade vehicle. And, I have to say, Congressman RYAN, the chairman of the Ways and Means Committee, understands that TAA has to pass over there as well.

In other words, no one should be concerned about a path forward for TPA and TAA. That was the big debate throughout the whole procedural process. And even though it raises concerns for a number of Republicans, including myself, these two bills will move together.

The question ultimately becomes this: What about the preferences and customs bills? There are two other bills here. I have committed in the past to work on getting all four of these bills across the finish line or at least to a vote on the floor, and I will reaffirm that commitment here on the floor today. I will work in good faith with my colleagues on both sides of the aisle and in both the House and Senate to get this done.

Regarding preferences, the House and Senate have introduced very similar bills, and, in the past, these preference programs—programs such as the African Growth and Opportunity Act and the generalized system of preferences—have enjoyed broad bipartisan support. My guess is that support will continue and that there is a path forward on moving that legislation in short order.

Admittedly, the customs bill is a bit more complicated. However, I am a principal author of most of the provisions in the customs bill. Indeed, many of my own enforcement positions and priorities are in that bill. Put simply, I have a vested interest in seeing the customs bill become law, and I will do all I can to make sure that happens. I will work with Senator WYDEN and the rest of my colleagues to find a path forward on these bills. I don't want any of them to be left behind.

But we all know that the customs bill has language in there that cannot be passed in the House. I don't know what to do about that. All I can say is that we can provide a vote here in this body, and who knows what that vote will be. I am quite certain that if we are allowed to proceed today, these bills—not to mention any others—will be offered as amendments. But in the end, we can't do any of that—we can't pass a single one of these bills—if we don't even begin the trade debate.

If Senators are concerned about the substance of the legislation we are debating, the best way to address these problems is to come to the floor, offer some amendments, and take some votes. That is how the Senate is supposed to operate, and we are prepared to operate it that way.

I might add, though, we have to get the bill up. And if there is a cloture vote and cloture fails, Katy bar the door.

I know there are some deeply held convictions on all sides of these issues and that not everyone in the Senate agrees with me. That is all the more reason to let this debate move forward and let's see where it goes. Let's talk about our positions. Let's make all of our voices heard. I am ready and willing to defend my support for free trade and TPA here on the Senate floor. I will happily stand here and make the case for open markets and expanded access for U.S. exporters and refute any arguments made to the contrary. And I