REFORMING INTELLIGENCE AND SECURING AMERICA ACT

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

The legislative clerk reads 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 intervention 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 rollcall votes. First, we will vote on the six amendments and then final passage.

All day long, we 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 all Americans. 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.

Mr. SCHUMER. Mr. President, the title of this amendment is the “Fourth Amendment Is Not For Sale.”

The Fourth Amendment is the “Fourth Amendment Is Not For Sale.”

The Fourth Amendment is the “Fourth Amendment Is Not For Sale.”

I am 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 gym, whether you associate with 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. 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 authority. 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 reads as follows:
The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 1829.

The amendment is 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 this point 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 association in America. It is also 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.

Mr. PAUL. The idea that we don’t have time is a specious one. The only reason why 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.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment. 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. WARNER), and the Senator from Georgia (Mr. BUDOS) are necessarily absent: the Senator from West Virginia (Mrs. CAPITO) is from Tennessee (Mrs. BLACKBURN), the Senator from Kentucky (Mr. VANCE), and the Senator from Ohio (Mr. VANCE).

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

**ROLL CALL VOTE No. 144 Leg.**

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**NAYS—61**

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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 ninth-thousandth consecutive rollcall vote.

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 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 ninth-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 her parents in one of our smallest towns.

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—dedicated 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 demanded and delivered tough decision-making 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, Senators rising.)

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 Kentucky.

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 1820.

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 appeal, 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.—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. 1820.

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 216 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 the 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.

Another thing 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 that Department 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. 1820

The PRESIDING OFFICER. The question is on the amendment.

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

The PRESIDING OFFICER. There is a sufficient second.

The clerk will call the roll.

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

[Hold Call Vote No. 145 Leg.]

YEAS—17

Braun
Daines
Grassley
Hawley
Hyde-Smith
Johnson

NAYS—75

Baldwin
Barrasso
Blumenthal
Booker
Brown
Butler
Cantwell
Carper
Casey
Collins
Coons
Cornyn
Cotton
Cramer
Cruz
Duckworth
Durbin
Ernst

Blackburn
Capito
Cortez Masto
Padilla

NOT VOTING—8

Manchin
Schatz
Sullivan
Tuberville

Vance
Warnock
Young

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 read 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 yes 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 2001, 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 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 Kentucky.

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 nay on this.

VOTE ON AMENDMENT NO. 1828

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 call for the yeas and nays?

Mr. DURBIN. I announce that the Senator from Nevada (Ms. CORTEZ MAStO), the Senator from West Virginia (Mr. CAPITOLN), the Senator from Georgia (Mr. SCHMITT), and the Senator from Florida (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. CAPITOLN), 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—94

Baldwin
Barrasso
Booker
Braun
Brown
Cantwell
Coons
Cramer
Daines
Dartnall
Hawley
Hirono

AYE’S—59

Benning
Blumenthal
Boosman
Britt
Budn
Butler
Cardin
Carper
Casey
Cassidy
Collins
Cornyn

Rosen
Rounds
Rubio
Risch
Romney
Sasse
Sensenbon
Sinema
Smith
Sondland
Susan
Sullivan
Thune
Tillis
Warner
Whitehouse
Wicker
Young

NOT VOTING—8

Blackburn
Capito
Cortez Masto
Hagerty
Manchin
Mannchin
Merrick
Murphy
Merkley
Menendez


eusely 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.

(2) LIMITATION ON USE 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.

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

(1) DEFINITION OF AGGRAVATED PERSON.—In this subsection, the term ‘aggravated 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) USE BY AGGRAVATED PERSON.—An aggravated 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 any criminal, civil, or administrative investigation.

(3) USE BY UNAGGRAVATED PERSON.—An unaggravated 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 any 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.

(a) DEFINITIONS.—In this section:

(A) A GGRIEVED PERSON.—The term ‘aggravated 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.

(B) PEN REGISTER OR 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.

(C) PEN OR ACQUISITION.—The terms ‘pen or acquisition’ have the meanings given such terms in section 3127 of title 18, United States Code.

(D) INFORMATION.—The term ‘information’ means any information or evidence that 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.

(E) USE BY AGGRAVATED PERSON.—An aggravated 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 any criminal, civil, or administrative investigation.

(F) USE BY UNAGGRAVATED PERSON.—An unaggravated 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 any criminal, civil, or administrative investigation.

(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 or noncontent wire and electronic communications records, such authorizations shall provide the exclusive means by which such searches or acquisitions shall take place if the target of the acquisition is not a United States person.

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

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(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-content 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 is intended to abrogate the prerogatives 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 any of the foreign..."...you want under 702, under FISA, whatever that 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-Qaeda. 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 MIRANDA], the Senator from Mississippi [Mr. RUBIO], 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. CARPOLO], 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:

Baldwin  Gillingbrand  Reed
Barron  Graham  Ricketts
Bonger  Grassley  Risch
Broun  Hassan  Romney
Booker  Heinrich  Rosen
Brooks  Biskihooper  Rounds
Britt  Hirono  Rubio
Brown  Hoeven  Sanders
Budd  Hyde-Smith  Schatz
Butler  Kaine  Schumer
Cantwell  Kelly  Scott (R)
Capito  King  Shelby
Carper  Klouuchar  Sinema
Casey  Lankford  Smith
Cassidy  Lujan  Stabenow
Collins  Markey  Sullivan
Cochs  McConnell  Tester
Correa  Menendez  Thune
Cotton  Merkley  Tillis
Cramer  Moran  Van Hollen
Crapo  Murdock  Warner
Duckworth  Murphy  Walsh
Durbin  Murray  Whitehouse
Ernst  Ossoff  Wicker
Gardner  Portman  Wyden
Fischer  Peters  Young

NOT VOTING—8

Blackburn  Hagerty  Vance
Capito  Manchin  Warnock
Cassidy  Maza  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. 2. 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 the 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—
(3) by redesignating paragraph (5), as redesignated by section 2a(a)(1) of this Act, as paragraph (8);

(4) in paragraph (1)(A) by inserting "and the 1986 amendments to section 702 of title 50" after "Constitution of the United States"; and

(5) 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 derived from the collection of communications and information described in subparagraph (B)(i) and accessed pursuant to an emergency authorization described in subparagraph (B)(ii), unless the officer or employee has a reasonable belief that—

(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 section 105(e), section 304(e), section 703(d), or section 704(d) of this Act; and

(ii) no communications content or information obtained using 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 those instances in which 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.

(B) EXCEPTIONS.—Not less frequently than annually, the Attorney General shall assess compliance with the requirements under clause (i).";

(c) CONFORMING AMENDMENTS.—

(1) Section 603(b)(2) is amended, in the matter preceding subparagraph (A), by striking "." and inserting ".";

(2) Section 606(a)(2)(A)(i) is amended by striking "..." and inserting "...".

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Throughout our history and certainly since 9/11 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 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, 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 inadvertent, inappropriate use; 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 incendial collecton, 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.

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 (Mrs. MANCHIN), and the Senator from Georgia (Mr. WARNICK) are necessarily absent.

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

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

[Roll Call Vote No. 148 Leg.]

YEAS—42

Baldwin     Hirono     Murray
Barrasso    Hovemo     Padilla
Booher      Jackson   Paul
Braun       Kaine      Sanders
Brown       Kennedy    Scott (FL)
Butler      Lee        Scott (SC)
Cantwell    Lujan      Smith
Coons       Lumms      Sullivan
Cramer      Markley    Tester
Cruz        Marshall   Tuberville
Daines      Menendez   Van Hollen
Durbin      Merkley    Warren
Hawley      Markowski Welch
Heinrich    Murphy     Wyden

NAYS—50

Bennet      Gillibrand Risch
Blumenthal  Grassley Rosenberg
Boozman     Graham     Rounds
Budd        Hickeloper Rubio
Cardin      Hyde-Smith Schatz
Carper      King       Schumer
Cassidy     Kleinberg Sheehan
Collins     Lankford  Sinema
Corryn      McConnell Staton
Cotton      Moran      Tullis
Crapo       Mullin     Wicker
Duckworth   Ossoff     Warner
Ernst       Peters     Whitehouse
Pettersen    Reed      Ricketts Young

NOT VOTING—8

Blackburn  Hagerty     Vance
Capito      Manchin    Warlock
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 amicus curiae in Foreign Intelligence Surveillance Court proceedings and to require adequate disclosure of relevant information in Foreign 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 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, and we don'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 (Mrs. MANCHIN), and the Senator from Georgia (Mr. WARNICK) are necessarily absent.

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

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

[Roll Call Vote No. 149 Leg.]

YEAS—40

Baldwin     Hawley     Padilla
Barrasso    Hirono     Paul
Booher      Hoekstra   Sanders
Braun       Johnson    Scott (FL)
Buss     smear      Scott (SC)
Cardin      Lujan      Sullivan
Carper      Marsh      Tester
Casey       Menendez   Van Hollen
Chambliss   Merkley    Warren
Cochrane    Markowski Welch
Coons       Menendez   Wyden

NAYS—53

Bennet      Graham    Risch
Blumenthal  Grassley Rosenberg
Boozman     Graham     Rounds
Budd        Hickenlooper Rubio
Cardin      Hyde-Smith Schatz
Carper      King       Schumer
Cassidy     Kleinberg Sheehan
Collins     Lankford  Sinema
Corryn      McConnell Staton
Cotton      Moran      Tullis
Crapo       Mullin     Wicker
Duckworth   Ossoff     Warner
Ernst       Peters     Whitehouse
Potter      Peterson  Ricketts Young

NOT VOTING—8

Blackburn  Hagerty     Vance
Capito      Manchin    Warlock
Cortez Masto Schmitt

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

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

I urge adoption of the bill. 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 MR. LEADERSHIP IN AMERICAN AVIATION ACT—MOTION TO PASS

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 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 Department of State, shall implement the anti-trafficking recommendations pursuant to subsection (a) of the Director of the Office for Victims of Crime shall submit a report to the Committee on the Judiciary of the Senate and the House of Representatives to which the bill was referred that briefly 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