

Casey	Heller	Paul
Cassidy	Hirono	Perdue
Coats	Hoeven	Peters
Cochran	Inhofe	Portman
Collins	Isakson	Reed
Coons	Johnson	Reid
Corker	Kaine	Risch
Cornyn	King	Roberts
Cotton	Klobuchar	Rounds
Crapo	Lankford	Sasse
Daines	Leahy	Schatz
Donnelly	Lee	Schumer
Durbin	Manchin	Scott
Enzi	Markey	Sessions
Ernst	McCain	Shaheen
Feinstein	McCaskill	Shelby
Fischer	McConnell	Stabenow
Flake	Menendez	Tester
Franken	Merkley	Tillis
Gardner	Mikulski	Toomey
Gillibrand	Moran	Udall
Grassley	Murkowski	Warner
Hatch	Murphy	Warren
Heinrich	Murray	Whitehouse
Heitkamp	Nelson	Wicker

NOT VOTING—10

Booker	Rubio	Vitter
Cruz	Sanders	Wyden
Graham	Sullivan	
Kirk	Thune	

The concurrent resolution (S. Con. Res. 16) was agreed to, as follows:

S. CON. RES. 16

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. STATEMENT OF POLICY ON RELEASE OF UNITED STATES CITIZENS IN IRAN.**

(a) FINDINGS.—Congress makes the following findings:

(1) Saeed Abedini of Idaho is a Christian pastor unjustly detained in Iran since 2012 and sentenced to eight years in prison on charges related to his religious beliefs.

(2) Amir Hekmati of Michigan is a former United States Marine unjustly detained in 2011 while visiting his Iranian relatives and sentenced to 10 years in prison for espionage.

(3) Jason Rezaian of California is a Washington Post journalist credentialed by the Government of Iran. He was unjustly detained in 2014 and has been held without a trial.

(4) Robert Levinson of Florida is a former Federal Bureau of Investigations (FBI) official who disappeared in 2007 in Iran. He is the longest held United States citizen in United States history.

(b) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) the Government of the Islamic Republic of Iran should immediately release Saeed Abedini, Amir Hekmati, and Jason Rezaian, and cooperate with the United States Government to locate and return Robert Levinson; and

(2) the United States Government should undertake every effort using every diplomatic tool at its disposal to secure their immediate release.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

USA FREEDOM ACT

Mr. LEAHY. Mr. President, section 215 of the USA PATRIOT Act expires in a matter of weeks. Senator LEE and I have a bipartisan bill, the USA FREE-

DOM Act, that would end the use of section 215 to authorize the bulk collection of Americans' phone records and replace it with a more targeted program. It also would enact other important reforms to bring more accountability and transparency to government surveillance. The Speaker of the House of Representatives is bringing that same bill for a vote in the House on Wednesday.

Last week, some opponents came to the floor to voice their opposition. They claimed that ending this bulk collection program would somehow put our national security at risk and that a bulk collection program like this could somehow have prevented the September 11 attacks. But the facts are not on their side. According to the headline of a recent National Journal story, those opponents of reform have made "dubious claims in defense of NSA surveillance."

I agree these claims are dubious, and I want to set the record straight. I ask unanimous consent that the National Journal story dated May 8, 2015, and an analysis by the Center for Democracy and Technology of similar claims be printed in the RECORD.

One Senator stated on the Senate floor last week, "If this program had existed before 9/11, it is quite possible we would have known that 9/11 hijacker Khalid Al Mihdhar was living in San Diego and was making phone calls to an Al Qaeda safe house in Yemen."

Another seemed to suggest that the bulk collection program would "have prevented 9/11."

When I was chairman in the last Congress, the Senate Judiciary Committee held six hearings to examine revelations about government surveillance activities. At one of those hearings, I asked former counterterrorism official Richard Clarke, who was working in the Bush administration on September 11, whether the NSA bulk collection program would have prevented those attacks. He testified that the government had the information it needed to prevent the attacks but failed to properly share that information among Federal agencies.

Senator Bob Graham, who investigated the September 11th attacks as head of the Senate Intelligence Committee, likewise has said that "there were plenty of opportunities without having to rely on this metadata system for the FBI and intelligence agencies to have located Mihdhar."

The other claim that has been made repeatedly over the past few days is that, as one Senator put it, the bulk collection of Americans' phone records is "very effective at keeping America safe." Another stated that the USA FREEDOM Act would "eliminate the essential intelligence this program collects."

But numerous national security experts also have concluded that the NSA's bulk collection program is not essential to national security. The President's Review Group on Intel-

ligence and Communications Technology, which included two former national security officials, stated:

The information contributed to terrorist investigations by the use of section 215 telephony metadata was not essential to preventing attacks and could readily have been obtained in a timely manner using conventional section 215 orders.

Former Acting CIA Director Michael Morell testified to the Senate Judiciary Committee that the review group's recommendation to end the government's collection of that data and instead allow the government to search phone records held by the telecommunications providers would not add a substantial burden to the government. That is precisely the approach of our bipartisan USA FREEDOM Act.

Last year, the Director of National Intelligence and the Attorney General supported a prior version of the USA FREEDOM Act, which also ended bulk collection under section 215 and replaced it with a more targeted phone records program. The Attorney General and the Director of National Intelligence said that our bill "preserve[d] essential Intelligence Community capabilities."

These individuals are not newcomers to the issue of national security. They understand the threats to our Nation. They do not have a political motive. They have the best interests of our Nation and its values in mind when they tell us that we can end the dragnet collection of innocent Americans' phone records and keep our country safe.

The USA FREEDOM Act does not just end NSA's bulk collection program under section 215. It also fills other gaps in our intelligence capabilities. It ensures that the government can quickly obtain business records—including phone records—in emergency situations. It ensures that if a foreign terrorist who poses a serious threat comes into the United States, the government does not have to stop its surveillance while it seeks emergency wiretap authorization from the Attorney General. It ensures that the government need not terminate FISA surveillance on a foreigner who temporarily travels outside the United States. And it ensures that the FBI has the tools it needs to investigate individuals who are facilitating the international proliferation of weapons of mass destruction on behalf of a foreign government or terrorist organization. These provisions were requested by the FBI and by the House Permanent Select Committee on Intelligence. They were not part of the bill that was filibustered in the Senate in November.

As a final matter, it is notable that there has been not a single Senate committee hearing on surveillance reform or the expiring provisions in the 5 months of this new Congress under Republican leadership. There has been zero committee consideration on the bill that Senator MCCONNELL has now brought directly to the Senate calendar that would simply extend these