

we debate this bill, I will definitely vote no on advancing to the CJS appropriations bill.

I yield back and note the whip is in the Chamber.

The PRESIDING OFFICER. The majority whip.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. CORNYN. Mr. President, the Senate is demonstrating its serious commitment to supporting our military, and it is a good thing. In passing the Defense authorization bill, a bipartisan piece of legislation, we authorized funding for training and for the ever-evolving threats our troops are meeting around the world. It will also give our men and women in uniform the most up-to-date equipment, including newer and more capable aircraft and vehicles.

Fortunately, the bill also authorized needed improvements at military facilities, such as construction projects in my State at Fort Hood, Joint Base San Antonio, the Red River Army Depot, and Ellington Field, and provided a much needed and well-deserved pay raise for our troops. I am glad we were able to get through this process, get this bill done, making sure our military is ready to face any potential threat around the world.

MASS SHOOTING IN ORLANDO

Mr. CORNYN. Mr. President, I know the country is in shock and still trying to evaluate the terrorist attack in Orlando as we continue to learn from the FBI's investigation. The attack killed almost 50 people and of course left dozens injured.

According to the latest reports, one of the victims was Frank Escalante from Weslaco, TX. My heart goes out to Frank, his family and friends, and all those others who lost loved ones early Sunday morning and to those living with the wounds they sustained in that terrible attack. With this act of violence and hatred, Orlando sadly joins a growing list of American cities and cities around the world changed forever by radical Islamic extremism.

The jihadist, like those in San Bernardino before him, declared his allegiance to the Islamic State, and like the two Boston Marathon bombers, he was previously investigated by the FBI for connections to terrorists or known terrorist groups that carried out attacks similar to the gruesome attacks in Paris last November. Like those terrorists, the terrorist in Orlando targeted hundreds of unarmed civilians, and ISIS has used the Internet to urge lone wolves to imitate these types of attacks. In other words, not only are we concerned about people in the Middle East who have pledged allegiance to ISIS coming to the United States, we are concerned about Americans who are traveling from the United States, going there and training, and then

coming back home. But the worst, and perhaps the most difficult of all to deal with, are American citizens, such as this shooter, who are radicalized in place, and of course this is the biggest challenge for the FBI. We must now come together and not only mourn and grieve those lives lost, but we need to also try and make a difference. It is time to act.

The Orlando attack was not just a random act of violence. It was a calculated act of terror. By aiming his gun at innocent civilians, this jihadist opened fire on our freedoms, our way of life, and the bedrock principles that make us a diverse and vibrant democracy. We have to take these threats seriously and do everything we can to counter the ideology that provides a threat to our security, both within and without our borders.

We also need an honest conversation about how to move forward on legislation that might have the effect of preventing attacks like this in the future. Some of those conversations are already happening, and I hope we will not stop until we make some progress. One place we can start is with a measure I introduced last year that would prevent known or suspected terrorists from purchasing firearms in the first place. It would not just block someone from buying a gun because of mere suspicion but would set up a process to actually detain—if based on evidence they are deemed to be a threat to society—and prevent them from not only purchasing a firearm but put them behind bars where they can't be a danger to other people. If potential terrorists are dangerous enough not to be allowed to own a gun, then I think they are dangerous enough to be taken off the streets. We shouldn't forget that a person who feels compelled to commit a terrorist act will not be stopped by just being unable to legally purchase a firearm. The 9/11 attackers used box cutters and airplanes. The Boston Marathon bombers used homemade explosives, and the terrorists in Paris and Brussels used illegal firearms and suicide vests.

In the case of the Orlando attacker, it does not appear he was on a watch list at the time he purchased the weapons he used to carry out this horrific attack. In fact, the FBI had twice cleared him of being an active terror threat. We need to be clear-eyed about this if we are actually serious about stopping events like this in the future.

I believe we do need to go further and do more to arm our law enforcement officers with the tools they need in order to counter terrorists and defend communities. FBI Director James Comey has outlined—with great clarity and specificity—how great a threat we face from extremists within our borders, and he made the point that the FBI has opened investigations in all of their FBI field offices around the country; that is, investigations of people being radicalized in place and doing the terrible deed that the shooter in Orlando did early Sunday morning.

If the FBI Director says this is an urgent need, we ought to act. Too often the FBI and other local law enforcement officers have to operate with one hand tied behind their back because they can't access key pieces of information like encrypted data. We saw that in an attempted terrorist attack in Garland, TX, last year, on the day of the ISIS-inspired attack just northeast of Dallas. Before the two jihadists—unfortunately traveling from Phoenix—arrived in Garland, they exchanged more than 100 different messages with terrorists overseas. Unfortunately, the FBI still doesn't have access to those communications because they are encrypted. That means law enforcement could still be missing critical information that could uncover future plots or identify more terrorists, both abroad and here at home.

The Garland case is not unique. The FBI is routinely hamstrung by outdated policies that make their job of protecting the homeland more difficult. We saw another example of that in San Bernardino, CA. We have to address this major policy gap. I hope the Senate has an opportunity to consider an amendment I filed to a bill that would update the Electronic Communications Privacy Act. It would help FBI agents get access to critical information faster to prevent terrorist attacks. The FBI Director has made it clear that this is his top legislative priority, and it is also supported by President Obama and his administration.

I believe it is our duty, now more than ever, to do something about it and make sure the FBI has critical counterterrorism tools to be able to identify potential threats before they commit horrific acts of violence like we saw in Orlando. It is clear the threats are on our doorsteps, and we should be willing to give those on the front lines of the counterterrorism fight faster access to critical information so they can identify terrorists and thwart those attacks. I am not talking about content of communications—at least initially. We know under the Fourth Amendment to the U.S. Constitution that law enforcement has to demonstrate probable cause to get access to content of online communication, but there is a whole host of information that identifies email addresses, Internet Protocol addresses, and the like, that could help the FBI connect the dots. If we are expecting the FBI to connect the dots in terrorist attacks and prevent other tragedies such as that in Orlando, then we ought to give them access to all the dots.

I hope this week, as we debate what the appropriate response is to dealing with these acts of mass terror, we look at the legislation I introduced last December that would notify the FBI in the event someone on a watch list attempts to purchase a firearm and then give the FBI a chance, if the evidence warrants it, to detain that individual and deny them access to the firearm. Moreover, I hope we will also provide

the FBI with additional tools in order to identify those radicalized Americans in place who pose a potential threat here on the homeland.

Finally, we must do more to counter the venomous ideology pedaled by ISIS by hitting them in their safe havens abroad. I am still amazed when the President refers to ISIS as the JV team. Yet ISIS seems to be the best game going for terrorists in the Middle East. Indeed, I recently traveled with members of the Homeland Security Committee in the House to Tunisia. There have been as many as 100 Tunisians who have traveled to Libya and trained with other foreign fighters and then hope to make the short jump into Europe via Italy and then potentially commit terrorist attacks there or even travel to the United States. Many of those countries are visa waiver countries—38 different countries are visa waiver countries. If you make it into Europe through a visa waiver country, you can travel to the United States without a visa. That is a potential threat to the United States.

We need to deal with ISIS seriously, which means we need a strategy to crush ISIS and prevent them from not only killing innocent civilians in the Middle East, as we saw when some 400,000 Syrians died in Syria—Syria started out as a civil war, but now it appears to be attracting terrorists from all across the region. We need to deal with the threat of ISIS as a serious national security matter and not just as a law enforcement exercise, where we act after the fact to investigate it and then perhaps prosecute people and put them behind bars. There is nothing we can do to punish a potential terrorist for taking the lives of 49 people in Orlando, especially when they kill themselves in the attack. We ought to be about preventing those attacks and not just prosecuting the culpable once the attack is over.

Earlier today we passed the national defense authorization bill and gave our military men and women in uniform the resources they need in order to combat this evil outside our borders, but what we need most of all in this fight against radical Islamic ideology is leadership from the White House, a strategy, which we are still waiting for, and a commitment to root out and destroy ISIS and its affiliates.

I get the sense that the President and his national security team feel like this is something they can contain, but this is not something they can contain. Maybe they can hope to contain the people fighting in the Middle East, but of course we know what has happened there. Maybe they can hope to catch people traveling from the Middle East to the United States, but it is not 100 percent secure. We know for sure that the preeminent threat here in the homeland is people being radicalized in place through social media and obviously being instructed to kill Americans where they live. This group is growing in strength across North Afri-

ca, as I mentioned in places like Libya, which is now a failed state because of the flawed strategy that the administration had after they took out Muammar Qadhafi. It seems as though we learned nothing from Iraq or any of our other experiences in the region.

Now is the time for coming together to face this enemy that seeks to upend our very way of life. This is not the time to downplay the evil that perpetuates this violence, and it is also not the time for show votes on things like gun control.

This individual in Orlando, who murdered 49 people and injured so many more, had a firearms license since 2011. He was a licensed security guard. He was not on a watch list at the time he committed this horrific act. So passing some legislation dealing with people on watch lists, such as the Senator from California offered last December, would have done nothing to prevent this attack.

We ought to be about finding a way to come together on a bipartisan basis to make sure this sort of travesty is not repeated over and over and over again. The only way we are going to do it is to get serious about giving the FBI the tools they need in order to fight and crush ISIS and its dangerous ideology where it resides in the Middle East. We ought to take that opportunity this week. We need to focus on the threat and how to better protect our country.

I look forward to working with my colleagues in other ways, exploring other ideas they may have to prevent tragedies like Orlando, San Bernardino, and Boston from happening in the future.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TILLIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRUZ). Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. TILLIS. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order.

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

Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 12:27 p.m., recessed subject to the call of the Chair and reassembled at 2:40 p.m. when called to order by the Presiding Officer (Mr. ALEXANDER).

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 120, H.R. 2578, an act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, John Cornyn, Mike Crapo, Richard C. Shelby, Richard Burr, Daniel Coats, Ben Sasse, Roger F. Wicker, Thom Tillis, Steve Daines, Chuck Grassley, Susan M. Collins, Thad Cochran, James Lankford, Lamar Alexander, John Hoeven, Roy Blunt.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 2578, an act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. LANKFORD).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER (Mr. PORTMAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 94, nays 3, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—94

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| Alexander | Fischer | Nelson |
| Ayotte | Flake | Paul |
| Baldwin | Franken | Peters |
| Barrasso | Gardner | Portman |
| Bennet | Gillibrand | Reed |
| Blumenthal | Graham | Reid |
| Blunt | Grassley | Risch |
| Booker | Hatch | Roberts |
| Boozman | Heinrich | Rounds |
| Brown | Heitkamp | Rubio |
| Burr | Hirono | Sasse |
| Cantwell | Hoeven | Schatz |
| Capito | Inhofe | Schumer |
| Cardin | Johnson | Scott |
| Carper | Kaine | Sessions |
| Casey | King | Shaheen |
| Cassidy | Kirk | Shelby |
| Coats | Klobuchar | Stabenow |
| Cochran | Leahy | Sullivan |
| Collins | Lee | Tester |
| Coons | Manchin | Thune |
| Corker | Markey | Tillis |
| Cornyn | McCaain | Toomey |
| Cotton | McCaskill | Udall |
| Crapo | McConnell | Vitter |
| Cruz | Menendez | Warner |
| Daines | Merkley | Warren |
| Donnelly | Mikulski | Whitehouse |
| Durbin | Moran | Wicker |
| Enzi | Murkowski | Wyden |
| Ernst | Murphy | |
| Feinstein | Murray | |