



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 113<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 160

WASHINGTON, WEDNESDAY, NOVEMBER 19, 2014

No. 142

## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, we acknowledge today that without Your protection, we labor in vain. Give rest to the weary and joy to those who work for liberty.

Lord, use our Senators to join You in bringing deliverance to captives and sight to the morally and ethically blind. Grant that our lawmakers will focus more on donation than duration as You remind them of their accountability to You. May looking to You for help become their first option.

We pray in Your marvelous Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### UNANIMOUS CONSENT AGREEMENTS—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at 3:00 p.m. today, the Senate proceed to executive session and vote on cloture on Executive Calendar Nos. 928, 930, 1032, 1033, 1034; further, that if cloture is invoked on any of those nominations, that on Thursday, November 20, at 2:00 p.m., all postcloture time be expired and the Senate proceed to vote on confirmation of the nominations in the order above.

The PRESIDING OFFICER (Mr. MARKEY).

Without objection, it is so ordered.

Mr. REID. Mr. President, I further ask unanimous consent that—we had some nominations on which cloture was filed last night—there be 2 minutes for debate prior to each vote and that all rollcall votes after the first vote in each sequence be 10 minutes in length; further, with respect to the nominations in this agreement, that if any nomination is confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

Mr. REID. I now ask unanimous consent that following the cloture vote on Executive Calendar No. 1034, the Senate consider Executive Calendar Nos. 596, 699, 957, 1044, 1045, and 1056; that there be 2 minutes for debate equally divided between the two leaders or their designees prior to each vote; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that any rollcall votes following the first in the series be 10 minutes in length; that if any nomination is confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mr. REID. Mr. President, we expect these nominations I just listed to be confirmed by voice vote.

### SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in a period of morning business, with Senators allowed to speak for up to 10 minutes each. The time from 1:00 p.m. to 2:00 p.m. will be under the control of the Republicans, and the majority will control from 2:00 p.m. to 3:00 p.m.

As a reminder, there will be an all-Senators briefing on ISIS at 4:30 p.m. this afternoon in the regular location.

### LEGISLATIVE PROCESS

Mr. REID. Mr. President, I am glad that for a few minutes the President pro tem is here in this body and presiding over the Senate.

For years I have heard from Senate Republicans that they simply wanted to do some legislating; they were tired of being shut out of the legislative process; they were not able to debate legislation and amendments. They have assured the American people they want to be wholly dedicated to open and robust debate on legislation on the Senate floor.

Yesterday a bill that was bipartisan in nature and came out under the auspices of the chairman of the Judiciary Committee, after actually years of consternation, debate, and work by so many different people, came to the floor. That was blocked yesterday, blocked from even having a hearing here on the Senate floor. That is wrong. This is a very important piece of legislation. It protects Americans' rights to privacy without sacrificing the U.S. intelligence community's ability to gather information.

I also say through the Chair to my friend the President pro tem of the Senate that it does not matter if you agree with the statement I just made. Maybe some people disagree with this legislation. Certainly there are people who disagree with it. But shouldn't we at least be able to debate the issue here

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S6107

on the floor? Doesn't legislation of this magnitude merit the Senate's consideration? Yet yesterday we were shut down once again—this has been going on for years—before we even got started. They would not even let the Senate debate this very important piece of legislation. We were ready to legislate in good faith. We have been ready to legislate for the last 4 years. We have been prevented numerous times from doing that.

The Republican leader and his caucus will have to do more than just pay lip-service to an open, bipartisan legislative process. At some point they must practice what they preach. Maybe that will be the case come January.

Last night, just after the vote on Keystone, I heard the Republican leader say he will bring this same legislation to the Senate floor early next year. So we look forward to coming to the floor early next year. I would hope we can have an open amendment process and ample debate on that legislation that the Republican leader for months on record has wholeheartedly endorsed.

I feel very bad that the chairman of our Judiciary Committee has worked so hard during the time—when we were in recess, we talked several times about the importance of this legislation and how we were going to try to move it forward. We determined yesterday we are not going to move forward even without a debate or a vote on anything. That is really too bad.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

THE PRESIDING OFFICER. The Senator from Vermont.

#### USA FREEDOM ACT

Mr. LEAHY. Mr. President, I appreciate the kind words of the majority leader. He and I have been friends for decades. He worked with me and was in touch with me throughout the recent effort on the NSA reform bill, the USA FREEDOM Act of 2014. He knew we had cosponsors, Republicans and Democrats, from across the political spectrum. This was an effort to do what was best for America and do it at a time when we would not be under urgent deadlines. Several of the authorities we were trying to amend expire on June 1 of next year.

We had a piece of legislation that began in the House of Representatives by a Republican chairman. We added to the bill in the Senate. There was a very

clear signal from the House of Representatives that if we had passed the USA FREEDOM Act of 2014 here in the Senate, they would have taken it up and passed it. We would be enacting legislation that would improve not only the security of Americans, but also the privacy and individual liberties of Americans. And we would not do it under a deadline. So it was unfortunate last night that there was a partisan effort to stop it. There was some of the worst fear-mongering I have heard on this floor in 40 years. But I say this as more of a way to thank the distinguished majority leader for his steadfast support.

Mr. REID. Mr. President, the reason I feel—and I have made my remarks regarding the Senator from Vermont. There has been no one in modern history who has done more to protect the civil liberties of people than the senior Senator from Vermont. This legislation was drafted toward that effect, to make sure we were able to do the necessary work for this country as it relates to what was in this bill but also to protect the liberties of Americans.

I have such admiration for my friend from Vermont, for his work on landmines. At the time he started the conversation on landmines, he was it, but of course there are now people all over the world who are following his lead on the maiming, people who have been killed, thousands of people. Thousands of people, as we speak, are still being killed by landmines from wars past. So the fact that we were not able to get to this legislation does not in any way take away from the legacy of this good man who has done so much to protect the individual liberties of the people in Vermont and across the country.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RECOGNITION OF THE MINORITY LEADER

THE PRESIDING OFFICER. The Republican leader is recognized.

#### HONORING OUR ARMED FORCES

##### PRIVATE FIRST CLASS JOSHUA A. GRAY

Mr. MCCONNELL. Mr. President, I rise this morning to celebrate the life and mourn the loss of a soldier from Kentucky who died while serving in uniform. PFC Joshua Gray of Van Lear, KY, lost his life on February 10, 2014, at Bagram Airfield, Afghanistan, from a noncombat-related incident.

Private First Class Gray was 21 years old. For his service in uniform, Private First Class Gray received several med-

als, awards, and decorations, including the Army Commendation Medal, the Army Good Conduct Medal, the NATO Medal, the Overseas Service Ribbon, the Global War on Terrorism Service Medal, the Afghanistan Campaign Medal, and the Expert Marksmanship Badge.

Josh's life may have been tragically cut short, but it was full of promise. He excelled as a student. He scored a 34 out of 36 on the ACT standardized test in high school, putting his score in the 99th percentile. Friends and teachers from Johnson Central High School, where Josh graduated in 2011, remember how very bright he was.

"Josh was a very high-end student. He was an amazing kid," says John Robinson, one of Josh's teachers. "He was very super-smart. He was always looking something up. He always had this thirst for knowledge—computers, math, science and technology. He was always more than willing to do work. He often came to me with questions—or answers."

Josh's fascination with computers led him to salvage an old, massive IBM server that he brought to school to tinker with. John Robinson remembers the unit was so heavy it should have required two people to carry it. John said:

He was carrying it around like it was nothing. He left it here. I still have it.

Josh was known around school for carrying something else around—Mr. Waddles, his stuffed penguin and constant companion. Though Josh carried the stuffed penguin at first for laughs, it soon became his trademark. As Tim Adams, district director of operations for Johnson County Schools, said:

He took Mr. Waddles everywhere with him. It started out as a joke, but then it just caught on. Mr. Waddles became part of the class.

Joshua participated on the Johnson Central High School academic team and the SkillsUSA team. Popular with his classmates, he was also named prom king and voted "Most Unforgettable" by his senior class.

Lindsey Patrick, a classmate of Joshua's, stated:

He could have done anything with his life, he was one of the most brilliant people I've ever met, and [service] is what he chose to do and give his life. That is why he is so unforgettable.

Josh was also musically gifted as well. Angie Carriere, his former music teacher, remembers Josh's musical talent:

He was in my violin/fiddle class. He never wanted to learn to read music, instead he insisted on playing music 'by ear.' Actually, he never really needed the [sheet] music; he could just listen to the song and play it.

Josh joined the Army in November of 2012. He completed training at Fort Jackson, SC, and was assigned to Headquarters and Headquarters Battalion, 10th Mountain Division, based out of Fort Drum, NY, as a satellite communications system operator and maintainer. He deployed to Afghanistan in