



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, THURSDAY, MAY 21, 2015

No. 79

CORRECTION

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

PRAYER

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

Let us pray.

Eternal Spirit, from generation to generation we will speak of Your greatness. Your voice is full of majesty, and we sense Your glory in the thunder. You sit enthroned as King forever. Thank You for the strength You give to all who love You and for the blessings You bestow upon America.

Lord, bless our Senators. Today, guide their thoughts and speech. Lead them on paths that will keep our Nation strong. May they conduct the work of freedom with justice and humility.

We pray in Your Holy 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 PRESIDING OFFICER (Mr. HELLER). The majority leader is recognized.

USA FREEDOM ACT OF 2015— MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.R. 2048.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 87, H.R. 2048, a bill to reform the authorities of the Federal Government to require the produc-

tion of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the motion to proceed.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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 H.R. 2048, an act to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.

Mitch McConnell, Lamar Alexander, Michael B. Enzi, David Vitter, John Cornyn, Johnny Isakson, Lisa Murkowski, John Barrasso, Richard Burr, Pat Roberts, Roy Blunt, Bob Corker, Orrin G. Hatch, Jerry Moran, Patrick J. Toomey, Mike Lee, Ted Cruz.

Mr. MCCONNELL. Mr. President, I withdraw the motion to proceed to H.R. 2048.

The PRESIDING OFFICER. The Senator has that right.

The motion is withdrawn.

EXTENDING AUTHORITY UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978— MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to S. 1357.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 86, S. 1357, a bill to extend authority relating to

roving surveillance, access to business records, and individual terrorists as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978 until July 31, 2015, and for other purposes.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the motion to proceed.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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 S. 1357, a bill to extend authority relating to roving surveillance, access to business records, and individual terrorists as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978 until July 31, 2015, and for other purposes.

Mitch McConnell, John Cornyn, Daniel Coats, Thom Tillis, Mike Rounds, Pat Roberts, Richard Burr, John Barrasso, Tom Cotton, Shelley Moore Capito, David Perdue, Lamar Alexander, Michael B. Enzi, David Vitter, Johnny Isakson, Roy Blunt.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to the cloture motion on the Hatch amendment, No. 1221, be waived.

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

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

MEASURE PLACED ON THE CALENDAR—H.R. 2353

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

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



Printed on recycled paper.

S3201

The legislative clerk read as follows:

A bill (H.R. 2353) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes.

Mr. McCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

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

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

Mr. HATCH. Mr. President, the Senate will shortly vote on cloture—

The PRESIDING OFFICER. The Senator will suspend.

RESERVATION OF LEADER TIME

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

ENSURING TAX EXEMPT ORGANIZATIONS THE RIGHT TO APPEAL ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1314, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1314) to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

Pending:

Hatch amendment No. 1221, in the nature of a substitute.

Hatch (for Flake) amendment No. 1243 (to amendment No. 1221), to strike the extension of the trade adjustment assistance program.

Hatch (for Inhofe/Coons) modified amendment No. 1312 (to amendment No. 1221), to amend the African Growth and Opportunity Act to require the development of a plan for each sub-Saharan African country for negotiating and entering into free trade agreements.

Hatch (for McCain) amendment No. 1226 (to amendment No. 1221), to repeal a duplicative inspection and grading program.

Stabenow (for Portman) amendment No. 1299 (to amendment No. 1221), to make it a principal negotiating objective of the United States to address currency manipulation in trade agreements.

Brown amendment No. 1251 (to amendment No. 1221), to require the approval of Congress before additional countries may join the Trans-Pacific Partnership Agreement.

Wyden (for Shaheen) amendment No. 1227 (to amendment No. 1221), to make trade agreements work for small businesses.

Wyden (for Warren) amendment No. 1327 (to amendment No. 1221), to prohibit the application of the trade authorities procedures

to an implementing bill submitted with respect to a trade agreement that includes investor-state dispute settlement.

Hatch modified amendment No. 1411 (to the language proposed to be stricken by amendment No. 1299), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, the Senate will shortly vote on cloture on the Hatch substitute amendment, legislation to renew trade promotion authority and trade adjustment assistance. I know some of my colleagues have concerns about the process. Let me say that I also share those concerns.

From the very beginning of our discussions over 3 years ago on the renewal of TPA, I have done all I could to listen to all of my colleagues and address their concerns.

I first worked with Chairman Baucus to find a way to update TPA in a way that addresses many of the issues that have arisen since 2002, including concerns over labor and the environment.

When Senator WYDEN became chairman of the Finance Committee, I again went to the negotiating table to try to address many of the transparency and procedural issues he raised, and we again came to a bipartisan compromise.

When many of my Senate colleagues said renewal of TAA was a necessary component to passing TPA, I again did my best to meet those concerns, even though I myself have significant reservations about the program.

Throughout the Finance Committee consideration, I tried to conduct an open and fair process, which allowed many Members of the committee, even those who opposed TPA, the opportunity to be heard and to have their amendments adopted. As a result, the committee reported out four pieces of trade legislation, all with strong bipartisan support.

I will acknowledge that the process on the floor has not gone the way any of us would like. At the outset of this endeavor, I stated my commitment to a full, fair, and open debate over our TPA legislation. The majority leader made a similar commitment, and I know that was our intention. Indeed, from the very beginning, we had planned to hear everyone's arguments and consider a number of amendments.

This is how the Senate is supposed to function. Once again, we intended to let it function that way. Unfortunately, there were some who did not want to let that happen. They were, from the very beginning, committed to slow-walking this process and preventing regular order. That is just a fact.

I know there are some who want to blame the majority leader for filing cloture and trying to move this process forward. I am sure some are thinking of voting against cloture this morning in protest. That would be a grave mistake.

Let me remind my colleagues that we tried to move to the bill at the begin-

ning of last week. I know, after the many recent long days on the floor, that seems like a long time ago, but I think everyone here can recall what happened.

We attempted to get on the bill, and we were prevented from doing so. After we found a way to address our colleagues' concerns, we were finally able to begin debate on the TPA bill, but even then the process was slow-going.

As debate began, the majority leader attempted to keep the Senate open on Friday and into the weekend to allow Senators to debate and offer amendments. However, the Senate minority leader objected, which prevented the process from moving forward and set us back even further.

Then, we came to this week and debate finally began in earnest. Shortly thereafter, a new strategy emerged, wholly supported by the opponents of TPA. The strategy has been simple: Prevent any amendments from being called up and object to any and all unanimous consent requests.

I have been here on the floor all week, and I have witnessed firsthand the deployment of this plan to frustrate the process and to prevent a full and fair debate on trade policy. Now here we are facing a cloture vote and the prospect of cutting off debate. It is unfortunate that it has come to this, but given the total lack of cooperation we faced and continue to face on this bill, this is really the only option left.

Invoking cloture is not the end. If we can get agreement with our colleagues, I expect there will still be opportunities to call up and vote on amendments, but we cannot just sit around and wait for solutions to come together on their own.

If any Senator has a proposal for a path forward that will reasonably satisfy the various demands and objections that have been raised and allow us to break the logjam on amendments, I am all ears. Until then, our only choice is to press forward. We could extend this debate forever and still not satisfy every demand; there is no question about that. But this bill is far too important.

I have done all I can to address legitimate concerns, and as a result, the bill is supported by me, Chairman RYAN from the House Ways and Means Committee, Ranking Member WYDEN from the Finance Committee, and, most importantly, the President of the United States.

Let's be real here. We need to get this bill passed. Just this morning, I read that a ministerial that was to begin this month has been canceled, in large part due to the fact that Congress has not approved this bill.

Our Nation's economic health and prestige are on the line here today. The TPA bill is the only way Congress can effectively assert its priorities in our ongoing trade negotiations. It is the only way we can ensure that our trade negotiators can reach good deals with our trading partners. It is the only way