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Senate

(Legislative day of Friday, May 22, 2015)

The Senate met at 12:01 a.m., on the expiration of the recess, and was called to order by the Honorable JAMES LANKFORD, a Senator from the State of Oklahoma.

PRAYER

The Presiding Officer offered the following prayer:

Let us pray.

Father, You are the One who forgives and restores in a place where pride comes really easy. I pray that You will give us the ability to humble ourselves so that we can encourage those who are broken and need help. Help us to speak with integrity in a day when this Nation needs role models.

We understand full well that You are our protector and shield, so we ask You to watch over us. Take care of our Nation. Take care of those dedicated men and women around the world who also protect and serve us.

We are grateful for Your wisdom, Your mercy, and Your loving kindness. Help us not to forget today that You are our Creator and You are the guide of this country, and we are Your servants. God, help us today to live and speak like it.

In the Name of Jesus, I pray.

Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 23, 2015.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JAMES LANKFORD, a Senator from the State of Oklahoma, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. LANKFORD thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls with respect to the cloture votes on the motions to proceed to H.R. 2048 and S. 1357 be waived.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote on the motion to proceed to H.R. 2048 start immediately, followed immediately by the second cloture vote if cloture is not invoked.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. 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 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.

The ACTING PRESIDENT pro tempore. 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. 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, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The ACTING OFFICER pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 42, as follows:

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



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[Rollcall Vote No. 194 Leg.]

YEAS—57

Baldwin	Gillibrand	Murphy
Bennet	Heinrich	Murray
Blumenthal	Heitkamp	Nelson
Booker	Heller	Peters
Boxer	Hirono	Reed
Brown	Hoeven	Reid
Cantwell	Johnson	Sanders
Cardin	Kaine	Schatz
Carper	Klobuchar	Schumer
Casey	Lankford	Scott
Coons	Leahy	Shaheen
Cruz	Lee	Stabenow
Daines	Manchin	Sullivan
Donnelly	Markey	Tester
Durbin	McCaskey	Udall
Feinstein	Menendez	Warner
Flake	Merkley	Warren
Franken	Mikulski	Whitehouse
Gardner	Murkowski	Wyden

NAYS—42

Alexander	Crapo	Perdue
Ayotte	Ernst	Portman
Barrasso	Fischer	Risch
Blunt	Graham	Roberts
Boozman	Grassley	Rounds
Burr	Hatch	Rubio
Capito	Inhofe	Sasse
Cassidy	Isakson	Sessions
Coats	King	Shelby
Cochran	Kirk	Thune
Collins	McCain	Tillis
Corker	McConnell	Toomey
Cornyn	Moran	Vitter
Cotton	Paul	Wicker

NOT VOTING—1

Enzi

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 57, the nays are 42.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. McCONNELL. Mr. President, I enter a motion to reconsider the vote.

The ACTING PRESIDENT pro tempore. The motion is entered.

Mr. McCONNELL. Mr. President, the Senate has demonstrated that the House-passed bill lacks the support of 60 Senators. I would urge a “yes” vote on the 2-month extension. Senator BURR, the chairman of the Intelligence Committee, and Senator FEINSTEIN, the ranking member, as we all know, have been working on a proposal that they think would improve the version that the Senate has not accepted that the House sent over. It would allow the committee to work on this bill, refine it, and bring it before us for consideration. So the 2-month extension, it strikes me, would be in the best interest of getting an outcome that is acceptable to both the Senate and the House and hopefully the President.

Mrs. BOXER. Mr. President.

Mr. McCONNELL. So I would urge a “yes” vote.

The ACTING PRESIDENT pro tempore. The Senator from California.

UNANIMOUS CONSENT REQUEST—
H.R. 2048

Mrs. BOXER. Mr. President, I ask unanimous consent that since a strong bipartisan majority of the Senate voted to invoke cloture on the motion to proceed to the USA FREEDOM Act, that the motion to proceed be agreed

to, that the bill then be read a third time, and the Senate vote on passage of the USA FREEDOM Act.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BURR. Objection.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mrs. BOXER. Mr. President, let's be clear what happened here. We tried with the majority—

Mr. McCONNELL. Regular order.

Mr. BURR. Regular order.

Mrs. BOXER. To protect this country, and the Republicans objected. Let's be clear.

The ACTING PRESIDENT pro tempore. Regular order has been called for. Debate is not in order.

Mrs. FEINSTEIN addressed the Chair.

The ACTING PRESIDENT pro tempore. Debate is not in order.

Mrs. FEINSTEIN. Mr. President, if I may a point of personal privilege.

Mr. President, I would like to correct the majority leader, regretfully. I did not support the Burr bill. I do not believe that is the way to go. I have taken a good look at this. For those who want reform and want to prevent the government from holding the data, the FREEDOM Act is the only way to do it. The House has passed it. The President wants it. All of the intelligence personnel have agreed to it, and I think not to pass that bill is really to throw the whole program—that whole section 215 as well as the whole business records, the “lone wolf,” the roving wiretaps—into serious legal jeopardy.

Mr. McCONNELL. Regular order, Mr. President.

The ACTING PRESIDENT pro tempore. Regular order.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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.

The ACTING PRESIDENT pro tempore. 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 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, 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 Wyoming (Mr. ENZI).

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

The yeas and nays resulted—yeas 45, nays 54, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—45

Alexander	Ernst	Portman
Ayotte	Fischer	Risch
Barrasso	Flake	Roberts
Blunt	Graham	Rounds
Boozman	Grassley	Rubio
Burr	Hatch	Sasse
Capito	Hoeven	Scott
Cassidy	Inhofe	Sessions
Coats	Isakson	Shelby
Cochran	Johnson	Sullivan
Collins	Kirk	Thune
Corker	Lankford	Tillis
Cornyn	McCain	Toomey
Cotton	Nelson	Vitter
Donnelly	Perdue	Wicker

NAYS—54

Baldwin	Gillibrand	Murkowski
Bennet	Heinrich	Murphy
Blumenthal	Heitkamp	Murray
Booker	Heller	Paul
Boxer	Hirono	Peters
Brown	Kaine	Reed
Cantwell	King	Reid
Cardin	Klobuchar	Sanders
Carper	Leahy	Schatz
Casey	Lee	Schumer
Coons	Manchin	Shaheen
Crapo	Markey	Stabenow
Cruz	McCaskey	Tester
Daines	McConnell	Udall
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Mikulski	Whitehouse
Gardner	Moran	Wyden

NOT VOTING—1

Enzi

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 54.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. McCONNELL. Mr. President, I would say to my colleagues that it is clear there aren't 60 votes in the Senate for the House-passed bill, and there aren't 60 votes for a 60-day extension.

So I am going to propound a series of unanimous consent requests to see if we can avoid having the program expire roughly 1 week from now.

UNANIMOUS CONSENT REQUESTS

Therefore, I ask unanimous consent that the Senate now proceed to a bill to extend the expiring provisions until June 8, and that the bill be read a third time and passed with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?