

[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?

The Senator from Kentucky.

Mr. PAUL. Reserving the right to object, we have entered into a momentous debate. This is a debate about whether or not a warrant with a single name of a single company can be used to collect all of the records—all of the phone records—of all of the people in our country with a single warrant.

Our forefathers would be aghast. One of the things they despised was general warrants. This is a debate that should be had. The reason I am objecting is because I have made a very simple request—to have amendments, to have them voted on, and to have a guarantee that they are voted on.

I started out the day with a request for six amendments. I am willing to compromise to have two amendments and a simple majority vote.

I think that is a very reasonable position. And if we can't have that and we can't have an extensive debate over something we have had 4 years to prepare for, I will object, and I do.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, I renew my unanimous consent request with an amendment to extend expiring authorities until June 5.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. MCCONNELL. Mr. President, I renew my unanimous consent request with an amendment to extend expiring authorities until June 3.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, I will defer to the Senator from New Mexico if he wishes to make an objection.

Mr. HEINRICH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, I renew my unanimous consent request with an amendment to extend expiring authorities until June 2.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. MCCONNELL. Mr. President, I enter my motion to reconsider.

The PRESIDING OFFICER. The motion is entered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

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

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

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, here is where we are. We are unable to clear any short-term extension, and the current law expires at midnight on Sunday. So the Senate will be back in session Sunday afternoon—a week from Sunday—on May 31, with one more opportunity to act responsibly and not allow this program to expire.

This is a high-threat period. We know what is going on overseas. We know what has been tried here at home. Do we really want this law to expire?

We have 1 week to discuss it. We will have 1 day to do it. So we better be ready next Sunday afternoon to prevent the country from being in danger by the total expiration of the program we are all familiar with.

Unless there is objection, and I understand there is not an objection, we will pass the highway extension on a voice vote tonight and we will be back in session Sunday a week.

Mr. REID. Will my friend yield for a question?

Mr. MCCONNELL. I yield for a question.

Mr. REID. We would be happy to cooperate in passing a surface transportation bill by voice, but I do say this—and I mentioned this to my colleague away from the microphones. For those of us living in the West, we cannot get back on a Sunday afternoon. I think it is very difficult for us to get back here on a weekday before 5 o'clock, so I would hope on a Sunday we wouldn't be expecting the Senate to come in session before 5 o'clock because we can't get here.

I am protecting the western part of my caucus, which is pretty big, but I am not going to agree to anything unless we can come in at least after 5 o'clock.

Mr. MCCONNELL. Well, as my friend the Democratic leader knows, I would be happy to work with him on that. He also knows I just tried to get a short-term extension of a variety of different lengths in order not to put us in this position, but we are left with this option only.

We will work with the Democratic leader about the actual time, but the law expires at midnight Sunday a week. I doubt if there are many of us comfortable with that—maybe a handful—but we need to act responsibly here on behalf of the American people.

Mr. REID. I agree.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Sen-

ate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, I am not sure I made it clear to everyone that there will be no more votes tonight. We will see you in a week.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL SECURITY LEGISLATION

Ms. MIKULSKI. Mr. President, I wanted to speak earlier because I wanted to encourage my colleagues on both sides of the aisle to come to a resolution on this problem. We cannot let this country go dark in terms of its ability to do its duty to defend the United States of America. We have to get off of what we are doing here and start getting down to the business of what we need to do.

I have to believe that tonight the world is watching us and they are saying: There goes the United States Senate, and there they go home, ha, ha, ha. They have a program that someone tried to render helpless in terms of our ability to protect ourselves. Edward Snowden literally tried to disgrace the United States.

Now here we are working on a program that went through the respective committees, that has the sound and sensible solution, and we have rejected it.

I am not here to talk about the program, but I will tell you whom I am ready to talk about—the thousands and thousands and thousands of people who work at the National Security Agency, and I want to talk about what they go through every day. They are out there working a 36-hour day trying to defend the United States of America, and they want to work under a law that is constitutional, is legal, is authorized, so they can do the necessary work to defend the United States of America. They thought they were doing that under the old FISA bill. They thought they were doing that. They were proud of what they were doing. They mustered everything they could give to this country. Then along comes Eric Snowden. Then along come the leaks. Then along comes the pontificating about “My, my, my, we have to worry about privacy.”

I worry about privacy, too, but I also worry about the safety and security of