



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, SUNDAY, MAY 31, 2015

No. 85

House of Representatives

The House was not in session today. Its next meeting will be held on Monday, June 1, 2015, at 2 p.m.

Senate

SUNDAY, MAY 31, 2015

The Senate met at 4 p.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.

O God, our rock and our fortress, thank You for guiding our lives. Without the unfolding of Your loving providence, we would miss life's music. Lord, You have set our feet on solid ground and delivered us from our enemies. You have kept us from sorrow and sighing for we trust You in life's storms.

Today, empower our lawmakers to be instruments of Your will. Remind them that their times are in Your hands as You save them in Your steadfast love. Give them serenity to accept what they cannot change and courage to change what they can.

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 PRESIDENT pro tempore. The majority leader is recognized.

REMEMBERING BEAU BIDEN

Mr. McCONNELL. Mr. President, I will have more to say about the Senate business before the Senate later, but at this time I wish to express my sincere condolences to the entire Biden family in their moment of such deep and profound loss.

Beau Biden was known to many as a dedicated public servant, a loving father of two, and a devoted partner to the woman he loved, Hallie.

I have known the Vice President for many years, and it is hard to think of anything more important to him than his faith and his family. I hope he will find comfort in the former as he grieves such a terrible loss.

The Senate offers its Presiding Officer and every member of his family our prayers and our sympathy.

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the time until 5 p.m. be equally divided in the usual form and that the Senate recess at 5 p.m. subject to the call of the Chair.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

REMEMBERING BEAU BIDEN

Mr. REID. Mr. President, I join in my feelings about the JOE BIDEN family. I

was saddened beyond words to hear of the passing of Beau. He was such a fine young man. He was a devoted husband, father, son, a dedicated servant to the people of Delaware, and a faithful, honorable veteran of the United States, having served in the Middle East in Iraq.

I, of course, extend all of the sympathy I am capable of extending to his family during this very difficult time. Beau left us far too soon. He was only 46 years old, but I am certain his family will take solace in knowing he lived a selfless, noble life.

To my friend JOE BIDEN, whom I served with in Congress for so many years, I extend my deepest thoughts and condolences to you, JOE.

There is a song "Man of Constant Sorrow" that certainly, if that ever applied to someone, it would be our friend JOE BIDEN. Not having been sworn in to the Senate, he experienced the tragic loss of his wife and little girl. Then, as to his two sons, Beau and Hunter, he spent time on a train going back and forth to Delaware virtually every night so he could take care of those two fine young men until he was fortunate enough to meet Jill Biden, his beautiful wife.

I am very sorry JOE has had to go through this terrible ordeal now of losing a son after having lost a daughter.

But, I repeat, there is no question that Delaware is a better place because of Beau, our country is a better place because of Beau, and the world is better place because of Beau Biden.

I, and the entire Senate family, as Senator McCONNELL has indicated,

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



Printed on recycled paper.

send our deepest condolences as they grieve during this tragic time.

NATIONAL SECURITY LEGISLATION

Mr. REID. Mr. President, we are here facing yet another manufactured crisis with the vitally important PATRIOT Act provision set to expire in a matter of hours. In fact, we have less than 8 hours before the expiration of this critical national security program. That is what we are faced with.

Tonight's deadline is certainly no surprise. As the junior Senator from Utah, a Republican, noted: "We've known for four years that this deadline was approaching."

Like so many other occasions in which brinksmanship has pushed the Senate and our Nation to the precipice, the dilemma we now face was completely avoidable. The job of the leader is to have a plan. In this case, it is clear the majority leader simply didn't have a plan. The majority leader had 5 months to introduce a bill from committee that would reform and extend the expiring PATRIOT Act provisions, but instead he bypassed the committees altogether and brought this to the floor unilaterally, with no committee hearing—none.

The majority leader recently said no more rule XIVs, but that pledge has not lasted very long, has it. The majority leader had, I repeat, 5 months.

In fact, my friend, the ranking member of the Judiciary Committee and a dean of the Senate, said this could have passed so easily in the last 2 years. The majority leader had 5 months during the time he has been the majority leader to coordinate with the House, which passed FISA reform weeks ago, but instead he went it alone.

In fact, it is as if the House and Senate Republican leaders appear to be on different pages. Everyone saw this coming. Weeks ago, it was clear the Senate didn't have adequate time to consider trade legislation, surveillance legislation, and, of course, the highway bill before the Memorial Day recess. I said that and others said that.

Listen to what one Republican Congressman said. His name is REID RIBBLE.

He could have handled it better by being more prepared in advance for it. They ran out the clock basically by working on trade first; he probably should have ran the clock out on [surveillance] instead. I don't know what his strategy is here. I'm a little bit flummoxed.

I say to my friend, Congressman RIBBLE, that he is not the only one who is flummoxed; so are we.

The Senate majority leader set up a collision course with no plan on how to resolve it. It seems the only plan the majority leader had on FISA was to jam it through last Friday night; this, despite the fact that an overwhelming majority of House Members oppose an extension, the President opposes an extension, and a dozen Senate Repub-

licans oppose an extension and so voted last Friday.

Is it any wonder, then, that even the majority leader's own Republican Senators felt it necessary to take matters into their own hands?

The majority leader was also caught off guard by a Member of his own Republican conference last week who refused to allow the Senate to extend the provisions for a program that the Second Circuit has determined is illegal.

But, again, the junior Senator from Kentucky did not hide his thoughts. He was on the floor for 10 hours or so. I disagree with the junior Senator from Kentucky, but we are not in the mess today because of the junior Senator of Kentucky; we are in the mess we are today because of the majority leader.

The majority leader should have seen this coming. Everyone else did, even those in his own party. Meanwhile, the Republican leader has repeatedly lectured this body as to how it should function, but his actions have helped the Senate to not function.

We can do without more lectures and defiant statements. We can do with more strategy, planning, and open lines of communication because it is the majority leader's job to have a plan and to prioritize what must get done over what he would like to get done.

In this case, my friend from Kentucky simply did not have a plan, and that is why we are here staring down the barrel of yet another unnecessary manufactured crisis that threatens our national security.

We heard what the head of the CIA said today on a Sunday show. He said he is afraid something will happen when this act expires. That is not just my assessment of the situation. This is from the head of the CIA. Senate Republicans even feel the same way.

The Republican junior Senator from Montana said yesterday:

We could have done this a week ago. And this is the nature of Washington, D.C., always managing by crisis.

Fortunately, there is a clear way out: pass the USA FREEDOM Act, which the House overwhelmingly passed with 338 votes on a totally bipartisan basis. All we need are a few more Republican Senators to vote with Democrats and the bill will pass. Just three, maybe four, maybe five—but a few Senators is all we need to bring this unnecessary crisis to a screaming halt.

I am confident we can pass this bill if the majority leader will bring it to the floor for a fair vote.

Now, procedurally, it is going to be extremely difficult to not have this bill—this law expire. This is not a bill; this is a law that is expiring. Any other course than just passing this bill would require the House to act before midnight. They are not here, so it is not going to happen. There is not a quorum of House Members, and there are House Members who will object to a unanimous consent request anyway.

Passing the USA FREEDOM Act is the only way I can foresee where the

PATRIOT Act provisions do not expire. Now is the time for the majority leader to do what is right for the privacy and security of all Americans.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

USA FREEDOM ACT OF 2015— MOTION TO PROCEED

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 2048, which the clerk will report.

The senior assistant 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 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.

The PRESIDENT pro tempore. The minority leader.

Mr. LEAHY. I ask, through the Chair, if the Democratic leader will yield to me for a comment.

Mr. REID. Mr. President, I am happy to yield to the Senator for a comment.

Mr. LEAHY. Mr. President, I was struck by what the Democratic leader said. He laid out the history of this. We are here in a manufactured, unnecessary crisis. It is a manufactured, unnecessary crisis.

Last year, by an overwhelming majority, the Senate voted to make improvements to the PATRIOT Act. The legislation made reforms to the provisions that have now been declared illegal. We did that but could not get past a filibuster. We had 58 votes. Normally, you think of 51 votes being enough to pass a bill. The Democratic leader will recall how hard he worked to try to get that bill through. The Republican leader said: No, we will wait until next year. Well, next year came. We have wasted so much time. There has not been a single public hearing. There has not been any action on an alternative to the USA FREEDOM Act.

But, I say to my friend from Nevada, he is absolutely right when he says the House passed the USA FREEDOM Act by a 4 to 1 margin. It was an overwhelming vote, Republicans and Democrats together, to get rid of the illegal parts of the PATRIOT Act, to pass an improvement. We ought to just take up the USA FREEDOM Act and pass it.

If we were allowed to have a straight up-or-down vote in this body, I guarantee you, a majority of Senators—both parties—would vote for it.

So I just wanted to say that while the leader was on the floor.

I now ask for recognition in my own right.