

under rule XXII, the Chair directs the clerk to report the motion.

The 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, hereby move to bring to a close debate on the nomination of Eleanor Louise Ross, of Georgia, to be United States District Judge for the Northern District of Georgia.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Sheldon Whitehouse, Barbara Boxer, Al Franken, Christopher A. Coons, Jack Reed, Kirsten E. Gillibrand, Maria Cantwell, Amy Klobuchar, Bill Nelson, Mark R. Warner, Robert P. Casey, Jr., Richard Blumenthal, Tom Harkin, Dianne Feinstein.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

Mr. REID. I withdraw my motion to proceed to S. 2609.

The PRESIDING OFFICER. The motion is withdrawn.

USA FREEDOM ACT—MOTION TO PROCEED

Mr. REID. I move to proceed to Calendar No. 499, S.2685.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 499, S. 2685, 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, criminal purposes, and for other purposes.

CLOTURE MOTION

Mr. REID. I ask to have the cloture motion at the desk be reported.

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

The 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, hereby move to bring to a close debate on the motion to proceed to Calendar No. 499, S. 2685, 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.

Harry Reid, Patrick J. Leahy, Sheldon Whitehouse, Martin Heinrich, Richard Blumenthal, Sherrod Brown, Thomas R. Carper, Al Franken, Bernard Sanders, Carl Levin, Tom Udall, Charles E. Schumer, Mazie Hirono, Tom Harkin, Cory A. Booker, Barbara Boxer, Christopher A. Coons, Richard J. Durbin.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session.

Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on the motion to invoke cloture on the Moss nomination.

Mr. LEAHY. Mr. President, as we return from recess for the remaining days of the 113th Congress, I begin by congratulating my friend Senator CHUCK GRASSLEY who will become chairman of the Judiciary Committee beginning in the 114th Congress. We have a very good working relationship, and I hope this will continue when he assumes the chairmanship in January.

We still have several weeks left in this Congress with much work left to be done. As history shows, when both sides work together, the lameduck session can be a productive one for filling vacancies on our courts. In 2002, after the midterm elections, Senate Democrats worked to confirm 20 of President Bush's judicial nominees—all but one by voice vote. In the 2006 lameduck session, after Senate Democrats won the majority in the elections, Democrats agreed to confirm the 14 judicial nominations pending on the floor, but this package was blocked by a Republican Senator. In the most recent lameduck sessions, in 2010 and 2012, a total of 32 judicial nominees were confirmed. With the 2014 midterm elections behind us, I hope we will, as the incoming majority leader suggests, "clear the decks" on pending business so that we can start fresh next year.

Currently, there are 16 district court nominations that have been pending before the full Senate for months and another eight district court nominations and one Court of International Trade nomination that will be reported out of the Judiciary Committee before the end of the month. There are also six nominees pending before the Senate to fill vacancies on the U.S. Court of Federal Claims, two nominees to fill vacancies on the Superior Court of the District of Columbia, and three nominees to fill vacancies on the U.S. Tax Court.

Today, we will vote to overcome the needless filibuster of just two of the district court nominations that have been pending before the full Senate since June, one of which will fill a judicial emergency vacancy in Georgia.

Randolph Moss is nominated to serve on the U.S. District Court for the Dis-

trict of Columbia. The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Moss "well qualified" to serve on that court—its highest rating. Since 2001, he has been a partner at the law firm of Wilmer, Cutler, Pickering, Hale and Dorr LLP. He has also served in various capacities for the U.S. Department of Justice. Upon graduating from Yale Law School, Mr. Moss clerked for Judge Pierre N. Leval on the U.S. District Court for the Southern District of New York and for Justice John Paul Stevens on the U.S. Supreme Court.

Leigh May is nominated to serve on the U.S. District Court for the Northern District of Georgia. She is currently a partner at the law firm of Butler, Wooten & Fryhofer, LLP, in Atlanta, GA, where she has practiced since 2000. After graduating magna cum laude from the University of Georgia Law School, she served as a law clerk to the Honorable Judge Dudley H. Bowen, Jr., of the U.S. District Court for the Southern District of Georgia.

We still have much work to do to fill the 64 current judicial vacancies and 27 known upcoming vacancies on our Federal district and circuit courts. Before the end of this Congress we could cut the number of vacancies on our district and circuit courts by one-third. To get this done, however, we must stop delaying for delay's sake votes for consensus nominees. Unless there is cooperation from Republican Senators, we will not have time to clear the Executive Calendar before adjournment. At the very least, I would hope that the Republican Senators who recommended many of the pending judicial nominees to the President will work within their caucus to get consent to confirm their nominees.

I hope all Senators will vote to put an end to the filibuster of these nominations.

Mr. REID. 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.

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

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

UNANIMOUS CONSENT AGREEMENT—S. 2280

Ms. LANDRIEU. Mr. President, I ask unanimous consent that following the leader's remarks on Tuesday, November 18, the Senate proceed to consideration of Calendar No. 371, S. 2280, a bill to approve the Keystone XL Pipeline; that there be up to 6 hours of debate equally divided between opponents and proponents; that upon the use or yielding back of time, the bill be read a third time and the Senate proceed to vote on passage of S. 2280; that no amendments, motions, or points of order be in order to the bill prior to the vote on passage; that the vote on passage be subject to a 60 affirmative-vote

threshold. And I will include something. I ask that unanimous consent as in legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CORNYN. Reserving the right to object.

Mr. President, we have been trying to get the Keystone Pipeline approved and on the President's desk since 2012. The leader on our side has been the Senator from North Dakota, Senator HOEVEN. We have all supported this effort because we believe the State Department estimate that roughly 42,000 jobs would be created once the pipeline is approved. If the oil doesn't come to the United States and is not turned into fuel here, it will be shipped to China.

Unfortunately, the majority has blocked this pipeline several times. It has been stalled for way too long, so I am glad to see some progress is being made, albeit at this late date, after a dramatic election on November 4.

I ask the Senator to modify her request so that if the Senate passes S. 2280 and receives a bill from the House that is identical to S. 2280, then the House bill will be read three times and passed with no intervening action or debate, and thus we can send this bill directly to the President without further action.

The PRESIDING OFFICER. Does the Senator wish to modify the request?

Ms. LANDRIEU. Reserving the right to object.

I thank the Senator from Texas engaging on this matter today. I appreciate it. Most importantly, I appreciate the comments he made earlier on the floor about rolling up our sleeves and getting to work. He was one of the first speakers this morning when our Senate convened, and I was here when he spoke. I wish to thank him for his very insightful and courageous words that said we should roll up our sleeves and get to work.

He knows very well that I, and about 12 to 15 Members on our side, have been working very hard with him and his leadership and all the Members of the Republican side to move the Keystone Pipeline bill forward.

I think the Senator also knows the bill that Senator HOEVEN and I drafted respects this process, wanted to see the process complete, and acknowledges that the process is now complete and it is time to move.

So because the House heard these words today and has decided to introduce the identical language in the Hoeven-Landrieu bill—and I think the Senator will agree with me it is good news—it looks to me as if they are prepared to pass it. I can see no reason to object to what the Senator from Texas is asking for, and I consider it extraordinary progress.

I am very happy that I came to the floor at 2:00 p.m. to get the ball rolling and that I was here in time to hear the Senator's remarks: Let's get to work.

So let's get it done. We can get it done in the lameduck session, and I will accept the Senator's counter.

The PRESIDING OFFICER. The request has been modified.

Is there an objection to the modified request?

Mr. CORNYN. Mr. President, a point of clarification. It is my understanding the Senator from Louisiana is not objecting to my amended request and has not posed another modification. I believe the question is, is there an objection to my modified request?

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I will clarify. I want the record to reflect my remarks. The Senator from Louisiana has absolutely no objection to the House of Representatives taking the exact language from my bill with Senator HOEVEN and passing it. Why would I object? I have been working on this for 4 years. Why would I object to that? The record should reflect that. The Senator from Louisiana has no objection whatsoever—and I am encouraged that the House is taking the exact language of the bill that I carefully drafted with Senator HOEVEN. He is the lead on this bill. I am not. It is his bill. He is the lead. I am just the Chair of the energy committee.

I wish to thank Senator TESTER and others who helped to craft a bill that the House would accept, and so I have no objection to that.

The PRESIDING OFFICER. Is there objection to the modified request?

Without objection, it is so ordered.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

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, hereby move to bring to a close debate on the nomination of Randolph D. Moss, of Maryland, to be United States District Judge for the District of Columbia.

Harry Reid, Patrick J. Leahy, Sheldon Whitehouse, Patty Murray, Elizabeth Warren, Charles E. Schumer, Jack Reed, Christopher A. Coons, Dianne Feinstein, Angus S. King, Jr., Benjamin L. Cardin, Mazie Hirono, Richard Blumenthal, Amy Klobuchar, Christopher Murphy, Cory A. Booker, Martin Heinrich.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Randolph D. Moss, of Maryland, to be United States District Judge for the District of Columbia, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Michigan (Ms. STABENOW) and the Senator from Colorado (Mr. UDALL) are necessarily absent.

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

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 271 Ex.]

#### YEAS—53

Baldwin	Hagan	Murray
Begich	Harkin	Nelson
Bennet	Heinrich	Pryor
Blumenthal	Heitkamp	Reed
Booker	Hirono	Reid
Boxer	Johnson (SD)	Rockefeller
Brown	Kaine	Sanders
Cantwell	King	Schatz
Cardin	Klobuchar	Schumer
Carper	Leahy	Shaheen
Casey	Levin	Tester
Collins	Markey	Udall (NM)
Coons	McCaskill	Walsh
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murkowski	Wyden
Gillibrand	Murphy	

#### NAYS—45

Alexander	Fischer	McCain
Ayotte	Flake	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Burr	Heller	Risch
Chambliss	Hoeven	Roberts
Coats	Inhofe	Rubio
Coburn	Isakson	Scott
Cochran	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Landrieu	Toomey
Cruz	Lee	Vitter
Enzi	Manchin	Wicker

#### NOT VOTING—2

Stabenow

Udall of Colorado

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. The motion is agreed to.

#### NOMINATION OF RANDOLPH D. MOSS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Randolph D. Moss, of Maryland, to be United States District Judge for the District of Columbia.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to the vote on the motion to invoke cloture on the May nomination.

Mr. LEAHY. Mr. President, I ask unanimous consent that the time be yielded back.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Mr. LEAHY. I withhold that request. I yield back my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia, Mr. ISAKSON.

Mr. ISAKSON. Mr. President, on behalf of myself and Senator CHAMBLISS, we ask the Members of the Senate to move favorably on this vote of cloture. We appreciate the consideration of Members and ask for their "yes" vote.

I yield back.

The PRESIDING OFFICER. All time is yielded back.