

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

EXECUTIVE SESSION

NOMINATION OF STANLEY FISCHER TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Stanley Fischer, of New York, to be a Member of the Board of Governors of the Federal Reserve System for a term of four years.

Mr. JOHNSON of South Dakota. Mr. President, I wish to speak in support of Dr. Stanley Fischer to be a member of the Board of Governors of the Federal Reserve System. While we are only voting on Dr. Fischer's nomination to be a member of the Board today, he has also been nominated to be Vice Chair of the Board of Governors, which we will need to vote on in the near future.

As you all know, Dr. Fischer is a distinguished economist who is immensely qualified to serve on the Federal Reserve Board. In his two decades on the MIT faculty, he was primary adviser for 49 Ph.D. students, including former Fed Chairman Ben Bernanke, and current European Central Bank President Mario Draghi. In addition, he has previously served on the frontlines in making public policy decisions during periods of financial crisis—including as the head of the Bank of Israel during the last financial crisis. He is supported by experts from both sides of the aisle and respected by leaders throughout the world. His wisdom on the economy, monetary policy, and banking would be extremely valuable to the Board.

It is important that we move quickly to confirm Dr. Fischer to the Board. Next week, the Federal Reserve Board will only have 3 out of 7 confirmed Board members. In addition to Dr. Fischer, the Senate needs to quickly confirm Dr. Lael Brainard and Mr. Jerome Powell. There is a lot of work to do at the Board, including conducting monetary policy, drafting rules implementing Wall Street reform, and taking other actions to improve financial stability and economic growth, so it is important we fill the Board vacancies with highly qualified nominees like Dr. Fischer as soon as possible.

I urge my colleagues to support Dr. Fischer.

Mrs. BOXER. Mr. President, we yield back all of our time.

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

The question is, Will the Senate advise and consent to the nomination of Stanley Fischer, of Texas, to be a Member of the Board of Governors of the Federal Reserve System?

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Arkansas (Mr. BOOZMAN), and the Senator from Indiana (Mr. COATS).

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

The result was announced—yeas 68, nays 27, as follows:

[Rollcall Vote No. 160 Ex.]

YEAS—68

Alexander	Franken	Murkowski
Baldwin	Gillibrand	Murphy
Begich	Hagan	Murray
Bennet	Harkin	Nelson
Blumenthal	Hatch	Portman
Booker	Heinrich	Pryor
Boxer	Heitkamp	Reed
Brown	Hirono	Reid
Burr	Isakson	Rockefeller
Cantwell	Johanns	Sanders
Cardin	Johnson (SD)	Schatz
Carper	Kaine	Schumer
Casey	King	Stabenow
Chambliss	Kirk	Tester
Coburn	Klobuchar	Udall (CO)
Collins	Landrieu	Udall (NM)
Coons	Leahy	Walsh
Corker	Levin	Warner
Cornyn	Manchin	Warren
Donnelly	Markey	Whitehouse
Durbin	Menendez	Wicker
Feinstein	Merkley	Wyden
Flake	Mikulski	

NAYS—27

Barrasso	Heller	Risch
Blunt	Hoeven	Roberts
Cochran	Inhofe	Rubio
Crapo	Johnson (WI)	Scott
Cruz	Lee	Sessions
Enzi	McCain	Shelby
Fischer	McConnell	Thune
Graham	Moran	Toomey
Grassley	Paul	Vitter

NOT VOTING—5

Ayotte	Coats	Shaheen
Boozman	McCaskill	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

EXECUTIVE SESSION

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate equally divided in the usual form prior to a vote on the motion to invoke cloture on the Barron nomination.

The Senator from Louisiana.

GREEN NOMINATION

Ms. LANDRIEU. Madam President, the Senate is about to proceed to several votes on important nominees, and I wanted to put in a strong word of support for James Walter Green, who has been nominated by the President to serve as U.S. attorney for the Middle District of Louisiana.

I was very pleased to recommend Mr. Green to the President for his consideration. I strongly urge my colleagues to vote with me to confirm him today. He has served our country in a variety of capacities, most notably 20 years of military service. He has been involved in multiple deployments, is the recipient of numerous military awards, including the Defense Meritorious Service Medal, the Navy and Marine Corps Commendation Medal, the Combat Action Ribbon, and the Iraq Campaign Medal.

Not only is he a strong patriot who has been of extraordinary service to our country, he has also served for an additional 15 years in a variety of capacities in this office and supported their work through Republican and Democratic administrations.

He comes highly recommended by a broad cross section of individuals in my State, and I am pleased I was able to recommend this kind of high-caliber person to continue to serve in the full capacity as U.S. attorney.

Mr. Green will bring a wealth of legal experience to his role as U.S. Attorney for the Middle District of Louisiana. He has served in a variety of roles within the U.S. Attorney's office in both the Baton Rouge and Las Vegas offices, including as a trial attorney, trial section supervisor, acting criminal chief, acting administrative officer and first assistant U.S. attorney.

He is currently the acting U.S. Attorney for the Middle District of Louisiana and a member of the U.S. Marine Corps Reserves.

I have every confidence that James Walter Green will be exceptional in his role as the chief Federal law enforcement official in the Middle District of Louisiana.

I thank Senator DURBIN for his courtesy. I wanted to put in a strong word for this nominee. He is supported by both Senator VITTER and myself, and I hope to get a strong vote on him today.

I ask that the time be equally divided between the majority and minority.

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

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

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

Mr. GRASSLEY. Madam President, before we vote on the Barron nomination, I want my colleagues to know the White House continues to keep the Senate in the dark. Yesterday I called upon the White House to state once and for all whether it has provided to the Senate any and all materials written by this nominee on the drone program. The White House refuses to answer that simple question.

One hour after I spoke, the White House Press Secretary refused for a third time to confirm that the Senate has been provided all of this nominee's writings on the drone program. Why is that? Why will this White House not give us a simple, straightforward answer? We still don't know how much more is out there on this subject that this nominee has been involved with.

After this vote, my colleagues still will not be able to tell their constituents that the White House has provided all of this nominee's materials on the drone program because we simply don't know that is true.

Finally, I wish to emphasize one more point about that court order requiring the administration to make a redacted copy of one memo public. Senators should know the court also ordered the trial court to take a second look at the other additional secret documents to see whether any of those additional documents should be made public in redacted form.

If some of those documents were written by this nominee, and if the court orders them to be made public, Senators' constituents are going to ask why they didn't stand today to get that information. Their constituents are going to ask why they didn't stand up to this White House and demand to see any and all memos this nominee wrote on this subject before this vote.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. PAUL. Madam President, I ask unanimous consent for 5 minutes.

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

The Senator from Kentucky.

Mr. PAUL. Madam President, I rise to oppose the nomination of anyone who advocates for the executive branch killing American citizens not involved in combat without trial. I strongly believe any nominee who rubberstamps and grants such power to a President is not worthy of being placed one step away from the Supreme Court. It isn't about seeing the memos, it is about

what they say and how they disrespect the Bill of Rights.

Due process can't exist in secret. Checks and balances can't exist in one branch of government. Whether it be upon the advice of one lawyer or 10,000 lawyers, if they all work for one man, the President, how can there be anything but a verdict outside the law, a verdict that could conceivably be subject to the emotions of prejudice and fear, a verdict that could be wrong?

The nomination before us is about a nominee who supports killing American citizens not engaged in combat without a trial. These memos don't limit drone executions to one individual, they become historic precedent for killing citizens abroad.

Barron's arguments for extrajudicial killing of American citizens challenges over 1,000 years of jurisprudence. It is quite simple; an accusation is different from a conviction, and due process is different from internal deliberations. The executive can accuse, but it cannot try and it cannot convict someone.

Critics will argue, but these are evil people who plot against and plan to kill Americans. I understand that. My first instinct is—similar to most Americans—to immediately want to punish these traitors. The question is, How do we decide guilt? Aren't we, in a way, betraying our country's principles when we relinquish the right to trial by jury?

Due process can't exist in secret. Checks and balances can't exist within one branch of government. If we can't defend the right to a trial for the most heinous crimes, then where will the slippery slope lead us?

Critics ask how we will try these people overseas. The Constitution holds the answer. They should be tried for treason. If they refuse to return home, they should be tried in absentia and provided a legal defense. If they are found guilty, the method of punishment is not the issue. The issue is, and always has been, the right to a trial, the presumption of innocence, and the guarantee of due process to everyone no matter how heinous the crime.

For these reasons I cannot support the nomination of David Barron. I cannot and will not support a lifetime appointment for someone who believes it is OK to kill American citizens not involved in combat without a trial.

I yield back my time.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, 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, hereby move to bring to a close debate on the nomination of David Jeremiah Barron, of Massachusetts, to be United States Circuit Judge for the First Circuit.

Harry Reid, Patrick J. Leahy, Mazie Hirono, Dianne Feinstein, Al Franken, Amy Klobuchar, Sheldon Whitehouse, Tom Harkin, Barbara Boxer, Richard Blumenthal, Elizabeth Warren, Debbie Stabenow, Edward J. Markey, Richard J. Durbin, Carl Levin, Charles E. Schumer, Patty Murray.

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 David Jeremiah Barron, of Massachusetts, to be United States Circuit Court Judge for the First Circuit, 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. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Indiana (Mr. COATS), and the Senator from Florida (Mr. RUBIO).

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

The yeas and nays resulted—yeas 52, nays 43, as follows:

[Rollcall Vote No. 161 Ex.]

YEAS—52

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

NAYS—43

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

NOT VOTING—5

Ayotte	Coats	Shaheen
Boozman	Rubio	

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 43. The motion to invoke cloture is agreed to.