

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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

**NOMINATION OF DAVID JEREMIAH BARRON TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT**

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of David Jeremiah Barron, of Massachusetts, to be United States Circuit Judge for the First Circuit.

**NOMINATION OF ELISEBETH COLLINS COOK TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD**

**NOMINATION OF JAMES WALTER FRAZER GREEN TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF LOUISIANA**

**NOMINATION OF DEIRDRE M. DALY TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT**

**NOMINATION OF DAMON PAUL MARTINEZ TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO**

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nominations, which the clerk will report.

The legislative clerk read the nominations of Elisebeth Collins Cook, of Virginia, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2020; James Walter Frazer Green, of Louisiana, to be United States Attorney for the Middle District of Louisiana for the term of four years; Deirdre M. Daly, of Connecticut, to be United States Attorney for the District of Connecticut for the term of four years; and Damon Paul Martinez, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

**VOTE ON COOK NOMINATION**

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate prior to a vote on the Cook nomination.

Mr. SESSIONS. Madam President, I wish to express my support for the confirmation of my former staffer, Elisebeth Collins Cook, to serve on the Privacy and Civil Liberties Oversight Board. Ms. Cook loves her country. She is a true patriot, and a person of character, courage, and integrity.

Ms. Cook has had a distinguished legal career. She received her undergraduate degree from the University of Chicago in 1997 and her law degree from Harvard Law School in 2000. She graduated from both prestigious schools with honors. Following law school, Ms. Cook served as law clerk to Judge Lee Rosenthal of the Southern District of

Texas, and Judge Laurence Silberman of the D.C. Circuit.

In 2002, she joined the prominent law firm Cooper & Kirk here in Washington, DC. After working for the firm for 3 years, Ms. Cook was appointed Special Counsel to the Office of Legal Policy at the Department of Justice. In 2008, she was confirmed by the Senate without opposition to be assistant attorney general for OLP.

In 2009, Ms. Cook joined my staff as chief counsel for the Supreme Court nomination of now-Associate Justice Sonia Sotomayor. Her work was superb. She helped me to examine the important issues raised by that nomination on a high level without resorting to personal attacks on the nominee.

In 2010, she returned to private practice as a partner with Freeborn & Peters in Chicago, before returning to Washington, where she is currently counsel at the well-regarded law firm Wilmer Hale.

Ms. Cook has had a wide-ranging law practice, including general civil litigation, policy initiatives, and Federal criminal investigations. The quality of her work has not gone unnoticed. Among her more recent accolades are the Intelligence Community Legal Award, multiple attorney general awards, and recognition as one of *Legal Times*' "40 Under 40." In 2008, she received the Edmund J. Randolph Award for Service to the Department of Justice, the Department's highest award for public service and leadership.

Ms. Cook combines a powerful legal mind, broad experience, good judgment, and a strong interest in serving her country. She has excellent people skills and works well with others, even when she disagrees with them. Her tenure on the board thus far proves as much.

I have nothing but praise for Ms. Cook's abilities, and am confident she will continue to acquit herself as a member of the Privacy and Civil Liberties Oversight Board. I am pleased to recommend Ms. Cook to my colleagues and I hope they will support her confirmation to this important position.

Ms. KLOBUCHAR. Madam President, we yield back all time.

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

The question is, Will the Senate advise and consent to the nomination of Elisebeth Collins Cook, of Virginia, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2020?

The nomination was confirmed.

**VOTE ON GREEN NOMINATION**

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote on the Green nomination.

Ms. KLOBUCHAR. We yield back all time.

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

The question is, Will the Senate advise and consent to the nomination of James Walter Frazer Green, of Lou-

isiana, to be United States Attorney for the Middle District of Louisiana?

The nomination was confirmed.

**VOTE ON DALY NOMINATION**

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote on the Daly nomination.

Ms. KLOBUCHAR. We yield back all time.

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

The question is, Will the Senate advise and consent to the nomination of Deirdre M. Daly, of Connecticut, to be United States Attorney for the District of Connecticut?

The nomination was confirmed.

**VOTE ON MARTINEZ NOMINATION**

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on the Martinez nomination.

Ms. KLOBUCHAR. We yield back all time.

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

The question is, Will the Senate advise and consent to the nomination of Damon Paul Martinez, of New Mexico, to be United States Attorney for the District of New Mexico?

The nomination was confirmed.

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

**NOMINATION OF DAVID JEREMIAH BARRON TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT—Continued**

The PRESIDING OFFICER. The Senator from New Jersey.

**IMMIGRATION REFORM**

Mr. MENENDEZ. Madam President, a year ago the Senate Judiciary Committee reported out a piece of legislation that would do more than increase the gross domestic product, do more than reduce the deficit, do more than promote prosperity, and do more than create jobs. It passed legislation that would take 11 million people out of the shadows in America, prevent anyone from becoming a second-class citizen in this country, and finally establish comprehensive, commonsense immigration reform.

Today, 1 year later, it sits languishing in the House of Representatives and 11 million people wait and wait and wait. While they wait, while they hope that we come to our senses and govern as we should, the toll from inaction compounds: families suffer, children suffer, deportations continue, and injustice prevails.

There is a cost to our inaction, a cost those in the House of Representatives are forcing upon us, as we wait for them to act, that accrues every day. They claim they are for fiscal responsibility. Yet their inaction is costing us each year, on average, \$80 billion of