

“oversight,” as the White House apparently told the chair of the Senate Select Committee on Intelligence or was it that they didn’t have to comply because they didn’t trust the members of the select committee to keep a secret or should we expect that yet another justification will be forthcoming?

The bottom line is that Susan Rice went on CNN and said the Justice Department was consulted. But we don’t know whether there was a written opinion provided by the Office of Legal Counsel and, if there was, what it concluded and what facts that conclusion was based on.

The General Counsel of the Defense Department testified yesterday that the administration had received legal advice from the Office of Legal Counsel in the form of an email chain. The administration needs to provide us with whatever written advice it received before it decided to contravene Federal law.

Given their failure to respond to my previous requests and considering Mr. Kadzik’s track record in this regard, I am not optimistic. As I have stated previously, Mr. Kadzik’s nomination embodies this administration’s philosophy that it is OK to ignore its obligations with respect to congressional oversight—a constitutional responsibility of the legislative branch of government, by the way.

Let me conclude by saying that this nominee’s record is emblematic of the administration’s sorry record in complying with congressional oversight. And, of course, both have been abysmal.

If this administration is serious about honoring its legal obligations, the Attorney General would direct Mr. Kadzik to disclose the Office of Legal Counsel’s legal reason for why the administration was entitled to ignore the law’s requirement to notify Congress. No Senator should cast a vote on this nomination before Mr. Kadzik provides that legal reasoning to us.

If not now, when are all Senators—Republican and Democrat alike—going to take a stand against this President’s unilateral decision to ignore the Congress and his obligations under law? If not now, when will Members of this body stand together in defense of our legislative prerogatives and assert our rights as part of a coequal branch of government under the Constitution?

In this Senator’s view, a vote for this nominee is a vote endorsing this administration’s contempt for our oversight authority and will lend support to the deal that released the Taliban five without adhering to the law. As my colleagues know, I will vote against this nominee. I encourage my colleagues to vote against this nominee as well.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. HIRONO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF SALVADOR MENDOZA, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON

Mr. REID. Madam President, I move to proceed to executive session to consider Calendar No. 740.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Salvador Mendoza, Jr., of Washington, to be United States District Judge for the Eastern District of Washington.

CLOTURE MOTION

Mr. REID. Madam President, there is a cloture motion at the desk and I ask it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read 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 Salvador Mendoza, Jr., of Washington, to be United States District Judge for the Eastern District of Washington.

Harry Reid, Patrick J. Leahy, Christopher A. Coons, Sheldon Whitehouse, Christopher Murphy, Al Franken, Jon Tester, Richard Blumenthal, Jeff Merkley, Richard J. Durbin, Kirsten E. Gillibrand, Benjamin L. Cardin, Bill Nelson, Dianne Feinstein, Elizabeth Warren, Tom Harkin, Mazie Hirono.

Mr. REID. Madam President, 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. Madam President, I move to proceed to legislative session.

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

EXECUTIVE SESSION

NOMINATION OF STACI MICHELLE YANDLE TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS

Mr. REID. Madam President, I move to proceed to executive session to consider Calendar No. 741.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Staci Michelle Yandle, of Illinois, to be United States District Judge for the Southern District of Illinois.

CLOTURE MOTION

Mr. REID. Madam President, there is a cloture motion at the desk and I ask it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read 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 Staci Michelle Yandle, of Illinois, to be United States District Judge for the Southern District of Illinois.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Elizabeth Warren, Tim Kaine, Richard Blumenthal, Robert P. Menendez, Barbara A. Mikulski, Debbie Stabenow, Christopher Murphy, Sheldon Whitehouse, Sherrod Brown, Patty Murray, Tom Harkin, Tom Udall, Christopher A. Coons, Robert P. Casey, Jr.

Mr. REID. Madam President, 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. Madam President, I move to proceed to legislative session.

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

EXECUTIVE SESSION

NOMINATION OF DARRIN P. GAYLES TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

Mr. REID. Madam President, I move to proceed to executive session to consider Calendar No. 778.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Darrin P. Gayles, of Florida, to be United States District Judge for the Southern District of Florida.

CLOTURE MOTION

Mr. REID. Madam President, there is a cloture motion at the desk and I ask it be reported.