

UNANIMOUS CONSENT REQUESTS—
S. RES. 225 and S. 1386

Mr. CRUZ. Madam President, 8 months ago yesterday I requested unanimous consent for S. Res. 225 calling for a joint select committee of Congress to investigate the terrorist attack on our facilities in Benghazi, Libya, on September 11, 2012, which resulted in the murder of four brave Americans: Foreign Service Officer Sean Smith, former Navy SEALs Glen Doherty and Tyrone Woods, and Ambassador Christopher Stevens, who was our first Ambassador murdered while serving since Adolph Dubs in 1979.

At the time my colleague, the junior the Senator from California, objected on the grounds that the administration was trying “to address Benghazi,” and that President Obama would “not rest until the perpetrators were caught.”

Here we are, 8 months later, and the perpetrators still have not been caught, and the confusion about what occurred on September 11, 2012, in Benghazi has only gotten worse. In recent weeks, what happened on that terrible night has gotten more and more obscure.

On April 2 of this year, Mike Morell, the Deputy Director of the CIA during the Benghazi attacks, testified regarding the CIA talking points that he “took out the word ‘Islamic’ in front of ‘extremists’” because he thought there were other kinds of extremists in Libya and that he did not use the word “terrorist” because “we see extremists and terrorists as the same thing.”

On April 29 of this year, in response to a FOIA request by Judicial Watch, the White House released emails related to Benghazi, including a September 14, 2012, email from Deputy National Security Adviser Ben Rhodes that had as its stated goal “to underscore that these protests are rooted in an Internet video and not in a broader failure of policy.”

I would note that is a stated political goal from the White House, in writing, days after the attack—not to get to the truth but to further that political goal.

Then, on May 1, 2014, Gen. Robert Lovell, Deputy Director of Intelligence of U.S. AFRICOM during the Benghazi attacks, became the first former military officer to question the administration’s insistence that a rescue attempt was not possible, arguing “the discussion is not in the ‘could or could not’ in relation to time, space, and capability, the point is we should have tried.”

It is hard to disagree with the good general that we should have tried to save those four Americans who were murdered that tragic night.

We are left once again with persistent questions on Benghazi to which we still don’t know the answers. Here are 10:

No. 1. Why was the State Department unwilling to provide the requested level of security to Benghazi in the summer of 2012?

No. 2. Do President Obama’s daily intelligence briefings in the runup to

September 11, 2012, support the assertion that there was no credible threat of a coordinated terrorist attack on Benghazi during the time, and do the daily intelligence briefings following that date support the claim the administration made that the cause was an Internet video? Why hasn’t the White House declassified and released those briefings, as President George W. Bush did with his pre-September 11, 2001, briefings?

No. 3. Why did we not anticipate the need to have military assets at the ready in the region on the anniversary of September 11—of all dates?

No. 4. Did President Obama sleep the night of September 11, 2012? Did Secretary Clinton? Neither has answered that very simple question: Were they awake or asleep while Americans were under fire? When was President Obama told about the murder of our Ambassador?

No. 5. If the Secretary of Defense thought there was “no question that this was a coordinated terrorist attack,” why did Ambassador Susan Rice, Secretary Clinton, and President Obama all tell the American people that the cause was a spontaneous demonstration about an Internet video? None has squarely answered that question.

No. 6. Why did former Deputy CIA Director Mike Morell edit the intelligence community talking points to delete the references to Islamic extremists and Al Qaeda?

No. 7. Why did the FBI not release pictures of the militants taken the day of the attack until 8 months after the fact—why not immediately, as proved so effective in the Boston bombing?

No. 8. Why was Secretary Clinton not interviewed for the ARB report? If all the relevant questions were answered in the ARB report, as our friends on the other side of the aisle often like to say, why did the State Department’s own inspector general’s office open a probe into the methods of that very report?

No. 9. Why have none of the terrorists who attacked in Benghazi been captured or killed?

No. 10. What additional evidence that the White House engaged in a partisan political campaign to blame the Benghazi attack on the Internet video is contained in the additional emails requested by Judicial Watch but withheld by the White House on the grounds that it would put a “chill” on internal deliberations?

I would suggest to my colleagues that what is truly chilling is that 20 months after the Benghazi attack, we have four dead Americans and no dead terrorists. It is chilling to think our President may have had better things to do than personally attend to an ongoing terrorist attack on our people. It is chilling to imagine that we could have mounted a rescue attempt of our own people but that we didn’t even bother to try. It is chilling to think our Secretary of State would not insist

on giving an interview for the ARB report. It is chilling to think we have an administration that is reluctant to utter the words “radical Islamic terrorism,” let alone fight effectively against it. It is chilling to have former administration officials respond to questions in response to Benghazi with, “Dude, this was like two years ago.”

The clock is ticking. Memories are fading. It is beyond time to get the full resources of both Houses of Congress behind this investigation. The President should release his daily intelligence briefings in the times surrounding the Benghazi attack, as President George W. Bush did concerning 9/11. This body should join with the House of Representatives, with a joint select committee to get to the bottom of what happened. Why didn’t we protect Americans? Why didn’t we stop this attack? Why haven’t we captured the terrorists who killed four Americans including our Ambassador?

Accordingly, I ask unanimous consent that the rules and administration committee be discharged from further consideration and the Senate now proceed to S. Res. 225. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

THE PRESIDING OFFICER. Is there objection?

The Senator from New Jersey.

Mr. MENENDEZ. Reserving the right to object, this request is, in my view, without merit. It is an effort to follow in the footsteps of the unfortunate, politically motivated creation of a just-founded special committee by the House of Representatives just in time for midterm elections. The supposed reason once again we hear colleagues saying we need to have another review, another hearing, another investigation, is the White House email. This is the smoking gun.

When you read the email, in fact, it is nothing more than a day-to-day work product and part of the job of the President’s staff when they are talking about, not Benghazi—not Benghazi—but what is happening across the entire region, and clearly across many parts of the Arab world. What happened as a result of that video was a visceral response, and it is in that context that this email is being discussed, but our friends—who will never be satisfied because it doesn’t solve their political concerns—at the end of the day seek to use this as their latest claim for their “investigation.”

Their previous one-trick pony, repealing the Affordable Care Act, has finally been put out to pasture. The Republicans desperately need another political trick, and apparently when there is nothing else of substance to fire up their base, their plan is to yell “Benghazi” as often and as loudly as possible.

This request is, from my perspective, purely a political witch hunt without merit. There have been 11 congressional hearings on the attack. The executive branch has released 25,000 pages of documents and email related to the incident. There has been an independent Accountability Review Board report. There have been multiple Congressional reports on the attack. The Senate Intelligence Committee issued a bipartisan report last January on the attack. The House Armed Services Committee issued a report on military response to the attack. The Senate Foreign Relations Committee, which I chair, has held multiple hearings and briefings to review the events that occurred in Benghazi. We heard from Secretary Clinton. We heard from Secretary Kerry. We have heard from Deputy Secretary Burns. We have met with survivors of the Benghazi attack. We have multiple briefings from Assistant Secretary Starr and with diplomatic security. We have had briefings from the intelligence community and the Department of Defense.

Whatever questions remain are meant, from my perspective, only to score political points. I feel confident the Congress and the American people have received the necessary information about the attack, but Congress is not without responsibility. We also have an obligation to do our part to comply with the Administrative Review Board's recommendations.

Benghazi again highlighted the need to maintain focus and to revise policies to better protect the nearly 70,000 men and women serving across the world in more than 275 posts. The Congress took a serious look at the issue following another set of tragedies in Nairobi and Dar es Salaam that resulted in 224 deaths, including 11 American citizens.

We may not be able to prevent every single terror attack in the future, but we can and we must make sure our embassies and employees, starting with high-risk, high-threat posts, are capable of withstanding such an attack. That is why the Senate Foreign Relations Committee passed S. 1836, the Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty Embassy Security Threat Mitigation and Personal Protection Act of 2013.

If the Senate wants to take effective action to safeguard our brave men and women serving in U.S. embassies and consulates abroad, if we want to actually be serious about discharging our duties and to make sure these attacks are less likely to occur in the future, rather than grandstanding for cheap political advantage, then it is time to take up S. 1836 and immediately pass a bipartisan bill—that Senator CORKER and I authored together with support from both sides of the aisle on our committee—that would authorize the funding for the key items identified by the Accountability Review Board on Benghazi, including embassy security and construction, language training, and an improved and integrated foreign

affairs security training for State Department personnel.

It provides contract authority to the State Department to allow it to award contracts on a best value basis, rather than to the lowest bidder, where conditions require enhanced levels of security, and it goes on and on about our high-risk, high-threat posts meeting all the elements of what the review board said was critical to make sure we don't lose lives again.

I would rather we legislate, which our constituents sent us to do, and pass bills extending our Nation's security policy and addressing the real challenges and real lessons to be learned from the tragic events at Benghazi. The bipartisan embassy security bill does just that.

For that purpose, I would ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 257, S. 1386, a bill to provide for enhanced embassy security; and further, that the committee-reported amendments be agreed to; that the bill as amended be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there an objection to the request made by the Senator from New Jersey?

The Senator from Texas.

Mr. CRUZ. Madam President, reserving the right to object, my friend, the senior Senator from New Jersey, suggests that this is a request on the eve of a midterm election. The only reason for that of course is 8 months ago, when I made the exact same request, the Democrats objected and blocked a joint select committee looking into Benghazi at that time. The Senator from New Jersey also suggested this was some kind of distraction from ObamaCare. I promise the Senator, there is no one in this Chamber less interested in distracting from ObamaCare than I.

I would encourage the senior Senator from New Jersey, if he believes what he says, to go and campaign for his Democratic colleagues who are up for election this year with the simple message that he said on the floor of this Senate, which is Senator so-and-so is the critical 60th vote to passing ObamaCare, and if you like it you can keep your Senator. I feel quite confident that the Democratic Senators up for election this year are running as rapidly away from the point suggested by the senior Senator from New Jersey as possible.

But secondly, I would note, in his entire speech, the senior Senator from New Jersey said there is no need for any further inquiry because we had lots of hearings and there is no need to know anything, but let me point out, the senior Senator from New Jersey did not answer even a single question that I asked. I outlined 10 questions that have not been answered. He is the chairman of the Foreign Relations Committee. Yet he either could not or

did not answer even a single question—two simple ones—which are “yes” or “no” questions.

No. 1. Did President Obama sleep on the night of September 11, 2012? The senior Senator from New Jersey chose not to answer, I suspect, because none of us knows because the White House has never answered that question.

No. 2. Do the President's daily intelligence briefings reflect the political spin from the White House on Benghazi? Likewise, the chairman of the Foreign Relations Committee did not answer that question. Again, I suspect it is because he does not know because the White House has not released that information.

There are far too many questions remaining, but the senior Senator from New Jersey, my learned colleague, proposed a counter unanimous consent request to improve embassy security.

I would ask unanimous consent to engage in a very brief colloquy with my colleague and ask him specifically one question about the unanimous consent request.

The PRESIDING OFFICER. Is there objection? Without objection.

Mr. CRUZ. The question I would ask my colleague from New Jersey is, If I were to consent to the unanimous consent that the Senator has proffered, and if this side of the aisle would request, would he likewise consent to the unanimous consent request that I put forward for a joint select committee composed of Republicans and Democrats in the Senate to get to the bottom of what happened in Benghazi?

Mr. MENENDEZ. I would say to my colleague from Texas that the consent request for embassy security we passed in committee in a bipartisan effort is much different than a partisan effort to have an investigation that ultimately also is led by a partisan effort in the House of Representatives. So one is guaranteed to have the support of both sides of the aisle in order to ensure that we protect our men and women in the Foreign Service in the days ahead. The other one is guaranteed to pursue a political line and a political attack instead of making sure we ultimately save lives in the future, not because I said it but because an independent review board made these recommendations that we incorporate them. So, of course, the two are not the same.

Mr. CRUZ. So why is it—I am curious—the senior Senator from New Jersey believes an inquiry to ascertain the truth about what happened is necessarily a partisan endeavor? Is there no partisan interest on that side of the aisle in finding out what happened, how it could have been prevented, and why we didn't save those four Americans?

Mr. MENENDEZ. I am happy to answer my colleague on that, because he suggested that his 10 questions—that because he asked the 10 questions, they are suddenly worthy of being answered, worthy of in fact not being viewed

through the prism of any politics. I would simply say if there is political spin—several of the Senator's questions are pretty shocking to me in terms of the political nature of them.

As I said to the body, we have had a whole host of efforts to review the facts and come to a determination of the truth of what happened on that day. They have been in public hearings and they have been in secure intelligence briefings. Members on both sides—on both sides—have been exposed to it. Members on both sides got to ask questions across the spectrum, and so from my perspective we have gone through the search of what happened on that fateful day. We all abhor what happened to the men who lost their lives on that day. That is why what I want to do is ensure that we lose no more lives as a result of this Congress's irresponsibility to act on embassy security, knowing what in fact a panel of experts, undisputed in their capacity, has said is necessary to protect our men and women around the world. Yet we cannot seem to get that legislation passed through the Senate. Now, that is about congressional responsibility from my perspective.

Mr. CRUZ. I would note that my friend from New Jersey did not endeavor to answer any of the questions I proffered, including the most simple question, such as did the President sleep on the night of September 11, 2012.

Mr. MENENDEZ. I think whether the President slept on that day, the question is, Did he even get told by those who had information that such an attack was going on? I don't know. The bottom line is would that have saved anybody? I don't know that either.

The bottom line is does the Senator want to do something about saving future lives or does he just want to do politics with this issue? If he wants to save lives tomorrow, where he does have the control—where he does have the control at this moment—then he will let the embassy security bill go forward. If, God forbid, we have an attack somewhere in the world, and the legislation we are seeking in a bipartisan way in response to that independent board is stopped because the other side wishes to stop it, then God forbid we have an attack and lives are cut off. Then there will be an accounting at that time.

Mr. CRUZ. I would thank my friend from New Jersey for a colloquy in support of this joint select committee on Benghazi because the Democratic Senator from New Jersey, the chairman of the Foreign Relations Committee, just told this body he has no idea if President Obama was even told that four Americans were under terrorist attack. He has no idea. He doesn't know what, if anything, the President could have done to save them.

I would suggest that is exactly the reason we need this committee. If the chairman of the Foreign Relations Committee 2 years later cannot answer

that question, it makes abundantly clear that the response of the administration, sadly, and the response of the Senate Democrats has been partisan stonewalling rather than getting to the truth. In the immortal lines of Jack Nicholson, it makes one think perhaps they cannot handle it or at least they don't want to know.

I would finally say I am more than prepared to consent to the request from the senior Senator of New Jersey if he would only show the same reciprocal courtesy of agreeing to the same request; a bipartisan committee, in which he would no doubt participate, to answer the question—the senior Senator from New Jersey just told this body he doesn't know if the President knew. He doesn't know what the President could have done. Apparently, the premise of the statement is he doesn't think the American people care.

I suggest that the American people care a great deal as to what the President knew about national security. They would want to know if he was not engaged or if he didn't act to stop it. That is a matter worthy of inquiry by this body.

Mr. MENENDEZ. I say to my colleague from Texas that we have come to a conclusion based on all of the hearings, all of the testimony, and all of the reports as to what transpired and what we can do to save a life prospectively; therefore, I say to the Senator, he has it in his control to ultimately ensure that we set the foundation so no one else will lose their life. If he wants to hold that hostage to his political efforts to continue an issue that has had thousands of hours of reviews, hearings, reports—all with bipartisan participation—then he can choose to do so.

Mr. CRUZ. Since my friend from New Jersey has made it plain that he will not consent to this request, I will note that this is an open offer that anytime my friend from New Jersey will simply stop blocking a fair, bipartisan, joint inquiry as to what occurred in Benghazi—the terrorist attack that tragically took the lives of four Americans—I am happy to consent.

The PRESIDING OFFICER. The time for morning business has expired.

Is there objection to the request made by the Senator from New Jersey?

Mr. CRUZ. I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the request made by the Senator from Texas?

Mr. MENENDEZ. I object.

The PRESIDING OFFICER. Objection is noted.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF ROBIN S. ROSENBAUM, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

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 bill clerk read the nomination of Robin S. Rosenbaum, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

Under the previous order, there will be 2 minutes of debate prior to the Rosenbaum nomination.

Mr. HOEVEN. Madam President, I yield back time.

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

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Robin S. Rosenbaum, of Florida, to be United States Circuit Judge for the Eleventh Circuit?

Mr. HOEVEN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Alaska (Mr. BEGICH) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Tennessee (Mr. CORKER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea," and the Senator from Tennessee (Mr. CORKER) would have voted "yea."

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

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 141 Ex.]

YEAS—91

Ayotte	Collins	Heinrich
Barrasso	Coons	Heitkamp
Bennet	Cornyn	Hirono
Blumenthal	Crapo	Hoeven
Blunt	Cruz	Inhofe
Booker	Donnelly	Isakson
Boxer	Durbin	Johanns
Brown	Enzi	Johnson (SD)
Burr	Feinstein	Johnson (WI)
Cantwell	Fischer	Kaine
Cardin	Flake	King
Carper	Franken	Kirk
Casey	Gillibrand	Klobuchar
Chambliss	Grassley	Landrieu
Coats	Hagan	Leahy
Coburn	Harkin	Lee
Cochran	Hatch	Levin