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Senate

The Senate met at 10:00 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, because of Your power, monarchs reign and rulers decree justice. Radiate Your light and peace on Capitol Hill today. Help our Senators to understand Your will and make the commitment to follow Your leading. Lord, give them the wisdom to live in harmony with one another so that together they will strengthen America. May the weapons they face fail because of the shield of Your divine favor that protects them. Sustain them in their going out and coming in, in their rising up and lying down. Instruct them in the night seasons, providing them with wisdom to illuminate the darkness of our world.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2015—MOTION TO PROCEED

Mr. REID. I move to proceed to Calendar No. 428, the appropriations matter we have been working on.

The PRESIDENT pro tempore. The clerk will report.

Motion to proceed to Calendar No. 428, H.R. 4660, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year September 30, 2015, and for other purposes.

SCHEDULE

Mr. REID. Following my remarks, we will be in morning business until 11:00 this morning. At 11:00 a.m. we will have four rollcall votes to confirm three district court judges and the Assistant Attorney General. The time until 11:00 will be equally divided and controlled by the leaders or their designees.

MEASURES PLACED ON THE CALENDAR—H.R. 4453, H.R. 4457

Mr. President, there are two bills at the desk due for their second reading.

The PRESIDENT pro tempore. The clerk will read the bills by title for a second time.

The legislative clerk read as follows:

H.R. 4453, a bill to amend the Internal Revenue Code of 1986 to make permanent the reduced recognition period for built-in gains of S corporations.

H.R. 4457, a bill to amend the Internal Revenue Code of 1986 to permanently extend increased expense limitations, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to these bills, en bloc.

The PRESIDENT pro tempore. Your objection is heard. The bills will be placed on the calendar.

APPROPRIATIONS CONSIDERATION

Mr. REID. Mr. President, today we are going to begin work on three very important appropriations bills. The leader of these bills, of course, will be the chairman of the overall committee, Senator MIKULSKI. Working with her will be other committee chairs—on the transportation subcommittee Senator PATTY MURRAY, who is extremely well versed on matters here on the floor, and on agriculture, the Senator from Arkansas Mr. PRYOR. We hope we can move forward on these bills im-

mediately. There is no reason we cannot. It is something we should be doing to fund our government. Senator MIKULSKI is going to be leading this, as I indicated, along with the senior Senator from Alabama Mr. SHELBY. These bills will provide our government with the resources it needs to serve the American people. The manner in which we handle these very important issues will largely dictate how the appropriations are managed in the coming weeks and months. We need to keep our government operating.

I look forward to a cooperative amendment process and participation from all Senators. If we are successful in passing the bills in a timely manner, we can move to other essential legislation, including the much needed surface transportation bill.

RESERVATION OF LEADER TIME

Mr. President, will the Chair announce the business of the day.

The PRESIDING OFFICER (Mr. BOOKER). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 11:00 a.m., with Senators permitted to speak therein for up to 10 minutes, with the time equally divided by the two leaders or their designees.

Mr. REID. Mr. President, the distinguished senior Senator from Iowa is here to speak on one of the nominations. I am sure that if the Republican leader does come, he would yield to the Republican leader.

The PRESIDING OFFICER. The Senator from Iowa.

KADZIK NOMINATION

Mr. GRASSLEY. For the third time in a couple weeks, I want to speak about one of the nominees we are going to be voting on today. That nominee is Peter Kadzik. He has been nominated to the Department of Justice's Office of

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Legislative Affairs. He would have the position of Assistant Attorney General. Today I would like to make a few concluding comments about this nominee's record as well as this administration's record, more broadly speaking, with respect to congressional oversight.

It is hard for me to imagine a nominee who is less suited to head the Office of Legislative Affairs than Mr. Kadzik. It is not a mystery how the nominee will run that office if he is confirmed, and we know that because he has been Acting Assistant Attorney General for well over a year, and he has a long and well-established history of contempt for congressional oversight authority. It is clear to me that when it comes to this nominee, past practice will be an accurate predictor of future performance. Unfortunately, there is a lot of evidence that justifies my conclusion. I will start with the nominee's record of contempt for congressional oversight even before he joined the Justice Department.

When he was a private attorney back in 2001, the House ordered the nominee to testify as part of the Congress's investigation into the eleventh-hour pardon of billionaire tax fugitive Marc Rich. The nominee represented Rich. Not only did the nominee refuse to appear voluntarily, but he got on a plane to California the day before he was scheduled to testify before the House committee. In order to get him to testify before the House, the House had to send the U.S. Marshals to personally serve him with a subpoena in California. Isn't that a cute way to act when Congress is trying to speak to him? When he returned to Washington, he actually claimed that his lawyers had never bothered to mention the subpoena to him before he left on that plane trip to California. We know that claim isn't true because of handwritten notes that are now part of the record of this nominee's confirmation hearing.

Unfortunately, things haven't improved much since then. The nominee's record as Acting Assistant Attorney General has been completely unacceptable. Senators' letters and questions go unanswered for many months before the nominee provides—most often—a largely nonresponsive reply. So, as I said last week, this administration is sending a message by nominating Mr. Kadzik to the Office of Legislative Affairs. That message is this: You can expect more of the same.

I want to ask my colleagues this: How much more abuse of this body's prerogative by this White House are we willing to accept? How much more stonewalling of our legitimate, reasonable requests for information are we prepared to tolerate as we try to carry out our constitutional responsibility of oversight? How many more times do you intend to look the other way as this administration flaunts the law through illegal and unilateral executive action?

In recent weeks the administration has raised the stakes. Two weeks ago

the President approved the release of the Taliban five from Guantanamo without so much as a phone call to the chair or vice chair of the Senate Select Committee on Intelligence. Disposition of the detainees at Guantanamo is one of the most important issues related to the war on terror, and Congress has a well-defined role under the law when it comes to releasing dangerous terrorists. But the administration doesn't care about the role Congress has assumed for itself under the Constitution and under the laws we write. This administration has shown total contempt for its obligations under the law—a law they took an oath to uphold. I guess the President's view is that it is better to ask forgiveness after the fact than it is to abide by his constitutional obligation to follow the law and take care that law is faithfully executed.

That is one reason why this nomination is so important. It is a perfect example of this administration's contempt for oversight and contempt for the law.

This Senator believes Congress is entitled to learn why the administration thinks it is free to ignore the law. That is why I asked the Attorney General to provide the legal rationale for the President's unilateral executive actions that the Office of Legal Counsel gave to the administration that they could ignore the law that said they had to notify Congress 30 days ahead of time when they were going to release Guantanamo prisoners. But back in May the nominee refused to disclose the Office of Legal Counsel materials.

Given the administration's flagrant disregard for the law governing the release of the Taliban fighters, I think my request to the Attorney General is all the more important right now. So I renew my request that the administration provide us with whatever advice it received from the Office of Legal Counsel before it decided to violate the National Defense Authorization Act and go forward with the stealth release of the Taliban prisoners.

On June 5 I asked the Attorney General to provide the Justice Department's legal rationale by June 19, which happens to be just 2 days from now. At the very least Senators should wait for a vote on this nomination until then so we can determine whether the Justice Department intends to comply with our request for the legal justification as to why the President could ignore the law when these prisoners were released. That would be a modest first step the administration could take to demonstrate it is serious about respecting oversight authority and the constitutional responsibility of the Congress to do that oversight and whether or not they respect the separation of powers under the Constitution.

I will conclude. My colleagues know this nominee embodies the administration's disregard for oversight authority and its dismissive approach to its legal obligations.

That much is clear. But my colleagues also need to remember this: If

they vote for this nominee, they are voting to diminish congressional authority. If they vote for this nominee, they are voting to give the President more of a free pass than he already assumes—and specifically in this case on the unlawful release of Taliban fighters. They are voting also to empower unlawful execution of executive actions by this and future administrations. They are voting to chip away at the network of checks and balances that undergirds the relationship between the executive and the legislative branches—the very signal the Constitution writers sent to the Colonies that they didn't want one person making decisions in our government; they wanted that to be divided authority.

Also remember that one day the shoe may be on the other foot. One day there may be a Republican administration that is just as cavalier about its legal obligations. If that administration ignores our oversight request, any Senator who voted for these people will have no right to complain.

I urge Senators to stand up for the Senate's constitutional responsibilities of oversight and stand up to this administration and vote no.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

IRAQ

Mr. McCONNELL. Mr. President, the world is learning of the profound challenge facing our Nation as the Islamic State of Iraq and the Levant sweeps across Iraq. We hear the names of former battlefields in Iraq and remember the hard-fought gains in places such as Fallujah and Al Qaim and Ramadi.

Just as many Members had not heard of Al Qaeda in the Arabian Peninsula before a terrorist attempted to detonate an explosive device on an airliner over Detroit in 2009, they are now learning of ISIL, a vicious terrorist organization that operates across portions of Syria and Iraq. Like AQAP, ISIL consists of an insurgency that threatens stability in the region where it trains and fights, and that presents a terrorist threat to the United States.

The Iraqi security forces that were cowed in the face of ISIL advances are now less capable than when the President withdrew the entirety of our force without successfully negotiating a capable remaining U.S. presence. Such a force would have preserved the gains made on the ground by mentoring our partners and assisting with command and control and intelligence sharing. Now we must grapple with how best to help Iraq meet this threat.

ISIL is a lethal, violent terrorist force, and its activities in Syria and Iraq represent a grave threat to U.S. interests. The administration must act