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

quickly to provide assistance to the Maliki government before every gain made by the U.S. and allied troops is lost and before ISIL expands its sanctuary from which it can eventually threaten the United States.

Several weeks ago the President spoke at West Point, and in that speech he vaguely described a new counterterrorism strategy that he said ''matches this diffuse threat'' by ''expand[ing] our reach without sending forces that stretch our military too thin, or [that] stir up local resentments.'' He said that ''we need partners to fight terrorists alongside of us.''

The President must quickly provide us with a strategy and plan that address the threat posed by the insurgency and the terrorist capabilities of ISIL, and he must explain that new strategy.

THE IRS

Mr. MCCONNELL. Mr. President, when the IRS targeting of conservative groups came to light after the last Presidential election, just about everyone denounced the agency's Nixonian tactics. Members of both parties—from the President on down—called it outrageous and inexcusable and just about everyone agreed no stone should be left unturned in figuring out how it happened in the first place.

Well, that was more than a year ago, and despite the President's assurances that he was as mad as everybody else, his administration has been anything but cooperative in the time that has elapsed since then. Instead of working with Congress to get to the bottom of what happened, the President's allies actually went in the opposite direction. They tried to slip a regulation by the American people that would have effectively enshrined the IRS's speech suppression tactics—the kind of tactics at the center of the IRS scandal—as permanent agency practice. It was a brazen move on the administration's part, and administration officials only backed down after Americans rose up and demanded that the IRS get out of the speech suppression business for good. Even some of our friends on the pro-First Amendment left—a dwindling constituency in recent years—joined us in condemning it. But I doubt we have seen the last of the administration's antifree speech efforts.

We have seen a revival in recent weeks of a truly radical proposal to change the First Amendment. When it comes to the IRS scandal, it is now quite obvious we have not seen the last of the administration's stalling either. The latest claim by the IRS is that it somehow lost a full 2 years' worth of emails from the woman in charge of the IRS department at the center of the scandal. They lost 2 years' worth of emails. But Congress submitted a request for these emails over a year ago, and they are suddenly telling us now? The committees investigating the scandal need those emails in order to figure out who knew what and when and to determine whether any coordination was going on between the IRS and anyone outside the agency.

I will be interested to see what the IRS Commissioner has to say about all of this when he testifies next week. But please, let's get past the ''dog ate my homework'' excuses buried in a late Friday news dump. The President promised to work ''hand in hand'' with Congress on this matter so his administration needs to live up to that promise immediately.

COAL REGULATIONS

Mr. MCCONNELL. Mr. President, in the Obama administration's latest defensive on the war on coal, it has proposed new regulations that threaten Kentucky's 20 existing coal-fired powerplants while potentially putting thousands out of work. If enacted, the massive new regulations would prove the single worst blow to Kentucky's economy in modern times and a dagger to the heart of the Commonwealth's middle class.

Despite what they are called, the proposed restrictions on Kentucky's coal-fired powerplants amount to little more than a massive energy tax, and they will have a devastating effect on Kentucky.

The administration announced it would hold four public hearings on the new proposed regulations, and given the dramatic effects they are sure to have on my home State, you would think they would hold one of those hearings in eastern Kentucky or, at the very least, somewhere in Kentucky. But then, of course, you would be mistaken.

Once again, just like last year when the Obama administration held public hearings before proposing this national energy tax, not one of the sessions is slated for a nonmetropolitan area dependent on coal. The session that is the nearest to eastern Kentucky is a 10-hour roundtrip.

Since coal employs 11,000 Kentuckians and is over 90 percent of Kentucky's electricity, I wrote a letter to Gina McCarthy, the EPA Administrator, formally requesting that she convene a hearing in coal country. Of course I have yet to get a response. However, it doesn't appear that Administrator McCarthy is too busy to talk to some people. Imagine my surprise when I found she had time to appear on an HBO late-night comedy show where she admitted that the Obama administration is, in fact, waging a war on coal.

The host asked her this question:

> Some people call it a war on coal. I hope it is a war on coal. Is it?

After a moment of indirection, Administrator McCarthy conceded that a war on coal is ''exactly what this is.'' The EPA Administrator said the war on coal is ''exactly what this is.''

Of course, this talk show was recorded in front of a friendly anti-coal host and audience in a television studio in Los Angeles. It almost sounds like the site of one of her EPA anti-coal hearings.

So why does Administrator McCarthy have the time to appear on HBO but does not have the time to appear on WYMT–TV in Hazard so she can explain her war on coal to the people it is most directly affecting? Why does she have the time to sit down with a TV comedian but not with the editors of the Appalachian News Express in Pikeville so she can look my constituents in the eye and explain how these rules will impact them?

Of course, for those of us who watch this administration closely, this kind of admission is nothing new. A year ago an adviser to the White House acknowledged that ''a War on Coal is exactly what's needed.''

Last year, because the administration refused to hold any of its listening sessions in coal country, I held one of my own. We heard a lot of riveting testimony from those in the industry and their families, and I brought their stories back to the administration where I testified on their behalf since the Administrator would not directly hear from them.

I am committed to making sure Kentucky's voice is heard on this issue even if the Obama administration doesn't want to listen. That is why I immediately responded to the administration's new regulations in my own legislation, the Coal Country Protection Act, to push back against the President's extreme anti-coal scheme. Supported by the Kentucky Coal Association, my legislation would require that the following simple but important benchmarks be met before the rules take effect.

Here is what it would do: No. 1, the Secretary of Labor would have to certify that the rules would not generate loss of employment.

No. 2, the Director of the nonpartisan Congressional Budget Office would have to certify the rules would not result in any loss in American gross domestic product.

No. 3, the Administrator of the Energy Information Administration would have to certify the rules would not increase electricity rates.

And No. 4, the Chair of the Federal Energy Regulatory Commission and the president of the North American Electric Reliability Corporation would have to certify that electricity delivery would remain reliable. That is it.

My legislation is plain common sense, and I urge the majority leader to allow a vote on my legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

CLIMATE CHANGE

Mr. DURBIN. Mr. President, this morning there was a scene on television I had never seen before. In fact, the commentators said they had never seen it either.