

apart pieces of the Justice for All Reauthorization Act, with the hope that we can do the other pieces later. To me, to law enforcement, and to countless victims of crime, this is not acceptable. Just last year, we showed the country it was possible to stand with all victims of domestic and sexual violence when we ignored the critics in the House who tried to divide us. When they told us we could only protect some victims, we refused to let them pit survivors of injustice against one another.

By remaining unified in the face of such efforts, this divided Congress was able to pass a historic Violence Against Women Reauthorization Act that for the first time provided key protections for college students, tribal women, and members of the LGBT community. This year, we should again stand by all victims of crime and do what is right by passing a comprehensive Justice for All Reauthorization Act. We should not let the House of Representatives lessen our resolve to reauthorize public safety programs widely supported by crime victims and law enforcement.

I remain steadfast in my resolve to get this done. I know every Senate Democrat shares this resolve, and I know that law enforcement, civil rights leaders, victims groups, and countless others feel the same way. I hope Senate Republicans will join us to pass meaningful legislation that supports all victims of crime and upholds our system of justice. We should stand united for all victims. I urge all senators, and particularly those in the Republican Caucus, to clear the Justice for All Act without further delay.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

#### NOMINATION OF THEODORE CHUANG

Mr. GRASSLEY. Mr. President, I am going to talk for a few minutes on one of the nominations we have today, the nomination of Theodore Chuang to be district judge for Maryland. This nomination was voted out of committee on a 10-to-8 vote. I opposed the nomination in committee, and I would urge my colleagues to do the same today. I can't support the nomination because of the central role Mr. Chuang played in the administration's persistent and steadfast stonewalling of the congressional investigation into the attack on our diplomatic mission in Benghazi on September 11, 2012. That attack resulted in the first murder of a sitting U.S. Ambassador in over 30 years. Three other brave Americans serving their country were killed in Benghazi as well.

As we all know too well, just hours after the fighting had ended, this administration—in the middle of a Presidential campaign at the time—rushed to blame the attack on an obscure Internet video. The administration denied what was already clear: that what had happened at Benghazi was a pre-

meditated terrorist attack that had nothing to do with any video. The CIA's Libya station chief and other administration officials immediately recognized and reported that the attack was an act of terror, not a spontaneous demonstration. The American people demanded answers. Congress demanded answers as well. But the administration has systematically stonewalled our ability to get those answers. That is where this nominee's role comes into play.

Following the Benghazi attack, Mr. Chuang left his position at the Department of Homeland Security to undertake a special detail at the State Department. His job at the State Department was to provide legal guidance and manage the Department's responses to the congressional investigation into a terrorist attack.

For months the State Department ignored congressional inquiries. That forced the House Oversight & Government Reform Committee to issue subpoenas in August 2013. Mr. Chuang received those duly issued subpoenas but continued the administration's policies of systematic stonewalling.

So let me be very clear. The State Department has never asserted that the emails, the documents or witness interviews conducted by the Benghazi Accountability Review Board are protected by executive privilege. The State Department has never asserted any privilege justifying its refusal to disclose documents responsive to these subpoenas. The State Department has never provided any legal basis whatsoever for its continued stonewalling of this investigation.

So following Mr. Chuang's nomination hearing before our Judiciary Committee, I asked him several questions for the record about why the State Department refused to comply with its legal obligation to respond to the subpoenas. Mr. Chuang, who was in charge of coordinating the State Department's responses, couldn't come up with a legal basis. Instead, he cited only "institutional concerns."

That ought not be a good enough answer for what is a legitimate role of oversight by the Congress, trying to get answers to legitimate questions. In other words, abstract "institutional concerns" does not permit the executive branch to toss a congressional subpoena into the garbage.

Benghazi raises questions of vital national importance that to this very day remain unanswered. They remain unanswered because this administration refuses to honor its legal obligations to comply with the congressional oversight that is being done through the extraordinary measure of subpoena. The American people deserve better and so do we. We are members of equal branches of the Federal Government.

But the Benghazi scandal isn't simply going to go away. In fact, just this week additional emails came to light demonstrating that the White House

led a coordinated messaging effort on Benghazi from the very beginning.

This is what one of the emails said: It was the administration's goal "to underscore that these protests are rooted in an Internet video and not a broader failure of policy."

That quotation is from an email sent by the administration's Deputy National Security Advisor on September 14, 2012—2 days after the attack. That email was sent even though officials on the ground in Libya had reported that the attack was an act of terror.

Some have called this email the smoking gun, proving that the administration intentionally misled the American people about the terrorist attack, but no matter how this email is characterized, it was clearly responsive to congressional subpoenas and does not seem to have been produced until a government watchdog group filed a Freedom of Information lawsuit seeking to compel the administration to comply.

So let me be clear. From what we know now, it took a Freedom of Information Act request and an ensuing lawsuit to force the State Department to produce documents that were obviously related to the terror attack at Benghazi, and this is the case even though the House committee made multiple requests for those documents and then issued subpoenas compelling their production.

I am sure Mr. Chuang thought he was doing his duty to zealously represent his client when he was managing the document subpoenas the State Department received from Congress, but his role in coordinating administrative responses was plainly unsatisfactory and unacceptable and something that goes against the grain of an administration that on day two of their administration—in other words, January 21, 2009—said this was going to be the most transparent administration in the history of the country.

We should demand more and expect more respect for congressional oversight. For this reason I have decided to oppose this nomination, a nomination that was reported out of committee on a 10-to-8 vote.

I yield the floor.

The PRESIDING OFFICER (Mr. BOOKER). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak on the nominations related to the cloture vote of Theodore Chuang and George Hazel.

Senator CARDIN and I are recommending these two outstanding men to serve on the U.S. district court in Maryland. Senator CARDIN and I are proud to nominate these men because of the outstanding qualities they will bring to the Federal bench in Maryland that has had a long and distinguished career of absolutely fantastic judges.

We have before us two Maryland judges who will be taking a different status—Judge Titus and Judge Williams. Judge Williams served in the Southern District of the Maryland Federal court—and we salute those two for

their outstanding service. On another day I will say what a great job they have done.

Senator CARDIN and I take our responsibilities for recommending to the President the people of the highest caliber to serve as judges. We believe very strongly in the concept of an independent judiciary, people who will bring to the bench absolute integrity, judicial competence and temperament, a commitment to the core constitutional principles that have made our country great, and also through a history of civic engagement in Maryland—because a judge is not how many Law Review articles they write but can they administer equal justice and continue to honor equal protection under the law. Mr. Chuang and Mr. Hazel meet and exceed these standards.

Mr. Hazel comes with an incredible background. He served as an assistant U.S. attorney to the district court of Maryland. He has been the southern division coordinator on tough issues such as Project Exile, a Federal-State partnership addressing gun and violent crimes in Prince George's County and surrounding areas. He spent 5 years in private practice at Weil, Gotshal & Manges. He is also a man of faith, involved deeply in his church, Metropolitan Baptist Church, where he serves as a deacon.

Most recently, he has worked with the Baltimore State's attorneys office. The Baltimore State's attorney's office faced a lot of challenges. It faced dated technology and difficulties in maintaining chain of custody on evidence. He came in to work with our new State's attorney, which is an elected position, and he is a real reformer. So whether you were a prosecutor or you were a defendant, you knew it was going to be one of the best well-organized offices in Maryland.

Hazel brought that kind of know-how to make sure the apparatus of government worked because that was all part of making sure people got equal justice: Did we have the right guy when we were a prosecutor? Did we have the right evidence? Did the prosecutor have the right tools? Did the public defender or their private counsel have the opportunity to provide the defense of them? We have been able to do that. Also, working in his church he has shown he has been available to provide all kinds of pro bono services.

He is a graduate of a distinguished law school and he is a Morehouse man. I think when he takes the Federal bench and takes that oath, we are going to be proud of the service he does.

Then there is Mr. Chuang, the one who has been under dispute today. Gosh, I wish the whole Senate could meet him as well as Mr. Hazel. This is a new generation coming into the Maryland Federal judiciary. Mr. Chuang's parents and his own story is that of the American dream.

Mr. Chuang's parents came with practically nothing from Taiwan seek-

ing the American dream and a better life for their family. He worked very hard and then went on to some of our most distinguished schools. He went to Harvard Law School and Harvard University. He was a summa cum laude undergraduate and named by Time magazine as one of the high achievers. At Harvard, he was with the Law Review. But as I said, it is not how many Law Review articles one writes; it is, do they right wrongs in our society.

Yes, he has served at the U.S. Department of Homeland Security; yes, he has worked in government positions; yes, he has worked in private practice at Wilmer Cutler; yes, he has been at the Department of Justice; and, yes, he did provide legal counsel to the State Department. I am going to talk about that.

First of all, I am kind of tired of this Benghazi witch hunt stuff, but I am not going to go into that. I respect my colleagues on the other side of the aisle. Congress has a right to oversight.

But let me make the record clear: Mr. Chuang's role during his temporary assignment was as legal counsel providing legal advice and representation to his client. His client was the State Department. Although he provided legal advice related to the House Committee on Oversight & Government Reform, he did not have decisionmaking authority over whether to provide subpoenaed documents to the committee. That was at higher levels. If the committee had a beef with the State Department, they should have taken it up with the Secretary of the State, which I know they did.

During his 6-month detail, the State Department produced a vast majority of documents and witnesses requested by the HOCR.

In the case of the subpoena in question—which was for internal files of the independent Accountability Review Board that conducted the Benghazi investigation—the State Department agreed to produce most of the documents but has to date declined to produce memoranda of interviews of State Department personnel because disclosure of those witness statements may chill cooperation in future ARBs. Although State offered to discuss alternative means of serving the committee's request, the House Committee on Oversight & Government Reform has not actively engaged the State Department on this since the fall of 2013.

Opposition to Mr. Chuang's nomination will have no impact on whether the State Department produces the documents, and he is not a State Department employee.

So I respect my colleagues for wanting to have cooperation. I don't dispute whether they have a legitimate grievance. I leave that in that field and domain, but I would say Mr. Chuang's role was that of a civil servant, providing advice to the leadership of the State Department on this matter. Then the State Department's job, at its highest level, was to negotiate with the

House Committee on Oversight & Government Reform, chaired by Mr. Issa and the ranking member, our very good colleague Congressman CUMMINGS of Baltimore.

So if we are going to vote against Chuang because the Secretary of State did or did not do something, I think we have other problems.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MIKULSKI. I ask for 1 additional minute to summarize.

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

Ms. MIKULSKI. If we continue to attack people because of the job they did for which they had no decision about, we are going to have a chilling effect on who comes into government.

If these two men whom I am recommending and whom the President has nominated were in private practice, they could be making hundreds of thousands of dollars. Because these two men are duty-driven, with outstanding educations, backgrounds, and experience, they have chosen public service. I hope the Senate chooses them to serve on the Federal bench. This body is going to be very proud of them the way Senator CARDIN and I are in bringing them to the floor's attention. I urge that we invoke cloture.

I yield the floor and ask that we follow regular order.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session.

#### 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 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 Theodore David Chuang, of Maryland, to be United States District Judge for the District of Maryland.

Harry Reid, Patrick J. Leahy, Elizabeth Warren, Robert Menendez, Barbara Mikulski, Jack Reed, Richard Blumenthal, Carl Levin, Christopher Murphy, Kirsten E. Gillibrand, Sheldon Whitehouse, Patty Murray, Thomas R. Carper, John D. Rockefeller IV, Jeff Merkley, Richard J. Durbin, Benjamin L. Cardin.

Mr. LEAHY. Mr. President, today, we are again voting to overcome Republican filibusters of three highly qualified judicial nominees. Republicans