

sit down with those same men and women whom I worked with last year and see if we cannot do something about simplifying income based repayment so more students can take advantage of it, and dealing with excessive borrowing and some of the other issues we are working on in higher education.

I think we can do that 2 years in a row, and I think the American people would appreciate it if we tried.

I thank the Presiding Officer and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

REMEMBERING CHESTER NEZ

Mr. HEINRICH. Madam President, it is an honor to join my colleague from New Mexico, Senator TOM UDALL, in celebrating the life and service of Chester Nez, the last of the original 29 Navajo code talkers, who passed away this last Wednesday, and to honor the historic role the Native American code talkers played in the allied victory in World War II.

Our Nation's liberties and patriotic spirit were personified by the commitment and service and the legacy of Chester Nez. He was a true American hero. Chester Nez helped to create an unbreakable code during World War II. He served in the U.S. Marine Corps to protect the Nation and also his people, language, and culture. He understood the significance and the importance of his language, and he used it as a shield to defend this Nation.

Chester Nez chose to enlist in the marines at a young age, not knowing he would become part of an elite group of indigenous code talkers. Despite growing up in an era where speaking the Navajo language was not only prohibited but often punished, his fluency in both Navajo and English made him invaluable to the war effort. He was a member of the all-Navajo 382nd Marine Platoon entrusted to create a code that would prove impenetrable to the Japanese. The 382nd Marine Platoon literally changed the course of history.

After Chester Nez's service, he continued to remain silent about his instrumental role as a Navajo code talker, maintaining a quiet, modest, and humble lifestyle until the mission was declassified in 1968.

Later in life Mr. Nez shared his contributions and his experiences in World War II with younger generations. He advocated for keeping the Navajo language, its traditions, and culture alive so that future generations would know how influential the Navajo people and language were during World War II.

Thanks to Mr. Nez and his fellow code talkers, our Nation's remarkable spirit continues to thrive and we are forever grateful for their service. I join all New Mexicans in keeping Chester

Nez's family and friends in our thoughts and prayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

KADZIK NOMINATION

Mr. GRASSLEY. Madam President, I come to the floor to speak about the nomination of Peter Kadzik to be an Assistant Attorney General for Legislative Affairs in the Justice Department. I happen to know that the majority leader hasn't yet filed cloture on this nomination, but I expect that he will in the near future. So now I take the opportunity to speak about that nomination.

It is no secret that I have concerns about Mr. Kadzik's nomination. I opposed his nomination in committee, and I will oppose it when it comes to a vote on the floor.

The reasons are pretty simple. Mr. Kadzik has been acting in that position since April 2013—in other words, in the very same position for which he has been nominated. His job is to respond to questions from Members of Congress. We have a clear track record to judge his performance, and that record has been dismal. Letters go unanswered for months. Then, when answers come, they ignore or dodge the questions.

Even before coming to the Justice Department, Mr. Kadzik had shown a lack of respect for congressional oversight. While he was in private practice, he represented the billionaire tax fugitive Marc Rich. Rich was infamously pardoned at the end of the Clinton administration following a large donation by Mrs. Rich to the Clinton Presidential Library. No fugitive has ever been pardoned before—let alone a billionaire fugitive who owed millions of unpaid taxes.

In the course of the congressional investigation into that controversy, Mr. Kadzik was subpoenaed to testify at the House hearing in 2001. He refused the committee's invitation to testify voluntarily. Then, he decided to fly to California the day before the hearing. The House committee had to send the U.S. marshals to serve him with a subpoena in California ordering him to return for the hearing. He later denied that his attorneys knew a subpoena was on the way when he got on the plane. But his denial is contradicted by handwritten notes from 2001 telephone conversations with his attorneys about the subpoena. Those notes are in the record of his confirmation hearings, and I invite any Senator to review them.

Some people might say: Well, that was a long time ago, and maybe it was just a misunderstanding.

But one thing is not in dispute even by Mr. Kadzik: He refused the House committee's request to testify voluntarily. He was unwilling to cooperate unless forced to do so by compulsory legal process. Everything in his record since then has reinforced the impression that Mr. Kadzik is simply not in-

terested in answering questions from Congress unless he has no other choice.

He was not forthcoming during his nomination hearing on several issues, not just the Marc Rich controversy. Getting him to answer simple inquiries has required two or even three sets of questions. He wouldn't even promise to answer each individual question from members of our Judiciary Committee. Instead, he had a bad habit of grouping together a set of specific detailed questions, and then repeating one vague nonanswer over and over. In one set of responses he repeated word for word the same answer to previous questions nine times. That simply is not a good-faith effort to be responsive to each question.

When his answer was one he thought I didn't want to hear, he glossed over it. Example: At his nomination hearing, I asked Mr. Kadzik whether he intended to provide certain documents Chairman ISSA and I had requested relating to a briefing by the Bureau of Alcohol, Tobacco, Firearms and Explosives. After he failed to mention the documents in his response, I prompted him about the documents once again and he evaded the question. Only after two subsequent sets of questions for the record did Mr. Kadzik finally come clean and admit that the Department would refuse to provide those documents requested. Mr. Kadzik should have been that candid initially, instead of avoiding the issue.

His seeming inability to give straightforward and accurate answers to simple questions causes real concern for me about his ability to perform his job, of which a very important part is answering inquiries from Members of Congress. I think an Assistant Attorney General for Legislative Affairs needs to ensure that Congress receives accurate information from the Department. That is what checks and balances of our constitutional setup is all about.

This also became a problem for Mr. Kadzik's predecessor, whose false denials about Operation Fast and Furious eventually had to be retracted. This office needs leadership that will restore its credibility. Mr. Kadzik's track record in the acting position makes it clear he does not have what it takes to restore sorely needed credibility. At Mr. Kadzik's confirmation hearing last October, Senator FEINSTEIN told Mr. Kadzik that the Senate's Select Committee on Intelligence had recently received answers to questions for the record from the FBI that were over 1 year late. As she pointed out to Mr. Kadzik, "A year is really outside the pale of propriety."

Mr. Kadzik said in response: "One of my missions at the Department is to improve that record and to expedite the providing of information to this Committee and all Members of Congress." But from what I have seen so far, Mr. Kadzik's record has been even worse than his predecessor's.