

bill to the floor, and to let Members offer amendments. Those amendments were either included in the bill or explained to Members: No, this is already in there. We have already taken care of this, and this is why this doesn't have to be done.

We have a real obligation to take care of our veterans—those who have served for our country—and I hope we continue to build on the work we have done today.

Earlier today we also passed the bipartisan Defense Authorization Act, another bill we could have gotten to earlier. In fact, the House passed it earlier. The President vetoed it, but now that same essential bill goes back to the President's desk because some other problem has been solved that should never have been tied to authorizing the defense of the country.

Every year since 2011, the Congress has passed and the President has signed a bill just like the bill we passed today that would make it clear to the President that the Congress doesn't want the President to go forward with his proposed changes for Guantanamo. Unfortunately, the media reports suggest that the President once again is considering acting unilaterally to bring terrorists to the United States. Both of these bills today said no terrorist can be brought to the United States from Guantanamo.

It is another example of the President ignoring the law, deciding instead: I am going to enforce the law I want to enforce, and I am going to ignore the law I want to ignore. He did that a few months ago with Executive amnesty. The President decided there are some laws that relate to people who are in the country and who are here without documents that he doesn't intend to enforce. Unfortunately for the President and fortunately for the law, the U.S. Court of Appeals for the Fifth Circuit ruled last night that the President can't do what the President said he was going to do. An earlier court had immediately said the President can't do what he said he was going to do.

This morning, I heard one of the spokesmen for the White House say: Well, every legal expert we have talked to believes the President has the authority to do this. Well, apparently none of the legal experts they have talked to are Federal judges, because Federal judges now, at the two levels below the Supreme Court, have decided that the President doesn't have, in all likelihood, the authority he says he has.

The courts, along with a bipartisan majority of the Congress, have taken the President to task on a sweeping new rule on waters of the United States—an issue we debated here last week. The law says the EPA has the authority to regulate navigable waters in the country. For 170 years everybody understood what that meant, and I think everybody still probably understands what that means, even the people at the EPA, who want it to mean

something much broader than it clearly means. The Federal courts, again, at both the first level and the appeals level—the appeal of the appeal court and the appeal court have said: No, you don't have the authority to do that. We are not going to let that rule go into effect.

That rule, by the way, in my State would put more than 99 percent of all of the geography of Missouri under the control of the EPA for anything that is related to water, including any water that runs off a roof, any water that runs off a parking lot, any water that runs down a roadside ditch. If the EPA wants that authority, they need to come to the Congress and say: Change the law. Give us the authority over all of the landmass, 99.3 percent of Missouri and similar amounts in many other States. Give us that authority.

Of course, the Congress wouldn't do that. The Congress knew what they were doing when they said "navigable waters," and the EPA has never suggested to the Congress that the Congress change the law. The EPA would like to change it on their own, but the Sixth Circuit Court of Appeals said: No, you don't have the authority to do that.

Here is another issue that has to go to the Supreme Court. Apparently, the President doesn't mind going to the Supreme Court and doesn't mind being reversed by the Supreme Court. The President particularly, it appears, doesn't mind being reversed by the Supreme Court if somehow the rules got by the other two levels of Federal court, as the mercury rule did 2 years ago. Twenty-two months later, when the Supreme Court finally ruled, they said: No, the EPA doesn't have the authority to regulate that item in that way. But even people at the EPA said: Well, even though we didn't have the authority, 1,500 powerplants had to close down permanently because of the rule. And they seemed to take great pleasure in the fact that the rule accomplished its goal even though the law was not served and the EPA, according to the Supreme Court, didn't have the authority for that rule.

On the President's overreach, I reintroduced a law again this year—the Executive Needs to Faithfully Observe and Respect Congressional Enactments of the Law Act—the ENFORCE Act—which simply says something one would never think the Congress would have to say to the President, which is: Mr. President, you have to enforce the law. Mr. President, you have taken an oath to uphold the Constitution. There is a way to do this job in a constitutional way, and there is a way to do the job in the way you are doing it now.

We shouldn't need this bill. The President swore to uphold the law. With the action we took today, we see another place where the Congress has clearly spoken over and over and over again, and the President says: If the Congress won't do this, I am going to do it on my own.

Apparently, the President has discovered some authority as Commander in Chief to close military bases. Does that mean the President on his own can close any military base in the country? I don't think that is a precedent we want to set. There is a way to do this. The Congress has to be involved. The laws of the Constitution have to be respected.

Over and over again, even on the eve of Veterans Day—a celebration of those who did more than anybody else to defend our freedoms—even on the eve of Veterans Day, we need to remind ourselves what the Constitution is all about, what the country stands for, and the freedoms those veterans were willing to serve to defend.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, it is my habit to give my "Time to Wake Up" speeches once a week when the Senate is in session. It is also a practice of mine to go to other States—particularly States that have Republican Senators—to look at what is happening in the States and get a sense of where the local universities and the local experts are with respect to climate change. My last visit was to Ohio. I have also been to New Hampshire, North Carolina, South Carolina, Georgia, Florida, Tennessee, and Iowa. The thing that is common across all of those trips is that there is no denying climate change in those States. The denial is the function of this building, and it is the function of the wall of money the fossil fuel industry has erected around this building. But pick a State university in the country and go there, and we find there is simply not climate denial.

I am joined today by my friend SHERROD BROWN, Ohio's senior Senator, who was kind enough to accompany me on the trip—on several parts of it, anyway. We went to Cleveland. We had a couple of meetings there together. Another one of my visits was to Lake Erie, which got clobbered by the cyanotic bacteria that shut down Toledo's water system, which is also climate change-related.

Let me yield to the Senator from Ohio for a few moments, and then we can talk about Cleveland and the lake.

Mr. BROWN. Mr. President, I thank Senator WHITEHOUSE.

When I introduced Senator WHITEHOUSE to the mayor of Cleveland and to a number of experts in Cleveland, from public health officials, to wind energy entrepreneurs, to community groups to whom climate change matters so much, I introduced him as probably—not just probably—there is no person in the Senate who has done a better job of focusing public attention on the threats of climate change and what it means to our way of life and what it means to our country. I thank Senator WHITEHOUSE for that.

I want to point to what happened in Toledo, OH, in 2011. This green color in this picture is algae bloom. This is a small boat that is making its way through the algae bloom.

This wasn't even the year Toledo residents lost their water supply. In 2014—last August, 15 months ago—algae blooms were so serious in Lake Erie and in the western basin—Toledo is in the western basin of Lake Erie, Cleveland is sort of central, and then Ashtabula and Erie, PA, are in the eastern basin of Lake Erie. Again, this is not the most serious situation, although the algae bloom is so overwhelming here. This green is all algae bloom. The lake actually should be the color—where you can see dark blue here, that is normally the color of the lake. We can see the wake of the boat, and that is the normal color of the lake, as the boat plowed through the algae bloom.

The problem with Lake Erie is that it is the most vulnerable lake because it is the shallowest lake in the western basin of Lake Erie. In this part of Lake Erie, it is only 30 feet deep. It is fed by the Maumee River, which is the largest tributary of any river into any of the five Great Lakes. Keep in mind that it is 30 feet deep here, fed by farmland and commercial activity and industry and homeowners—greater Toledo in northwest Ohio. Contrast that with Lake Superior. It is 30 feet deep here, and Lake Superior is 600 feet deep on average. And Lake Superior mostly drains forests, so we can see why Cleveland and Toledo are so vulnerable to climate change and so vulnerable to pollution and all that has happened with the algae blooms.

People in Toledo—500,000 people lost their drinking water for 2½ days. People were great, stepping up from all over southern Michigan, eastern Indiana, and northwest Ohio to ship in water for people. But it made such a—it says to us that climate change isn't the only reason this happened, but it is clearly happening. We are seeing this algae bloom worse and worse and worse in hot weather.

One other thing about this Great Lake. Lake Erie is only 2 percent of all of the Great Lakes' water—five Great Lakes. Lake Erie is only 2 percent of all the Great Lakes' water because it is shallow and its surface areas are not as big as the others. Fifty percent of the fish of all of the Great Lakes are in Lake Erie because fish will produce and will prosper in shallower, warmer water, but the water was too warm because of climate change and all of the things that came out of that.

In this meeting we had with Dr. Aparna Bole—a pediatric specialist at Cleveland's University Hospital—she talked about asthma rates. We heard from others too.

I will turn it back to Senator WHITEHOUSE and ask him what he learned from these meetings. He was not just in meetings with people in Cleveland learning about what climate change

means there, he also went to the Stone Lab and he can tell us about that. Then he had an amazing meeting at Ohio State University with some of America's amazing climate scientists. I will kick it back to Senator WHITEHOUSE and again thank him for traveling the country every single week and looking for places where climate change has done the most damage in terms that people can understand. His leadership is so important.

I thank Senator WHITEHOUSE for the work he has done, and I am so grateful he came to the city of Cleveland and joined us.

Mr. WHITEHOUSE. Well, I was very happy to join the Senator. I thought Frank Jackson was extremely impressive on this subject. He pointed out that there are times in life when we simply have to go to the future, and if you decide to hang on to the past, you will fail as a result of missing that curve. He said that the business community in Cleveland was really beginning to get that, beginning to take it on. So he has led with a Cleveland Climate Action Plan, which is one of the best ones in the country.

We went to a great place where they are growing lettuce hydroponically, 3, 4 acres in an old building, under an open glass ceiling. They are using captured rain water; they are recycling it. The people there have jobs that pay well. They were the owners of the project and they were really vested in it. Wasn't the morale of the people working there phenomenal? It was terrific.

Dr. Aparna Bole, whom Senator BROWN mentioned, was very in tune to what was happening in minority communities as a result of climate change from asthma, from heat. She is seeing it with her young patients. She was wonderful, talking about that. At this point, because of toxic ground level ozone and ragweed being triggers for asthma attacks—she has seen so much of that. She said that more than one in five African-American kids in Cleveland has asthma, and she connects it to what is happening in climate change.

Of course, we understand that in Rhode Island because we have the same bad air days where we have to have kids stay indoors and elderly people stay indoors, all because of the air coming from the Midwest that has been fouled by these coal-burning powerplants.

Out on Lake Erie I met with some of the scientists from Stone Labs and a couple of the lifelong fishing captains who had been out there on the lake. Here are some of the water samples we took while we were out. It is clean now—this is what the water should look like—but back before, when the climate change-driven rain bursts were flooding Lake Erie with phosphorus from the farms in the watershed, there was an explosion of cyanotic bacteria to the point where these guys said driving their boats wasn't like driving through water, it was like driving through pudding, and the wake would

slurp over instead of turning the way a regular boat's wake would. One of them had been doing this for 35 years and he said: I don't know this lake any longer. I don't know where the fish are going to be. For 35 years I have fished this lake, and now it is like a stranger to me because of all these changes that are happening.

That is exactly what my Rhode Island fishermen are telling me, too, about Narragansett Bay and Rhode Island Sound. We are here with the Senator from Massachusetts. "SHELDON, it is getting weird out there. SHELDON, this is not my grandfather's ocean." We have some responsibilities to pay attention to these people and to listen to them.

One of the most impressive parts of the trip was this at Ohio State. Ohio State is host to the Byrd Polar and Climate Research Center named after the famous polar explorer Admiral Byrd. These two scientists, Ellen Mosley-Thompson and Lonnie Thompson, have spent their lives traveling all over the planet going to these incredible, faraway places—the North Pole, the South Pole, to the Greenland icecap, going to glaciers high in Peru, going to glaciers in the faraway mountains of China. They drill down and take a core sample out of the glacier and get hundreds of thousands of years of data in that core sample.

Then there you are on the top of a glacier in Peru or China, and you have to figure out how to get this core sample back to Ohio—and it has to stay frozen the whole time. So they had this huge logistical challenge. They conquered all of that. They are two amazing people.

These are all the core samples from glaciers all around the globe. Some of them, because of the way climate has dissipated the glaciers, where they drilled the core sample the glacier doesn't exist anymore. It is the last record of gone glaciers.

Here is a picture they had. This is the same site. On this side is a picture of the glacier. You can see striations from the seasons and years going by, and they took this picture from the same place. You can see how the glacier used to be right in front of them and now this glacier is off in the distance. It has moved back as the climate has warmed.

They gave me this. This is a piece of plant matter. You can hardly see it. It is plants that were unearthed as the glacier moved back, and they can date them. Those plants were last out 6,626 years ago, when a snow covered those plants. Snow piled on to snow and it was buried under the glacier. It stayed and it stayed, and thousands of years went by. Then, after thousands of years had gone by, Jesus came and walked the Earth, and then thousands more years came by, and now the glaciers are melting so fast that here it is. You can look, and you can still see the leaves. It is squashed and old, but it hasn't decomposed because of the way

it was preserved under the glacier that is going away now. In this laboratory they have this incredible treasure. You can go in and you can find air that was on this planet when Jesus walked the Earth, and it is still preserved just the way it was in the ice. You can find dust from dust storms that were written about in Egyptian hieroglyphics, and there is the actual dust held in the ice. This is the record that the climate science is based on, and it truly is a marvel.

The last thing I will mention is that we also stopped by the Ohio State Center for Automotive Research. Here is a brandnew Camaro in the background. They work with GM to get cars brandspanking-new, a high-performance American Camaro. These students are going to take it apart and put it back together so it runs cheaper, faster, and with less fuel. They are going to make a hybrid Camaro with the same level of performance, and it is really very impressive what they are doing. They know climate change is here. That is why they are doing this stuff.

I will close out because I have other Senators waiting, but I thank Senator BROWN for taking me around Cleveland, meeting all the people we did, and taking me on those visits. I thank the folks at Ohio State. Stone Labs out on Lake Erie is an Ohio State facility. The Byrd Polar and Climate Research Center is an Ohio State facility. I met with the John Glenn Institute folks at Ohio State University.

Look, if you are a Buckeye fan and you are listening, pay attention to what Ohio University says about climate change. Don't listen to the fossil fuel phonies. Listen to what your home State university says. These guys are deadly serious. They know it is real. I don't think there is a home State university in this country that is denying climate change, and yet this body is stuck in denial. It has nothing to do with the facts; otherwise the home State universities would say something different. You can't go home and root for the Buckeyes on the weekend and then come here and deny climate change and pretend you are being true to your home State university. I don't care what your home State is—Iowa, Oklahoma, Florida, Georgia—you name it. Go to the big State universities. They understand that climate change is real.

What prevents us from acting isn't information, it is the wall of special influence money that the fossil fuel industry has built around this place, and it is time we woke up and got on with our business. So I will close with that.

I am grateful for the people in Ohio who showed me around, particularly to Dave Spangler and Paul Pacholski, lifelong charter boat captains. They make their living out on Lake Erie. They know what it is like out there, and they know what climate change is doing to their beloved lake and their beloved way of life.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

OVERSIGHT OF THE EXECUTIVE BRANCH

Mr. GRASSLEY. Mr. President, oversight of the executive branch of government by the Congress is as old as the Constitution, it is a critical role, and it is one that was intended by the writers of the Constitution. I believe oversight leads to better government, better laws, and actually saves the taxpayers money. That is why this Senator works very hard at oversight.

I went after the Reagan Defense Department for wasteful spending in the 1980s. I held up the Department of Justice nominees during the Bush administration to get my oversight letters answered, just as I am doing now with the Obama Department of State. I voted in support of giving the Judiciary Committee the authority to issue subpoenas regarding its inquiry into the firing of U.S. attorneys during the Bush administration when a lot of Republicans didn't want that to happen. My belief in and exercise of the oversight role by Congress is longstanding and nonpartisan.

Yesterday the Senate minority leader said my investigation into the Department of State's use of special government employee designations and how Secretary Clinton's private email arrangement interfered with the Freedom of Information Act compliance is political. This simply is not so. This investigation involves many things, but it does not involve politics. His speech yesterday inferred that I was doing all these things for political reasons. That is simply not true, nor is it in accordance with my reputation as an equal opportunity overseer.

My investigation into the potential abuse of the special government employee designations and Secretary Clinton's use of a personal email server and the potential spillage of classified information is not political. It is evidence-based, and it has something to do with our national security.

Unfortunately, the Department has been largely uncooperative since June of 2013. The Department's lack of cooperation has caused me to place 22 holds on its nominees. These are not secret holds. I have placed, according to the rules of the Senate, a statement in the RECORD of why those holds are placed, and to correct the senior Senator from Nevada, my holds do not include 600 Foreign Service officers and do not include individuals from Iowa.

With respect to my pending requests to the Department of State, I am still waiting for a full production of documents from my June 2013 oversight request—the constitutional responsibility of those of us who pass laws and appropriate money. That happened to be 2½ years ago, and the State Department has still not produced the materials I have requested. The Department has implemented several clever strate-

gies to delay the process. I will give you some examples. The Department routinely assigns new employees to handle different requests. Each time a new employee is assigned we get the same excuses why they cannot deliver on our requests. These excuses go something like this: I am new, so I don't know who to talk to and where to find the documents.

For years the Department has delayed in productions, each time with more excuses. For instance, the Department still refuses to answer whether Secretary Clinton's private server was approved. The Department has failed to provide emails for Department personnel communicating about Secretary Clinton's private server that we have strong reason to believe exist. The Department took over 2 months to schedule a single interview with a former employee. The Department for over 2 months has refused to provide instructions it gave to Clinton attorney David Kendall to secure the thumb drives that contained classified information—even though the Department was quoted in the news as providing those instructions. The Department has failed to provide travel reimbursements and leave documents for its employees. On August 5 of this year, I requested classification nondisclosure forms for Secretary Clinton, Huma Abedin, and Cheryl Mills. On November 5, the Department provided those documents to a Freedom of Information Act requester but not to the committee.

I highlight that. The Freedom of Information Act request was made, but the same information that was sought by a congressional committee—one was granted and the other so far has been denied. While the Department provided the documents to that requester under the Freedom of Information Act, Department employees told me they had been unable to find those documents.

Not only has the Judiciary Committee experienced unacceptable Department of State delays in receiving the information we request, others inside and outside of the government have experienced delays as well.

The Associated Press sued the State Department over the failure to satisfy repeated document requests under the Freedom of Information Act related to these same agents. One of these requests dates back 5 years ago.

Judge Richard Leon of the U.S. District Court for the District of Columbia, the judge responsible for this case, scolded the State Department for its failure to produce documents on time:

Now, any person should be able to review that in one day—one day. Even the least ambitious bureaucrat could do this.

Let there be no mistake about this investigation. This investigation is centered on the Freedom of Information Act, a law that is within the Judiciary Committee's jurisdiction. This investigation is centered on potential abuse of the special government employee designation that allows government employees to be paid by outside