

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

employers, in this case hundreds of thousands of dollars by a consulting firm run by a former Clinton administration employee.

This investigation is centered on potential violations of the Federal Records Act and holding government officials accountable for their actions. This investigation is centered on whether public officials properly handled classified information.

Nobody is above the law. Senior government officials and regular employees should get equal treatment under the law, and that treatment should be fair and objective. It should not depend on what your position is.

When it looks like the treatment is different, we have to figure out what is going on. For example, it looks like other government employees are subject to very different treatment when accused of mishandling classified information.

Army LTC Jason Amerine, a decorated war hero, contacted Congress to try to warn about bureaucratic problems with U.S. hostage recovery efforts, problems that he believed were putting lives at risk. He was accused of improperly transmitting classified information to Congress in the process.

This war hero was removed from his job, was escorted out of the Pentagon, had his clearances suspended, had his scheduled retirement delayed indefinitely, was fingerprinted and had a mug shot taken, was threatened with court-martial, and was subject to extensive investigation.

After almost a year of being investigated, the Army decided not to court-martial Lieutenant Colonel Amerine.

Instead, he was awarded the Legion of Merit for exceptionally meritorious service and was finally allowed to retire. But look at how differently he, a war hero, was treated when accused of mishandling classified information compared to Secretary Clinton and her associates. Where was the minority leader in trying to help this war hero from these attacks from this administration?

Nowhere to be seen is the answer to that.

It is apparent that some have a selective memory when it comes to putting value on oversight and investigations. But I do not. I have been consistent in my oversight role my entire career, investigating Republicans and Democrats.

My oversight and investigations unit is involved in many investigations. The vast majority of them have nothing to do with Secretary Clinton.

Looking out for the public interest isn't a waste of time, and I will keep at it regardless of misguided attacks on my motivations and mischaracterizations of my work. I will continue this investigation because the American people have a right to the truth and government officials have an obligation to answer to "We the People."

Mr. President, I ask unanimous consent that an article dated September 4, 2015, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Daily Beast, Sept. 4, 2015]  
THE HILLARY EMAIL DOUBLE STANDARD  
(By Danielle Brian)

How whistleblowers see their lives destroyed over infractions the powerful get away with.

Watching the news about Hillary Clinton's emails, it is remarkable to see how many people now have opinions about the overclassification of information and the relative merits of prosecuting people for mishandling classified material or destroying government records.

Newspapers, blogs, and television reports are full of pundits explaining the law as they see it, with people opining about who is right: the two Inspectors General who assert there was classified material in her emails, or the State Department, which asserts that the information was not classified at the time.

So where were all these "experts" when whistleblowers accused of the same infraction—mishandling classified material—were forced to spend a fortune on lawyers, were fired from their jobs, and were threatened with imprisonment?

The amount of time being spent by Hillary Clinton defenders and detractors parsing rules, policies, and laws on whether she broke the law is maddening. That time desperately needs to be spent on transforming the classification system and modernizing electronic records retention policies, as promised in the Obama administration's second National Action Plan for the Open Government Partnership nearly two years ago.

It is hard to reconcile Clinton's actions with her speech at the 2012 opening session of the Open Government Partnership: "In the 21st century, the United States is convinced that one of the most significant divisions among nations will not be north/south, east/west, religious, or any other category so much as whether they are open or closed societies. We believe that countries with open governments, open economies, and open societies will increasingly flourish. They will become more prosperous, healthier, more secure, and more peaceful."

She was right then. It is essential to maintain the records of our policymakers for historical analysis so that the public can know what actions have been taken in our name by our leaders. Clinton did not maintain these records. The fact is she indisputably broke the rules, and although that is not a criminal offense, it certainly is a political one.

Even more infuriating is the disparity of treatment between the politically powerful and everyday truth-tellers. High-level officials often receive little more than a tap on the wrist for mishandling classified information. But whistleblowers seeking to expose wrongdoing and protect the public are almost without exception subjected to overzealous investigations and prosecution.

Rather than focusing on the distinction between whether a person deliberately released classified information or not, the more appropriate lens is whether there was an intended public benefit for that disclosure, such as protecting public health or safety or revealing wrongdoing.

Of course the Secretary of State had some classified information in her emails. As Bill Leonard, former director of the federal Information Security Oversight Office, told Reuters, information that foreign officials give U.S. officials in confidence is "born classified."

And yes, the government is dramatically overclassifying information. Clinton herself

tweeted that the government's ridiculous classification rules are the "real problem." But rather than tackling the many problems with the classification system, or investigating Clinton through the post-Wikileaks "insider threat" program created to investigate individuals who exploited, compromised, or made an unauthorized disclosure of classified information, the State Department has spent weeks defending their former boss and claiming dismissively that nothing was classified at the time anyway.

General Petraeus, who deliberately gave classified information to his lover/biographer, was afforded similar latitude, with Senator Feinstein going so far as to make a public plea for clemency in his case. In the end he was only given a paltry fine—one that he will be able to pay off with less than one of his speaking engagement fees.

The Department of Defense Inspector General (IG) tried to bury, and then gutted, its own report that concluded then-CIA Director Leon Panetta had released classified information about the Osama bin Laden raid to the *Zero Dark Thirty* Hollywood producers. Panetta was never penalized despite the IG's findings.

In stark comparison, even national security whistleblowers who worked through proper channels, including reporting to their superiors, Inspectors General, and the Congress, are faced with a white-hot vindictive frontal attack from the government.

NSA whistleblower Tom Drake and Justice Department whistleblower Thomas Tamm both had armed FBI agents raid their homes. Drake reported to the Pentagon IG and Congress about the NSA's unconstitutional and wasteful overreach through its domestic surveillance program (years before Edward Snowden). Tamm also challenged the legality of the government's warrantless wiretap program.

Tamm lost his clearance and his government career. Drake was prosecuted for espionage and lost his career after pleading to the misdemeanor of "exceeding the authorized use of a computer." Both spent a fortune on attorneys.

Air Marshal Robert MacLean had to take his case all the way to the Supreme Court to prove that he had a right to reveal unclassified information to a TV reporter about the TSA's decision to remove air marshals from high-risk flights after 9/11. His disclosure forced the TSA to reverse their plan and to better protect the public by keeping air marshals on cross-country flights. MacLean won, but he and his family had to put their lives on hold while he fought his case for years without a paycheck.

Lieutenant Colonel Jason Amerine is being investigated by the Army Criminal Investigation Division over accusations of revealing classified information to Congress, which is permitted by law to receive disclosures about wrongdoing in the executive branch. His disclosure to Congress led the White House to overhaul its hostage recovery policies. Yet his retirement from the military, after an extraordinary and decorated career in the Army, has been put on hold indefinitely as the investigation drags on.

Our system now protects the powerful and attacks the heroes, both of which are fundamentally un-American.

So let's stop wasting time making politically expedient proclamations that serve no purpose but to score points for candidates. There are real issues all the campaigns should address: We need to dramatically shrink the incidence of and incentives for overclassification. We also need to apply a public interest balancing test so that when there is an alleged breach of classified information, the violation is weighed against the benefits of the information becoming known.

And we need to level the playing field so that there aren't different accountability standards for those with clout and those without.

If the dialogue doesn't change, most federal employees who witness waste, fraud, or abuse will feel the chill and decide against stepping forward while the politically powerful class will continue to be rewarded and see their transgressions forgiven.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### ACCOUNTABILITY FOR LARGE FINANCIAL INSTITUTIONS

Ms. WARREN. Mr. President, before long, two must-pass pieces of legislation will come to the floor, a highway bill and a government-funding bill. It is like ringing the dinner bell for Wall Street banks. The lobbyists are swarming this place. They want to roll back financial regulations, and they are working every contact they can to attach these rollbacks to anything that moves.

It is a pretty neat trick. They probably can't get a rollback of financial regulations passed out in the open where Americans can see what is happening and see which Senators and which representatives voted to gut the rules for Wall Street banks. So they slipped these rollbacks into must-pass legislation, which gives the financial industry's friends in Congress a lot of cover.

Of course, it is not just Wall Street that is trying this. Lobbyists and their Republican allies want to weaken the rules protecting workers, retirees, and our environment. They want to defund Planned Parenthood, attack civil rights laws, and shove all kinds of other provisions that would be terrible for our country. But, as in so many things, Wall Street is the true master of this strategy.

It has been almost 1 year since Citigroup lobbyists wrote a provision to blast a hole in Dodd-Frank and, at the last minute, got it attached to a government funding bill. Since the government would have shut down if the funding bill hadn't passed, that Citigroup amendment made it through tacked on the back of the funding deal.

The provision that got blown up last year was called "Prohibition against Federal Government bailouts of swaps entities." The idea behind the rule is pretty simple. If a bank wanted to enter into certain risky deals—such as the credit default swaps that had been at the heart of the 2008 crisis—it had to bear all of the risk itself instead of passing it along to taxpayers. That was the provision that Congress repealed.

Because Democrats weren't willing to shut down the government, Wall Street won that round. But this isn't over. Congressman ELIJAH CUMMINGS and I decided to hunt down the impact of the Citigroup amendment. We opened an investigation, and today we released our findings.

There are lots of details, but here is the takeaway. The FDIC estimates

that the provision written by Citigroup lobbyists last year allows a few banks to put taxpayers on the hook for risky swaps with an estimated value of nearly \$10 trillion. And what does it mean to load up on swaps such as this? The FDIC said: "Generally speaking, large volumes of derivative activity conducted by a [bank] would be expected to increase its risk profile.

And who is gobbling down most of this \$10 trillion of risk? Three huge banks: Citigroup, JPMorgan Chase, and Bank of America—three banks, nearly \$10 trillion.

Now \$10 trillion is a lot of risky business. Just remember, the whole TARP bailout was less than \$1 trillion. Now a few banks—a few too-big-to-fail banks—are going to keep another \$10 trillion in risky business on their books. These banks will happily suck down the profits when their high-stakes bets work out, and they will just as happily turn to the taxpayers to bail them out when there is a problem—all of this because the lobbyists persuaded Congress to do just one little favor for them.

Earlier today Congressman CUMMINGS and I asked the Government Accountability Office to do more analysis of these issues. But whatever the GAO finds, Congress now has 10 trillion reasons to stand up to Citigroup and bring back the swaps pushout rule to ensure that working families in this country—families with mortgages and student loans to pay and kids to take care of—are not on the hook again, this time for \$10 trillion of the big banks' risky bets. Congress has one job here. Congress should strengthen, not roll back, financial rules before one of these banks takes down our economy again.

But bills to hold the big banks more accountable aren't getting much traction around here. Instead, right now people in Congress are talking about repealing more Dodd-Frank provisions. That is right. At this very moment lobbyists and Senators are plotting new ways to take cops off the beat on Wall Street and to weaken, delay or dilute the rules that protect consumers and hold big banks accountable and then to hook those rollbacks either onto a bill to fund our highways or to keep our government open.

Now, Republicans say: Hey, if you want to get something done, if you want to repair our roads or keep the government open, this is the price; help the big banks.

To be fair, Republicans are also getting some help from some Democrats. They say: Wall Street accountability is important, but I just want to get something done around here for a change; so let's go along.

Well, yes, I want to get something done too. Who doesn't? But I didn't come here to carry water for the big banks.

If Republicans think it is time to talk about financial reform, then let's put it all on the table and let's have everyone in Congress—Democrats and

Republicans—declare publicly where they stand. If the industry wants to push rollbacks, then I want to make it easier to send bankers to jail when they launder money for drug cartels or when they rig foreign exchange markets or when they cheat pension funds out of desperately needed money.

If the industry wants to chip away at financial oversight, then I want to have a serious, on-the-record conversation about breaking up the biggest banks. Let's start with the three that are taking \$10 trillion in risky business onto their books: Citibank, JPMorgan Chase, and Bank of America.

Yes, the American people want us to get something done. They are begging us to do some real work, but I don't hear a lot of my constituents asking us to water down financial rules and to do more favors for the big banks.

So let's put it to the American people. Are you ready to weaken Dodd-Frank, to give the biggest banks in the country more chances to take more risks and to leave you holding the bag, or is it time for a little more accountability—accountability for large financial institutions that month after month are in the headlines for breaking the law? Is it time to stop pretending and truly get rid of too big to fail once and for all? We can let every Republican and every Democrat vote in Congress on these questions. Let's do it with microphones on and the cameras rolling, but not behind closed doors and out of public view.

We need to vote on a highway bill. We need to vote on a government funding bill. And if there is anyone in this Chamber, Republican or Democrat, who thinks they can slip goodies for Wall Street into these bills without a fight, they are very wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

#### VETERANS DAY

LUCIUS FORSYTH AND ROBERT "EMMETT" STANLEY

Mr. CASSIDY. Mr. President, in commemoration, celebration, and honor of Veterans Day, I would like to share the stories of two Louisiana heroes who served in World War II: Lucius Forsyth and Robert "Emmett" Stanley—two Louisianans who answered the call to serve and did so most honorably.

Lucius Forsyth left his home in Paulina, LA, to serve in World War II in his late teens as a U.S. Navy seaman aboard the USS *Saratoga*. On February 21, 1945, Lucius and the crew of the *Saratoga* experienced the most concentrated assault of World War II against a warship. The *Saratoga* and her 3,500 sailors fought bravely as the Japanese forces attacked the ship for 3 hours. Bombs were dropped and five Japanese kamikazes crashed their aircraft into the *Saratoga*.

Seven levels below the main deck, Lucius knew that the impact of a bomb or a kamikaze near his location would