NUCLEAR AGREEMENT WITH IRAN

Mr. GRASSLEY. Mr. President, according to press reports, this administration may be just weeks away from lifting sanctions on Iran. This is despite Iran's recent actions that indicate they have little intention to comply with the terms of the agreement called the Joint Comprehensive Plan of Action, also known as the Iran nuclear deal. Most recently, the International Atomic Energy Agency released the final report on the possible military dimensions of the Iranian nuclear program. It is quite clear Iran was less than cooperative with the International Atomic Energy Agency. For some reason, despite Iran's stonewalling, the President seems intent and confident that they know the extent of Iran's past nuclear weaponization work.

It is important to remember the evolution of the importance of this information. In April 2015, Secretary Kerry stated in an interview that Iran must disclose its past military-related nuclear activities as part of any final deal. His words on this matter were unequivocal.

He stated:

> They have to do it. It will be done. If there's going to be a deal it will be done. It will be part of the final agreement. It has to be.

Just a few weeks later, when it was clear President Obama's administration was ready to surrender to Iran's demands on this issue, Secretary Kerry said that we didn't need a full accounting of Iran's past activities. He said the U.S. intelligence agencies already had ''perfect knowledge'' of Iran's activities.

Just a few days ago, the International Atomic Energy Agency released their report, which was supposed to be a comprehensive overview of Iran's nuclear program and their past military dimensions of that program. Because of Iran's obstruction, the report is far from comprehensive—as we were promised.

The International Atomic Energy Agency report essentially concludes what many of us have known for a very long time. Iran was working toward developing nuclear weapons capability and they have continually lied and continually misled the international community regarding that program. The International Atomic Energy Agency also concluded that Iran's nuclear weapons program was in operation until 2009, several years later than many believed.

President Obama repeatedly stated that the nuclear agreement was based on unprecedented verification. Yet it is very clear from the International Atomic Energy Agency report that Iran had no intention of cooperating with the requirement that they come clean on their nuclear program. In many areas, the International Atomic Energy Agency indicated that Iran provided little information, misleading responses, and even worked to conceal portions of that program.

Many of the questions around the Parchin military facility remain unanswered. This report from the International Atomic Energy Agency states:

> The information available to the Agency, including the results of the sampling analysis and the satellite imagery, does not support Iran's statement on the purpose of the building. The Agency assesses that the extensive activities undertaken by Iran since February 2012 at the particular location of interest to the Agency seriously undermined the Agency's ability to conduct effective verification.

An effective verification was what we were promised. The Iranians were actively working to cover up and destroy any evidence of their weaponization efforts at Parchin. On many occasions, Iran refused to provide any information or simply reiterated previous denials. Iran refused to cooperate and instead continues to deceive the international community on the military dimensions of its nuclear program. Some may wonder why we should even care about this. It matters because a complete and accurate declaration of all nuclear weapons activity is a critical first step in the verification regime and the safeguard process that the International Atomic Energy Agency will be asked to enforce and something we put our confidence in. I shouldn't say ''we'' because I didn't vote for it—but something this country puts its confidence in this Agency's ability to enforce. There must be a baseline declaration to ensure effective international monitoring going forward.

It also matters because President Obama entered into an agreement, along with our allies, to provide sanctions relief in exchange for Iran giving up its efforts to develop nuclear weapons. It matters because it is clear we do not have ''perfect knowledge''—which we were promised—of what Iran is up to, as Secretary Kerry has claimed. It also matters because since the agreement was finalized, Iranian leadership has not changed their behavior. If anything, they have increased their hostility. Here are some examples of hostility: On October 10, Iran launched a long-range ballistic missile. This is clearly in violation of Security Council Resolution 1929. Then, on November 21, Iran launched another ballistic missile.

It is clear that Iran has no intention to comply with the ballistic missile restrictions of this deal. These are blatant violations. How are we supposed to have any faith in this agreement or Iran's intent to comply? Iran did not comply with the International Atomic Energy Agency. They have continued to test ballistic missiles. They continue to hold Americans hostage. A Washington Post reporter has been imprisoned for more than 500 days and was recently convicted of unspecified charges in a sham trial. Iran has no intention to honor any of their obligations under this deal. It is naive to think otherwise. As a recent Wall Street Journal editorial put it, ''The larger point is that the nuclear deal has already become a case of Iran pretending not to cheat while the West pretends not to notice.''

I hope President Obama and his administration finally wake up and quickly recognize Iran's track record of noncompliance. Iran cannot and should not be rewarded with sanctions relief. The international community should not reward Iran with sanctions relief while Iran doubles down on its confrontational and uncooperative behavior. They should not be given hundreds of billions of dollars while continuing to defy and deceive the international community.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—S. 579

Mrs. MCCASKILL. Mr. President, I am on the floor this afternoon to talk about S. 579, which is called the Inspector General Empowerment Act, but it really ought to be called ''Let the inspectors general do their jobs.''

As I look back on my time as a State auditor and I think of all I learned about how government works well and how government behaves badly, I have a special point of respect for inspectors general because of the work I did as an auditor. I believe they are our first line of defense against waste, fraud, and abuse of taxpayer dollars. We should be helping them every way we can to do their jobs.

I want to thank Senator JOHNSON, the chairman of the committee I serve on that has primary jurisdiction on government oversight, and I want to thank Senator GRASSLEY for his long championing the cause of inspectors general and the GAO and all of the noble public servants who are out there every day trying to uncover government behaving badly.

This bill serves three main purposes. It provides additional authority to inspectors general to enhance their ability to conduct oversight investigations. It reforms the process by which the Council of the Inspectors General integrity committee investigates accusations against IGs, which is very important. IGs need to be above reproach. Any whiff of politics, any whiff of unethical conduct, any whiff of self-dealing—we have to empower the Council of the Inspectors General to deal with that in a way that is effective.

It restores the intent of the 1978 Inspectors General Act to ensure that IGs have timely access to documents they need to conduct good, comprehensive oversight audits and investigations.

Many of the provisions are authorities that the IGs have been seeking for a long time, and most of them are beyond noncontroversial.

I wish to focus on one section of the bill for a minute and explain how critical its provision is to congressional overseers and for the taxpayers. The main issue I wish to talk about today is the section of the bill that ensures IGs have access to all agency documents. The Inspector General Act, which was passed in 1978, explicitly grants access to ''all records, reports, audits, reviews, documents, papers, recommendations, or other material.''

For the last 37 years, we lived in a world where ''all'' meant all. But this summer, the Department of Justice Office of Legal Counsel issued an opinion that allows agencies to withhold documents from the inspectors general. Other than national security concerns, intelligence concerns, and statutes that explicitly restrict disclosure of documents to IGs, all of which are addressed by this bill, there is absolutely no reason that IGs should have their access to documents restricted. There is no universe in which the Inspector General Act should be interpreted to mean anything less than what it says. They have to have access to the documents or they can't do their work. It really isn't any more complicated than that.

The convoluted legal reasoning that is being implemented by the counsel at the Department of Justice is a big step backwards for effective oversight of our government. We can't expect them to do their jobs well without fear or favor if they can't get access to the information that is vital to their work.

When the auditors in my office came back with an access issue, my instruction to them was this: Well, get on your ''dog with a bone act,'' because if they are trying to withhold documents from you, there is something in those documents we need to see.

I think if every agency knows that the inspector general has access to documents, it will have a deterrent effect on people behaving badly with taxpayer money or engaging in self-dealing or other activities that frustrate taxpayers and heighten the level of cynicism that, frankly, right now is breaking my heart in this country about our government.

I join with my Republican colleagues today in asking unanimous consent for this bill to be brought up. We have worked on it for years. It is time. I appreciate the hard work of both on this, and I stand shoulder to shoulder with them trying to get this one across the finish line.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I rise today to urge my colleagues to pass S. 579, the Inspector General Empowerment Act of 2015. I want to thank Senator MCCASKILL for her hard work on this and her support and Senator GRASSLEY for his many years as a real champion of this cause, as well as the other bipartisan cosponsors of this legislation and for the work their staff have done on this very important issue.

In 1978 Congress created a crucial oversight partner for all of us—inspectors general. They are independent watchdogs embedded in each agency, accountable only to Congress and the American people. That is crucial. They are the American people's eyes and ears, and they are our best partner in rooting out waste, fraud, and abuse. As an example, in fiscal year 2014 alone, inspectors general identified $45 billion in potential savings to the taxpayer.

What this bill aims to do is to reduce waste, fraud, and abuse by increasing accountability and ensuring transparency. The bill exempts inspectors general from time-consuming and independence-threatening requirements such as the computer matching and paperwork reduction statutes. It allows inspectors general to compel the testimony of former agency employees or Federal contractors and grant recipients in some administrative misconduct or civil fraud cases.

Too often we lose crucial information or have to end an investigation because the bad actor either leaves Federal employment or is a contractor or grantee and under current law cannot be subpoenaed. For example, the State Department inspector general oversees the $10.5 billion the agency obligates in grants every year yet cannot compel testimony of the grant recipients even in the event of suspected fraud or misconduct. He can only require current agency employees to speak to his team, which can result in an incomplete or one-sided investigation. If we care about oversight and accountability, inspectors general must be able to compel relevant testimony. In addition to these authorities, the bill requires inspectors general to publish reports within 3 days to ensure transparency and accountability.

I want to spend a little bit of time on the transparency aspect of this. Like many places around the country, we have seen some real problems with the VA health care system. There was a scandal in the Tomah facility in Tomah, WI. The result of that tragedy was that people died. I will never forget a call that I made to the surviving daughter of Mr. Thomas Baer, a veteran who went to the Tomah facility seeking care with stroke-like symptoms. Thomas Baer sat in the waiting room for 2 or 3 hours. He suffered a couple of strokes and died. I talked to his surviving daughter, Candace Baer, and I will never forget the fact that she said to me: Senator, had I only known, had I only known there were problems with the Tomah VA health facility, I never would have taken my father there, and my father would be alive today. That is how important transparency and accountability is. That is what this bill restores to the inspectors general.

Finally, the bill reiterates that inspectors general should have access to all agency documents necessary to do their job, unless Congress expressly denies that access by statute. The bill not only maintains current authorities for certain agency heads to keep inspector general work if it is necessary to preserve the country's national security interests, it actually enhances those authorities.

In sum, this is a bipartisan commonsense cause. We all want inspectors general to be able to do their jobs well. That is why this bill was unanimously approved by my committee—the Senate Committee on Homeland Security and Governmental Affairs. It is why it has 14 bipartisan cosponsors representing Committees of the Judiciary, Appropriations, Armed Services, Energy and Natural Resources, and the Senate Intelligence Committee.

Even retired Senator John Glenn has asked my committee to take action to ensure inspectors general have access to documents. In the letter he wrote to my committee and to the House oversight committee, Senator Glenn says: ''The success of the IG Act is rooted in the principles on which the Act is grounded—independence, direct reporting to Congress, dedicated staff and resources, unrestricted access to agency records, subpoena power, special protections for agency employees who cooperate with the IG, and the ability to refer criminal matters to the Department of Justice without clearing such referrals through the agency.''

This is the heart of what the Inspector General Act asked for. This is what this bill restores. I cannot imagine anything controversial about wanting inspectors general to have access to the people and the documents they need to do their jobs. Americans deserve an accountable, transparent, and effective government. This is one tangible thing that we can do to help achieve that common goal.

I urge my colleagues to pass S. 579 today.

Mr. President, I ask unanimous consent to have printed in the RECORD an excellent article that appeared in the New York Times, as well as the letter we received from Senator John Glenn.

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

[From the New York Times, Nov. 27, 2015]

TIGHTER LID ON RECORDS THREATENS TO WEAKEN GOVERNMENT WATCHDOGS

(By Eric Lichtblau)

WASHINGTON.—Justice Department watchdogs ran into an unexpected roadblock last year when they began examining the role of federal drug agents in the fatal shootings of unarmed civilians during raids in Honduras.

The Drug Enforcement Administration balked at turning over emails from senior officials tied to the raids, according to the department's inspector general. It took nearly a year of wrangling before the D.E.A. was willing to turn over all its records in a case that the inspector general said raised ''serious questions'' about agents' use of deadly force.

The continuing Honduran inquiry is one of at least 20 investigations across the government that have been slowed, stymied or

sometimes closed because of a long-simmering dispute between the Obama administration and its own watchdogs over the shrinking access of inspectors general to confidential records, according to records and interviews.

The impasse has hampered investigations into an array of programs and abuse reports—from allegations of sexual assaults in the Peace Corps to the F.B.I.'s terrorism powers, officials said. And it has threatened to roll back more than three decades of policy giving the watchdogs unfettered access to ''all records'' in their investigations.

''The bottom line is that we're no longer independent,'' Michael E. Horowitz, the Justice Department inspector general, said in an interview.

The restrictions reflect a broader effort by the Obama administration to prevent unauthorized disclosures of sensitive information—at the expense, some watchdogs insist, of government oversight.

Justice Department lawyers concluded in a legal opinion this summer that some protected records, like grand jury transcripts, wiretap intercepts and financial credit reports, could be kept off limits to government investigators. The administration insists there is no intention of curtailing investigations, but both Democrats and Republicans in Congress have expressed alarm and are promising to restore full access to the watchdogs.

The new restrictions grew out of a five-year-old dispute within the Justice Department. After a series of scathing reports by Glenn Fine, then the Justice Department inspector general, on F.B.I. abuses in counterterrorism programs, F.B.I. lawyers began asserting in 2010 that he could no longer have access to certain confidential records because they were legally protected.

That led to a series of high-level Justice Department reviews, a new procedure for reviewing records requests and, ultimately, a formal opinion in July from the department's Office of Legal Counsel. That opinion, which applies to federal agencies across the government, concluded that the 1978 law giving an inspector general access to ''all records'' in investigations did not necessarily mean all records when it came to material like wiretap intercepts and grand jury reports.

The inspector-general system was created in 1978 in the wake of Watergate as an independent check on government abuse, and it has grown to include watchdogs at 72 federal agencies. Their investigations have produced thousands of often searing public reports on everything from secret terrorism programs and disaster responses to boondoggles like a lavish government conference in Las Vegas in 2010 that featured a clown and a mind reader.

Not surprisingly, tensions are common between the watchdogs and the officials they investigate. President Ronald Reagan, in fact, fired 15 inspectors general in 1981. But a number of scholars and investigators said the restrictions imposed by the Obama administration reflect a new level of acrimony.

''This is by far the most aggressive assault on the inspector general concept since the beginning,'' said Paul Light, a New York University professor who has studied the system. ''It's the complete evisceration of the concept. You might as well fold them down. They've become defanged.''

While President Obama has boasted of running ''the most transparent administration in history,'' some watchdogs say the clampdown has scaled back scrutiny of government programs.

''This runs against transparency,'' said the Peace Corps inspector general, Kathy Buller.

At the Peace Corps, her office began running into problems two years ago in an investigation into the agency's handling of allegations of sexual assaults against overseas volunteers. Congress mandated a review after a volunteer in Benin was murdered in 2009; several dozen volunteers reported that the Peace Corps ignored or mishandled sexual abuse claims.

But Peace Corps lawyers initially refused to turn over abuse reports, citing privacy restrictions. Even after reaching an agreement opening up some material, Ms. Buller said investigators have been able to get records that are heavily redacted.

''It's been incredibly frustrating,'' she said. ''We have spent so much time and energy arguing with the agency over this issue.''

The Peace Corps said in a statement, however, that it was committed to ''rigorous oversight'' and has cooperated fully with the inspector general.

Agencies facing investigations are now sometimes relying on the Justice Department's opinion as justification for denying records—even records that are not specifically covered in the opinion, officials said.

At the Commerce Department, the inspector general this year shut down an internal audit of enforcement of international trade agreements because the department's lawyers, citing the Justice Department's guidance, refused to turn over business records that they said were ''proprietary'' and protected.

The Environmental Protection Agency's inspector general has reported a series of struggles with the organization over its access to documents, including records the agency said were classified or covered by attorney-client privilege. And investigators at the Postal Service, a special Afghanistan reconstruction board, and other federal agencies have complained of tightened restrictions on investigative records as well.

Hopes of a quick end to the impasse have dimmed in recent days after the Obama administration volunteered to restore full access for the Justice Department's inspector general—but not the other 71 watchdogs.

Attorney General Loretta E. Lynch, asked about the issue at a House hearing last week, said the proposal was intended to ensure, at least at the Justice Department, ''that the inspector general would receive all the information he needed.''

But watchdogs outside the Justice Department said they would be left dependent on the whims of agency officials in their investigations.

''It's no fix at all,'' said Senator Charles E. Grassley, Republican of Iowa, who leads the Judiciary Committee.

In a rare show of bipartisanship, the administration has drawn scorn from Democrats and Republicans. The Obama administration's stance has ''blocked what was once a free flow of information'' to the watchdogs, Senator Patrick J. Leahy of Vermont, the ranking Democrat on the Judiciary Committee, said at a hearing.

A Justice Department spokeswoman, Emily Pierce, said in a statement on Friday: ''Justice Department leadership has issued policy guidance to ensure that our inspector general gets the documents he requests as quickly as possible, even when those documents are protected by other statutes protecting sensitive information. The department is unaware of any instance in which the inspector general has sought access to documents or information protected from disclosure by statute and did not receive them.''

Nowhere has the fallout over the dispute been felt more acutely than at the Justice Department, where the inspector general's office said 14 investigations had been hindered by the restricted access.

These include investigations into the F.B.I.'s use of phone records collected by the National Security Agency, the government's sharing of intelligence information before the 2013 Boston Marathon bombings, a notorious gun-tracing operation known as ''Fast and Furious'' and the deadly Honduran drug raids.

In the case of the Honduran raids, the inspector general has been trying to piece together the exact role of D.E.A. agents in participating in, or even leading, a series of controversial drug raids there beginning in 2011.

Details of what happened remain sketchy even today, but drug agents in a helicopter in 2012 reportedly killed four unarmed villagers in a boat, including a pregnant woman and a 14-year-old boy, during a raid on suspected drug smugglers in northeastern Honduras. They also shot down several private planes—suspected of carrying drugs—in possible violation of international law.

An investigation by the Honduran government cleared American agents of responsibility. But when the inspector general began examining the case last year, D.E.A. officials refused to turn over emails on the episodes from senior executives, the inspector general's office said. Only after more than 11 months of back-and-forth negotiations were all the records turned over.

The D.E.A. refused to comment on the case, citing the investigation. A senior Justice Department official, speaking on the condition of anonymity because of the continuing review, said the refusal to turn over the records was the flawed result of ''a culture within the D.E.A.'' at the time—and not the result of the Justice Department's new legal restrictions.

Mr. Horowitz, the inspector general, said the long delay was a significant setback to his investigation. He now hopes to complete the Honduran review early next year.

In the meantime, the watchdogs say they are looking to Congress to intervene in a dispute with the administration that has become increasingly messy.

''It's essential to enshrine in the law that the inspector general has access to all agency records,'' said Mr. Fine, who is now the Pentagon's principal deputy inspector general. ''The underlying principle is key: To be an effective inspector general, you need the right to receive timely access to all agency records.''

JULY 23, 2015.

Hon. RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs.
Hon. JASON CHAFFETZ,
Chairman, Committee on Oversight and Government Reform.

DEAR SENATOR JOHNSON AND REPRESENTATIVE CHAFFETZ: Since the enactment of the Inspector General Act in 1978, the Inspectors General have provided independent oversight of government programs and operations and pursued prosecution of criminal activity against the government's interests. Recommendations from IG audits have led to improvements in the economy and efficiency of government programs that have resulted in better delivery of needed services to countless citizens. Investigations of those who violate the public trust to enrich themselves at the expense of honest taxpayers, of contractors who skirt the rules to illegally inflate their profits, and of others who devise criminal schemes to defraud the government have led to billions of dollars being returned to the U.S. Treasury.

The success of the IG Act is rooted in the principles on which the Act is grounded—independence, direct reporting to Congress, dedicated staff and resources, unrestricted access to agency records, subpoena power, special protections for agency employees who cooperate with the IG, and the ability

to refer criminal matters to the Department of Justice without clearing such referrals through the agency. We considered these safeguards to be vital when we developed the Act and they remain essential today. No other entity within government has the unique role and responsibility of Inspectors General, and their ability to accomplish their critical mission depends on the preservation of the principles underlying the Inspector General Act.

In recent years, IGs have experienced challenges to their ability to have independent access to records and information in their host agencies. Broad independent access to such records is a fundamental tenet in the IG Act and to compromise or in any way erode such access would strike at the heart of important law. In short, full and unfettered access is vital to an IG's ability to effectively prevent and detect fraud, waste, and abuse in agency programs and activities.

The Inspector General Act has stood the test of time. The billions of dollars recovered for the government and the increased efficiency and effectiveness of government programs and operations are a testament to the Act's continued success. Any action that would impair the IG's ability to achieve their mission—particularly the denial of full and independent access to agency records and information—would have an immeasurable adverse impact and severely damage their critical oversight function. For this reason, I urge you to take action to protect the independent access rights of Inspectors General.

Sincerely,

JOHN GLENN,
United States Senator (Ret.).

Mr. JOHNSON. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first of all, I wish to compliment Senator MCCASKILL and Senator JOHNSON for their leadership in bringing this bill out of their committee—a committee I don't serve on but a bill that is very important to the oversight work of this Senator, and I hope every Senator considers it to be very important. I would say that I agree with everything they have said. I want to emphasize what they said, and I want to take a few minutes to do that because I feel strongly about this piece of legislation.

There is an important principle here—a very important principle—that we ought to keep in mind, because it is an insult to 100 Senators and 435 Members of the House of Representatives when legislation is written and it is explained very clearly what that legislation is supposed to accomplish: that an inspector general would have access to all records. Then we have a lawyer in the Office of Legal Counsel in the Department of Justice—one person making an interpretation of a law that is contrary to congressional intent—that one person out of 2 million people in the executive branch of government can override the will of 535 Members of Congress. That will was expressed way back in 1978.

This is just a little different quote from a letter Senator JOHNSON has already talked about from a respected Member of this Senate for 24 or maybe 30 years, Senator John Glenn of Ohio, who was very much interested in making sure that we had strong oversight by Congress and that within the executive branch, they had strong oversight that the IG would do within a specific department.

Senator John Glenn of Ohio was one of the chief architects of this legislation. He said: ''Full and unfettered access is vital to an IG's ability to effectively prevent and detect waste, fraud, and abuse in an agency's programs and activities.''

Here we are with what Senator John Glenn said when he was a Member of this body and this legislation passed. Then we have one lawyer out of 2 million executive branch employees interpreting a statute contrary to congressional intent and then overriding it—in other words, giving Cabinet heads opportunities to avoid doing what the inspector general law says and what an inspector general needs to do to do their job: have access to all records.

Senator MCCASKILL made that clear. Senator JOHNSON made that clear. This is a bipartisan effort coming unanimously out of this committee, that this is an egregious attack on the powers of Congress and we can't let one person out of 2 million people in the executive branch of the government get away with it. Yet we seem to have some problems getting it passed. I don't understand it. You try to explain that to the people of this country, whether it is in New York City or whether it is in Des Moines, IA. There is no way this can be justified, that one lawyer out of 2 million people in the executive branch of government can issue an opinion and override the Congress of the United States.

I intend to go into some detail about how I feel about this legislation, if my colleagues haven't come to that conclusion already. To ensure accountability and transparency in government, Congress created inspectors general, or IGs, as our eyes and ears within the executive branch. That is the foresight of one famous Senator and astronaut by the name of John Glenn. But IGs cannot do their job without timely and independent access to all agency records. That is why this bill is called ''all means all.'' Agencies cannot be trusted not to restrict the flow of potentially embarrassing documents to the IGs who oversee them. If the agencies can keep IGs in the dark, then this Congress will be kept in the dark as well.

When Congress passed the Inspectors General Act of 1978, the Congress explicitly said that IGs should have access to all agency records. Inspectors general are designed to be independent but to also be part of an agency. Inspectors general are there to help agency leadership identify and correct waste, fraud, and abuse. What Cabinet head wouldn't want somebody in their department to have access to all records that show that maybe that department isn't spending money according to congressional intent or maybe not following the law the way Congress intended? It ought to be welcome by any administration head.

Fights between an agency and its own inspector general over access to documents are a waste of taxpayers' money and personnel time. The law requires that inspectors general have access to all agency records—precisely, by the way, to avoid these costly and time-consuming disputes. However, since 2010, a handful of agencies, led by the FBI—and I respect the FBI, but in this case I don't—has refused to comply with this legal obligation.

The Justice Department claimed that the inspector general could not access certain records until—guess what—department leadership gave them permission to do it, even though the law says they are entitled to all documents. Requiring private approval from agency leadership for access to agency information undermines inspectors general independence. That is bad enough, but it also causes wasteful delays.

After this access problem came to light, Congress took action. So we have the 2015 Department of Justice Appropriations Act declaring—this is Congress again declaring—that no funds should be used to deny the inspector general timely access to all records. In other words, just this year—or last year when the appropriations bill was passed for 2015—we had Members of Congress saying that this lawyer, out of 2 million executive branch employees, who is frustrating the will of Congress is wrong.

This new law directed the inspector general to report to Congress within 5 days whenever there was a failure to comply with this requirement. In February alone, the Justice Department's IG notified Congress of three separate occasions in which the FBI failed to provide access to records requested for oversight investigations. IGs for the Environmental Protection Agency, the Department of Commerce, and the Peace Corps have experienced similar stonewalling.

Then, in July, the Justice Department's Office of Legal Counsel—that is this one lawyer out of 2 million employees—the Office of Legal Counsel released a memo arguing that we did not really mean ''all records'' when we put those words in the statute. Here we have somebody in the Justice Department—one person out of 2 million employees—trying to tell 535 Members of Congress what they meant when they said ''all'' means all. So let me be clear. We meant what we said in the IG act: ''All records'' really means all records.

I told my colleagues about the Department of Justice Appropriations Act responding to this a year ago. Well, 1 week after this report was issued, that the Office of Legal Counsel issued its awful legal opinion, Senator MIKULSKI and Senator SHELBY—both outstanding members of the Committee on Appropriations—sent a letter to the Justice Department correcting the Office of Legal Counsel's misreading of

the appropriations rider, also known as section 218. I would like to read from the Mikulski and Shelby letter:

We write to inform you that the OLC's interpretation of section 218 is wrong and the subsequent conclusion of our committee's intention is wrong. We expect the department and all of its agencies to fully comply with section 218 and to provide the Office of Inspector General with full and immediate access to all records, documents, and other materials in accordance with section 6(a) of the Inspectors General Act.

So we wrote a statute in 1978. We have no problems with it until this person—one lawyer out of 2 million executive branch employees—writes an opinion saying ''all'' doesn't mean all. Then we have Members of the body who are insulted by that interpretation, and these Members write: No money in this appropriations bill can be used to carry out that Office of Legal Counsel opinion. And, if they would have listened to the members of the Appropriations Committee, Senator JOHNSON and Senator MCCASKILL would not have to work so hard to correct a bad opinion, contrary to congressional intent, that was written by the Office of Legal Counsel.

I applaud my colleagues on the Appropriations Committee, particularly Senators MIKULSKI and SHELBY, for standing up for the inspectors general.

In early August I chaired a Judiciary Committee hearing on the Office of Legal Counsel opinion and the devastating impact it is already having on the work of inspectors general across the country. Remember, the Office of Legal Counsel is in the Justice Department. Well, we had a Justice Department witness before our committee disagree with the results of the Office of Legal Counsel opinion and actually support legislative action to solve the problem.

So following the hearing, 11 of my colleagues and I sent a bipartisan—I want to emphasize bipartisan—as well as bicameral letter to the Department of Justice and the entire inspectors general community. In this letter, the chairs and ranking members of the committee of jurisdiction in both the House and the Senate asked for specific legislative language to reaffirm that ''all'' means all. As the witness from the Justice Department said, there ought to be legislative language to correct this awful interpretation by one lawyer out of 2 million employees in the executive branch, overriding 535 Members of Congress.

It took the Justice Department 3 months to respond to this letter, and its proposed language was far too narrow to actually override this Office of Legal Counsel opinion. However, the inspectors general community responded to our letter within 2 weeks. In September, a bipartisan group of Senators and I incorporated the core of this language into the bill we are talking about today, S. 579. It is entitled the ''Inspector General Empowerment Act of 2015.'' In total, 13 colleagues have joined me on this bill: Senators JOHNSON, MCCASKILL, ERNST, BALDWIN, CARPER, CORNYN, LANKFORD, COLLINS, AYOTTE, KIRK, MIKULSKI, FISCHER, and WYDEN. It is bipartisan.

I am grateful to each of them for standing up with me for inspectors general. I especially want to thank Senators JOHNSON and MCCASKILL, as I have already done, but do it again for working closely with me on this legislation from the very beginning and for their work in getting this bill through their committee.

Let me tell you what this bill does. The Inspector General Empowerment Act includes further clarification that Congress intended IGs to have access to all agency records, notwithstanding any other provision of law, unless other laws specifically state that IGs are not to receive such access.

Let me be clear. The purpose of this provision is to nullify and overturn this awful decision that this one lawyer in the Department of Justice out of 2 million-plus Federal employees in the executive branch issued this opinion. These words, notwithstanding any other provision of law, are key to accomplishing that goal, but the bill does much more than overturning the OLC opinion, which has been roundly criticized by both sides of the aisle. It bolsters IG independence by preventing agency heads from placing them on arbitrary and indefinite administrative leave. It promotes transparency by requiring IGs to post more of their reports online, including those involving misconduct by senior officials that the Justice Department chose not to prosecute.

Also, the bill equips IGs with tools they need to conduct effective investigation, such as the ability to subpoena testimony from former Federal employees. When employees of the U.S. Government are accused of wrongdoing or misconduct, IGs should be able to conduct a full and thorough investigation of those allegations. Getting to the bottom of these allegations is necessary to restore public trust. God only knows how much restoration of public trust in the government in Washington we have to restore. Unfortunately, employees who may have violated that trust are often allowed to evade the IGs inquiry by simply retiring from the government. So the bill empowers IGs to obtain testimony from employees like that.

(Ms. AYOTTE assumed the Chair.)

Similarly, the bill helps IGs better expose waste, fraud, and abuse by those who receive Federal funds. It enables IGs to require testimony from government contractors, subcontractors, grantees, and subgrantees. Currently, most IGs can subpoena documents from entities from outside their agency. However, most cannot subpoena testimony, just documents—although there are a few agencies that can. For example, the inspector general for the Defense Department and the Department of Health and Human Services already have that authority. The ability to require witnesses outside the agency to talk to the IG can be critical in carrying out an inspector general's statutory duties or recovering wasted Federal funds.

The IG community recently provided me with numerous examples of actual, real-life cases that illustrate the need to subpoena witnesses.

Madam President, I ask unanimous consent to have printed in the RECORD a document that lists these accounts.

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

INSPECTORS GENERAL & TESTIMONIAL SUBPOENA AUTHORITY

THE USE OF TESTIMONIAL SUBPOENA AUTHORITY

Examples of when Testimonial Subpoena Authority Would Have Been Useful

Below are examples where subjects of IG oversight could have been served with testimonial subpoena's by an Inspector General:

1. Among a number of schemes identified during a multiagency OIG investigation, Target owner of small businesses submitted overlapping small business proposals to two federal agencies and obtained funding for both projects, approximately $500,000 from each agency. During the course of the projects, the work funded by one of the agencies was falsely reported out in project reports to both agencies. National Science Foundation (NSF) OIG requested interviews with the Target owner and two of his company's employees, and they initially agreed through counsel to be interviewed.

However, during the first of the interviews, an employee confessed to having destroyed company timesheets and created new company time sheets in response to an IG subpoena, and informed NSF OIG that he did so at the Target's request. After that interview, the Target declined to be interviewed. In addition, a fourth employee declined to be interviewed about his timesheets and work performed, which would have been relevant to the fraud scheme. NSF OIG's inability to compel testimony negatively impacted our ability to pursue the obstruction and other potential charges against the Target and company employees.

2. In a matter involving a very senior level Securities and Exchange Commission (SEC) executive, instances of serious administrative misconduct were being investigated. During the pendency of the investigation, which had been declined criminally, the executive resigned and refused to cooperate any further. As a result, the investigation was completed without all of the investigative steps completed that would have indicated whether the misconduct was simply the result of a ''bad actor,'' or whether there are more systemic issues that should be addressed by the agency. A testimonial subpoena would ensure that the necessary investigative steps could be completed. This is particularly important in an agency like the SEC where employees are able to leave rather quickly for private sector jobs (the proverbial ''revolving door'').

3. The Peace Corps awarded a $1.5 million contract to a small business under the 8(a) Business Development Program, which is intended to provide eligible small disadvantaged businesses additional opportunities to obtain certain government contracts. The 8(a) Program requires that eligible small businesses perform a significant portion of the contract; however, an investigation disclosed that the small business did not comply with that requirement. Instead, the small business allowed a large subcontractor to perform nearly all of the work. Because

Peace Corps was not in a direct contractual relationship with the subcontractor actually performing the work, OIG had no recourse to obtain statements of the subcontractor.

4. During a criminal investigation conducted by the Consumer Product Safety Commission (CPSC) OIG of allegations involving a CPSC Assistant General Counsel representing a company obtain contracts to provide supplies to the DoD, records were obtained from the CPSC, Department of the Army, and DoD regarding several of the alleged (accused eventually pled guilty to them) offenses. However, additional offenses could not be proven as CPSC OIG had no authority to require US based members of the foreign company to submit to interviews or provide testimonial information. CPSC OIG requested interviews with both senior managers and agents of the company in question, and although they initially agreed to be interviewed all later declined.

5. During the course of a review conducted after Fast & Furious, DOJ OIG wanted to interview a former U.S. Attorney in Arizona. When asked for a voluntary interview with the then retired U.S. Attorney declined. DOJ OIG had no way to reach the retired U.S. Attorney to elaborate on prior statements he had made.

6. In a Farm Credit Administration OIG case where a senior staff member retired during an investigation, it was subsequently discovered he/she had changed official documents, impersonated an official and committed libel and slander, before retiring during the middle of an investigation on other matters. The former government employee was not receptive to interview post retirement and due to his retirement from government service, there was no recourse.

7. Peace Corps OIG, in the course of performing an audit of one of the largest agency contracts, discovered that an unauthorized subcontractor was performing the majority of the work under the contract. The contract was misidentified as a fixed-price contract, did not include an IG audit clause, and the subcontractor was not in a direct contractual relationship with Peace Corps. Peace Corps OIG was hindered in examining potentially false or fraudulent billing by having to rely solely on documentary subpoenas.

8. NSF OIG conducted an investigation of two professors, a husband and wife, who both served as Principal Investigators at a U.S. university and received grant funds from multiple federal agencies. The Targets also had full time tenured positions at a foreign university and used federal funds to travel to that foreign country, without disclosing their affiliation in either grant proposals or the U.S. university. During the investigation, the Targets declined, through counsel, to be interviewed. The case was declined by the U.S. attorney's office, and ultimately by the state attorney general's office. NSF OIG's inability to interview these Targets negatively affected NSF OIG's ability to obtain all relevant evidence to effectively pursue grant fraud charges against the Targets.

9. The Farm Credit Administration OIG was advised of a contractor who was paid by the agency for contract services it had not provided. Attempts to contact a company representative by mail and telephone were not productive (telephone messages were not returned; certified mail not answered). Fortunately, OIG was able to prevail upon the FBI who had contacts with the company representative. Had the contractor not responded to the FBI contacts, the OIG would have had little recourse in obtaining information from the contractor regarding recovery of the funds. There was a scarce amount of information regarding bank accounts to subpoena for financial records. A testimonial subpoena would have been instrumental under those circumstances.

10. In three other small business grant-fraud cases pursued by NSF OIG, three Targets declined to be interviewed regarding apparent fraud schemes that had been identified. Having testimonial subpoena would have provided an important tool to more effectively pursue these cases.

i. The first Target faked letters of support for his proposals, applied for duplicate proposals to multiple federal agencies, listed his in-laws (over 90) as company employees, and paid for his wife's business facility with federal funds. Target declined to be interviewed, negatively affecting NSF OIG's ability to fully investigate the matter.

ii. The second Target provided financial reports to NSF that did not match his company's expenditure ledger for the award and appeared to include personal expenditures. The Target initially agreed to be interviewed but canceled such interviews on multiple occasions, negatively affecting NSF OIG's ability to fully investigate the matter.

iii. The third Target made up a fake investment company to support a matching award from the agency, and the individual who purportedly signed the investment letter as CFO did not sign the letter and never heard of the fake investment company. The Target initially agreed to be interviewed by NSF OIG, but terminated the interview early on after understanding the implications of the NSF OIG investigation. Since then, he has declined to even comply with a subpoena for documents.

A CASE STUDY: DOD IG'S USE OF TESTIMONIAL SUBPOENA AUTHORITY

Testimonial subpoena authority, found at §8(i) of the Inspector General Act of 1978, as amended, 5 U.S.C. App., was originally provided by §1042 of the National Defense Authorization Act of 2010, 111 Pub. L. 84.

Testimonial subpoena authority has never been delegated, but has always been retained/exercised personally by the DoD IG.

Internal procedures mandate that before a testimonial subpoena is issued: (1) the witness, who cannot be a Federal employee, must have declined a voluntary interview, (2) the interview must be expected to produce information needed to resolve critical issue(s) or corroborate essential facts, and (3) the information sought cannot reasonably be obtained through any other means.

§8(i)(3) of the IG Act requires the DoD IG notify the Attorney General seven days before issuing a testimonial subpoena. This notice requirement has not hindered the DoD IG's use of its testimonial subpoena authority.

To date, since 2010, the DoD IG has considered a total of eight testimonial subpoena requests, all in connection with administrative investigations:

Two requests were considered but denied because they failed to meet the internal procedures criteria.

One request, associated with the Retired Military Advisor (RMA) administrative re-investigation, was authorized by the DoD IG and served on the witness, a former Assistant Secretary of Defense for Public Affairs.

Two requests, also associated with the RMA administrative re-investigation, were authorized by the DoD IG but not served on the witnesses, a former Secretary of Defense and a former DoD General Counsel, because the witnesses belatedly agreed to be interviewed voluntarily.

One request, associated with an internal administrative review of a DCIS investigation, was authorized by the DoD IG and served on the witness, a former DoD Deputy Inspector General for Investigations/ Acting Chief of Staff.

One request, associated with an Audit Policy review of DCAA, was authorized by the DoD IG but not served on the witness, a former DCAA Director, because the witness belatedly agreed to be interviewed voluntarily.

One request, associated with an IPO evaluation of the transfer of ITAR controlled technology by MDA to NASA, was authorized by the DoD IG but not served on the witness, a former NASA contractor, because the witness belatedly agreed to be interviewed.

Mr. GRASSLEY. Madam President, I also ask unanimous consent to have printed in the RECORD a letter I received yesterday from the Project on Government Oversight.

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

POGO—PROJECT ON GOVERNMENT OVERSIGHT,
December 14, 2015.

Hon. CHUCK GRASSLEY,
Hart Senate Office Building, Washington, DC.
Hon. CLAIRE MCCASKILL,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRASSLEY AND SENATOR MCCASKILL: The Project On Government Oversight (POGO) is a nonpartisan independent watchdog that champions good government reforms. POGO's investigations into corruption, misconduct, and conflicts of interest achieve a more effective, accountable, open, and ethical federal government. Recognizing the vital role that Inspectors General (IG) play, POGO has investigated and worked to improve the IG system since 2006. This work includes multiple reports on the IG system, maintaining an IG vacancy tracker, and working with Congress to incorporate needed reforms in the Inspector General Act of 2008. In light of this work, we are writing to thank you for introducing the Inspector General Empowerment Act of 2015, and to urge Congress to quickly pass this important legislation.

Inspectors General can make all the difference when it comes to creating a better government, but Congress needs to ensure that IGs have access to all the information they need to do their job effectively. Federal agencies have begun to unreasonably challenge IGs' statutory right to access agency data in attempts to prevent embarrassing events from coming to light. It is essential that Congress act quickly to pass the Inspector General Empowerment Act of 2015 to prevent the overbroad interpretation of restrictions on IG authority from becoming accepted law, allowing current and future waste, fraud, and abuse to remain hidden.

In order to serve as the eyes and ears of Congress, an IG office must have an unrestricted view of the agency it oversees. This principle is enshrined in Section 6(a)(1) of the Inspector General Act, which states that each IG office shall have ''access to all records, reports, audits, reviews, documents, papers, recommendations, or other material . . . which relate to programs and operations with respect to which that Inspector General has responsibilities under this Act.'' It seems crystal clear that ''all'' means all, but some agencies have fought back against that idea.

The most blatant rejection of ''all means all'' can be found in the July 2015 opinion by the Department of Justice's (DOJ) Office of Legal Counsel (OLC) that improperly limits IG access and caters to agency resistance to necessary oversight. If left unchallenged, this opinion will allow agencies' incorrect interpretation of Section 6(a)(1) to become de facto law. The OLC's opinion states that the unfettered access afforded by Section

6(a) of the Inspector General Act is superseded by specific restrictions on the dissemination of Title III, grand jury, and FCRA information. The OLC concluded, for instance, that the IG office may not be entitled to obtain these records when conducting financial audits and other administrative and civil reviews that are only tangentially related to DOJ's criminal and law enforcement activities. POGO disagrees with this interpretation because it rests upon a clear misreading of the common language Congress made clear in the law.

Congressional leaders on both sides of the aisle have rightly condemned the OLC's opinion, according to which ''all records'' does not mean ''all records.'' POGO believes this OLC opinion makes a mockery of the entire IG system: these offices cannot possibly be effective watchdogs on behalf of Congress and the American public if agencies restrict IG access and force them to negotiate with agency leaders for access on a case-by-case basis. Agency records provide the raw materials IG offices need to fulfill their statutory responsibilities. The very purpose of having an independent IG is undermined if the office has to seek the agency's permission in order to carry out its mission. Unless Congress acts quickly, this OLC opinion will gut the IG system and prevent meaningful oversight.

While many federal agencies handle records that are highly sensitive and legitimately withheld from public dissemination, that does not mean they should be withheld from IG offices, or by extension from Congress, both of which offer independent oversight and recommendations to improve agency operations. Secret agency programs are particularly susceptible to waste, fraud, and abuse, but IG offices cannot uncover or correct these problems without access to agency records. Agency actions that deny access to those records violate our system of checks and balances, and do so unduly, as IGs have proven they can responsibly handle sensitive information.

For example, the DOJ Office of the Inspector General (OIG) has shown that it can effectively and responsibly oversee the most sensitive DOJ operations without jeopardizing law enforcement actions. It has reviewed grand jury materials and other sensitive records when it examined the FBI's potential targeting of domestic advocacy groups, the FBI's efforts to access records of reporters' toll calls during a media leak probe, the President's Surveillance Program, and the firing of U.S. Attorneys, among other important and high-profile cases.

Congress needs to clarify that IG offices must be granted access to all agency records notwithstanding any other existing or future law or any other prohibition on disclosure, including but not limited to: 1) the federal rules of criminal procedure; 2) Title III; 3) the FCRA; and 4) laws such as the Kate Puzey Act that restrict the dissemination of personally identifiable information. In addition, Congress should specify that agencies do not waive the attorney-client or other common law privileges when records are turned over to IG offices. The Inspector General Empowerment Act of 2015 addresses this issue and corrects the troublesome OLC memo. However, until Congress passes the bill, that memo can be and has been used to block oversight.

The bill also addresses other improper challenges to IG access. Under the Computer Matching and Privacy Protection Act (CMPPA), IGs must get approval from agency leaders in order to match the computer records of one federal agency against other federal and non-federal records. The Inspector General Empowerment Act of 2015 would exempt IG offices from the CMPPA so they can access records at other agencies without getting approval from the very officials they are supposed to oversee. Additionally, under current law, IGs can only compel testimony from federal employees. This means that former federal employees, contractors, or grant recipients can refuse to testify before an IG in the course of an investigation. This bill would provide IGs with testimonial subpoena power over these individuals, and allow for fuller and more effective oversight of federal programs and agencies.

In the light of the erroneous July OLC opinion, it is urgent that Congress act now to make sure IGs have the ability to function as intended. Not correcting this precedent now will cripple current and future IGs and in turn limit Congress's and the public's ability to oversee the executive branch and hold it accountable.

Sincerely,

DANIELLE BRIAN,
Executive Director.

Mr. GRASSLEY. Madam President, the Project on Government Oversight is a nonpartisan, independent watchdog that has been advocating good government reforms for decades. In this letter the Project on Government Oversight expresses its support for this bill in general and for provisions that equip inspectors general with the authority to require testimony. Let it be clear that the bill also imposes limitations on the authority of IGs to require testimony.

There are several procedural protections in place to ensure that this authority is exercised wisely. For example, the subpoena must be approved by a designated panel of three other IGs. It is then referred to the Attorney General. For those IGs who can already subpoena witnesses' testimony, I am not aware of any instances in which it has been misused. In fact, the inspector general for the Department of Defense has established a policy that spells out additional procedures and safeguards to ensure the subjects of subpoenas are treated fairly. I am confident the rest of the IG community will be just as scrupulous in providing appropriate protection for the use of this authority. You see, we all win when inspectors general can do their jobs. Most importantly, the public is better served when IGs are able to shine light in the government operation and stewardship of taxpayer dollars.

In September we attempted to pass this important bill by unanimous consent. It has been nearly 3 months since leadership asked whether any Senator would object. Not one Senator has put a statement in the RECORD or come to the floor to object publicly. At the August Judiciary Committee hearing, there was a clear consensus that Congress needed to act legislatively and needed to overturn this Office of Legal Counsel opinion that one person out of 2-plus million employees in the executive branch overruled this 1978 act that the inspector general ought to be entitled to all information. Every day that goes by without fixing the opinion of the Office of Legal Counsel is another day that watchdogs across government can be stonewalled.

At that hearing, Senator LEAHY said this access problem is ''blocking what was once a free flow of information'' and Senator LEAHY called for a permanent legislative solution. Senator CORNYN noted that the Office of Legal Counsel opinion is ''ignoring the mandate of Congress'' and undermining the oversight authority that Congress has under the Constitution. Senator TILLIS stated that the need to fix this access problem was ''a blinding flash of the obvious'' and that ''we all seem to be in violent agreement that we need to correct this.''

However, some Members raised concern about guaranteeing IGs unchecked access to certain national security information. Fortunately, we were able to agree on some changes to the bill that addressed those concerns, without gutting the core of the bill. We made these concessions so the bill can pass by unanimous consent. This Senator thanks my colleagues who worked with me to arrive at this compromise.

As we move forward, it is important to note the following: First, I am not aware of a single instance in which an IG has mishandled any classified or sensitive operational information. IGs are subject to the same restrictions on disclosing information as everyone else in the agency they oversee.

Second, the Executive orders restricting and controlling classified information are issued under the President's constitutional authority. Naturally, this bill does not attempt to limit that constitutional authority at all. It just clarifies that no law can prevent an IG from obtaining documents from the agency it oversees unless the statute explicitly states that IG access should be restricted. No one thinks this statute could supersede the President's constitutional authority.

Third, there is already a provision in law that allows the Secretary of Defense to prohibit an Inspector General review to protect vital national security interests and to protect sensitive operational information. We agreed to clarify that already existing provision to include the ability to restrict access to information as well as to prevent a review from occurring. However, we kept the language in that provision that requires notification to Congress whenever that authority to restrict an IG's access to information is exercised.

After making these changes, we attempted to hotline the revised bill last week. Since then, no Senator has publicly stated any other concerns. The cosponsors have worked hard behind the scenes over the past 3 months in good faith to accommodate the concerns of any and all Members willing to work with us. Now the time has come to pass this bill. We all lose when Inspectors General are delayed or prevented from doing their work.

I urge my colleagues to stand up for Inspectors General, overturn the Office of Legal Counsel opinion, and restore the intent of the Inspector General Act. All IGs should have access and timely independent access to all agency records. The most important thing

is the principle that not one lawyer—that any one lawyer in the Department of Justice or any agency of government doesn't have a right to override the opinion of the Congress expressed in a statute so clearly as this is expressed.

Madam President, at this time I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 68, S. 579, the Inspector General Empowerment Act of 2015; I further ask consent that the Johnson substitute amendment be agreed to; that the bill, as amended, be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. GRASSLEY. Madam President, will the Senator yield for a question?

Mr. REID. Yes.

Mr. GRASSLEY. May I ask on whose behalf the minority leader is objecting? Is it on his own behalf or on behalf of another Senator?

Mr. REID. Other Senators are concerned about it, and I made the objection on my behalf.

Mr. GRASSLEY. I will not question what the minority leader just said, but it seems to me we ought to know who that Senator is besides the minority leader because Senator WYDEN and I have worked very hard over the last 10 years, and we finally got done what we thought was a very good measure for this body; that the people who put holds on legislation ought to be made public, and there has been nothing in the RECORD. So why don't these people have guts enough to put in the RECORD their reasons and who they are? The public has a right to know that.

Mr. REID. I am it.

Mr. JOHNSON. Will the Senator yield for a question?

Mr. REID. No.

Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Madam President, I want to rise and voice my disappointment. This is a very commonsense piece of legislation that has strong bipartisan support. Senator GRASSLEY has worked tirelessly on this and certainly our committee has as well. We cannot get a simple, commonsense bipartisan piece of legislation passed by the Senate—and then the insult of not even hearing what the objection is.

What is the objection to giving the inspectors general the tools they need to provide the accountability and the transparency to safeguard American taxpayer money?

I cited my example of the Potomac Healthcare system, the Potomac VA health care system, where because an inspector general was not transparent because the VA inspector general held 140 reports on inspections and investigations, the family of Thomas Baer did not realize there were problems. They took their father to that health care facility and their father died of a stroke because of neglect. That is how important this is. Yet we cannot even hear the reason behind the objection as to why they would not allow this very commonsense piece of legislation to pass.

This is very disappointing.

With that, I yield the floor.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I have a unanimous consent request.

EXTENSION OF MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that morning business be extended until 6 p.m. today.

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

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

NUCLEAR AGREEMENT WITH IRAN

Mr. SULLIVAN. Mr. President, I rise today to revisit an issue that some in this body I am sure, no doubt, would probably not want to revisit. My intention is not to cause any of my colleagues discomfort, but this is an issue—and the Presiding Officer knows more than most—that needs to be discussed, and the Presiding Officer has done a great job of discussing it. I think it has become pretty clear to most Americans and many Members of this body that this body made a mistake a few months back, a mistake with significant consequences for our security, for the security of the Middle East, and certainly a mistake as it relates to some of our own American citizens. For the first time in U.S. history on a national security agreement of major importance, the mistake that was made was the Congress of the United States moved forward to approve an agreement not on the basis of a bipartisan majority, which is the history of this country, but on the basis of a partisan minority in both Houses. Of course, I am talking about President Obama's Iranian nuclear deal that will very soon—as early as next month, according to the terms of the agreement—be sending tens of billions of dollars to the biggest sponsor of terrorism in the world.

There are many things that are going on in this body right now. We are looking at the spending bills, and there is a lot of concern about terrorism. As a matter of fact, polling is showing that right now terrorism is ranking as the highest concern for Americans—higher even than the economy—given the attacks in California and what is happening with ISIS.

Amidst all of these challenges, however, the implementation of the Obama administration's nuclear deal with Iran is looming on the horizon and is not being talked about enough in this body. It is critical that we keep our eye on Iran—still the world's largest state sponsor of terrorism—particularly now. Why is it so critical now? Because, as I noted, as early as next month, in January, tens of billions of dollars of sanctions relief will be pouring into the country of Iran according to the terms of the agreement.

I commend my colleague from New Jersey, Senator MENENDEZ. I was presiding last week in the Senate, and once again he gave another outstanding speech on American foreign policy, on American national security, on what is going on with Iran, what is going on with their activities destabilizing the Middle East, what is going on with their activities which are as we speak violating the Iran U.N. Security Council resolutions.

Yes, I know we debated this issue for a long time on the Senate floor, and I am sure some of my colleagues who voted on this deal are done and they don't want to talk about it anymore.

Mr. President, if you recall, one of the arguments to support this deal, one of the arguments the President was making was that—we were told this deal would change Iran's behavior. President Obama stated that the deal ''demonstrates that if Iran complies with its international obligations, then it can fully rejoin the community of nations.'' The words of the text of the agreement even state that the United States is ''expressing its desire to build a new relationship with Iran.'' And, of course, Secretary Kerry, in hearings and in private briefings with the Senate, noted that he thought—and you saw his actions—that the agreement would establish a much more positive and constructive relationship between Iran and the United States. So that was one of the arguments for the deal we voted on. How is that working out? Well, I think we have gotten a new relationship with Iran, all right, but it is worse than the old one.

Since the signing of the Iranian deal, Iran has taken deliberative steps, definitive steps that continue to undermine the security interests of the United States and our allies and those of our citizens in almost every region,