

It is important that we work together to stamp out anti-Semitism and other forms of religious discrimination. Our students should be able to go to school, to grow, to learn, and to develop without having to worry about being discriminated against. Although the Department of Education's Office of Civil Rights has stated that they will not tolerate incidents such as these, there exists a lack of firm guidance on what constitutes anti-Semitic acts. That is why Senator CASEY and I stand before you today to introduce the bipartisan Anti-Semitism Awareness Act. We have come together to ensure that the U.S. Department of Education has the necessary tools at their disposal to investigate anti-Jewish discrimination.

Our proposed legislation uses the very definition of anti-Semitism adopted by the U.S. State Department's Special Envoy to monitor and combat anti-Semitism. This important clarification will provide necessary direction to assist officials and administrators to understand when anti-Semitic activities are occurring. By clarifying exactly what anti-Semitism is, we will leave no question as to what constitutes an illegal anti-Semitic incident.

As we seek to tackle this concerning issue, it is important to note that this act will in no way infringe on any individual right protected under the First Amendment of the Constitution. I think we have to emphasize that. Our legislation in no way, shape, or form infringes upon any individual rights protected under the First Amendment of the Constitution. It simply and specifically provides clarity on the definition that the Department of Education can and will use for defining anti-Semitic acts.

We must act now. This increase in religiously motivated hate crimes must be addressed. It must be addressed by the entire American family, and it ought to start here. We will come together because we will not allow others to tear us apart. We must hold to the ideals that our Nation was founded on and promote freedom of religion. We must protect that freedom and encourage it. We must—as a Nation, as an American family—call out hate wherever and whenever we see it.

I thank Senator CASEY for his involvement and leadership on such an important issue.

I yield the floor.

Mr. PORTMAN. Mr. President, I would like to thank Senators SCOTT and CASEY for their work on the anti-discrimination legislation, particularly as it relates to anti-Semitism. I support them in that effort and look forward to getting something done in Congress to help address the definition of anti-Semitism for the Department of Education.

Mr. SCOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 10) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 10

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Anti-Semitism Awareness Act of 2016”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Title VI of the Civil Rights Act of 1964 (referred to in the section as “title VI”) is one of the principal antidiscrimination statutes enforced by the Department of Education's Office for Civil Rights.

(2) Title VI prohibits discrimination on the basis of race, color, or national origin.

(3) Both the Department of Justice and the Department of Education have properly concluded that title VI prohibits discrimination against Jews, Muslims, Sikhs, and members of other religious groups when the discrimination is based on the group's actual or perceived shared ancestry or ethnic characteristics or when the discrimination is based on actual or perceived citizenship or residence in a country whose residents share a dominant religion or a distinct religious identity.

(4) A September 8, 2010 letter from Assistant Attorney General Thomas E. Perez to Assistant Secretary for Civil Rights Russlynn H. Ali stated that “[a]lthough Title VI does not prohibit discrimination on the basis of religion, discrimination against Jews, Muslims, Sikhs, and members of other groups violates Title VI when that discrimination is based on the group's actual or perceived shared ancestry or ethnic characteristics”.

(5) To assist State and local educational agencies and schools in their efforts to comply with Federal law, the Department of Education periodically issues Dear Colleague letters. On a number of occasions, these letters set forth the Department of Education's interpretation of the statutory and regulatory obligations of schools under title VI.

(6) On September 13, 2004, the Department of Education issued a Dear Colleague letter regarding the obligations of schools (including colleges) under title VI to address incidents involving religious discrimination. The 2004 letter specifically notes that “since the attacks of September 11, 2001, OCR has received complaints of race or national origin harassment commingled with aspects of religious discrimination against Arab Muslim, Sikh, and Jewish students”.

(7) An October 26, 2010 Dear Colleague letter issued by the Department of Education stated, “While Title VI does not cover discrimination based solely on religion, groups that face discrimination on the basis of actual or perceived shared ancestry or ethnic characteristics may not be denied protection under Title VI on the ground that they also share a common faith. These principles apply not just to Jewish students, but also to students from any discrete religious group that shares, or is perceived to share, ancestry or ethnic characteristics (e.g., Muslims or Sikhs)”.

(8) Anti-Semitism remains a persistent, disturbing problem in elementary and secondary schools and on college campuses.

(9) Jewish students are being threatened, harassed, or intimidated in their schools (including on their campuses) on the basis of their shared ancestry or ethnic characteristics including through harassing conduct that creates a hostile environment so severe, pervasive, or persistent so as to interfere

with or limit some students' ability to participate in or benefit from the services, activities, or opportunities offered by schools.

(10) The 2010 Dear Colleague letter cautioned schools that they “must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment, and its effects, and prevent the harassment from recurring,” but did not provide guidance on current manifestation of anti-Semitism, including discriminatory anti-Semitic conduct that is couched as anti-Israel or anti-Zionist.

(11) The definition and examples referred to in paragraphs (1) and (2) of section 3 have been valuable tools to help identify contemporary manifestations of anti-Semitism, and include useful examples of discriminatory anti-Israel conduct that crosses the line into anti-Semitism.

(12) Awareness of this definition of anti-Semitism will increase understanding of the parameters of contemporary anti-Jewish conduct and will assist the Department of Education in determining whether an investigation of anti-Semitism under title VI is warranted.

SEC. 3. DEFINITIONS.

For purposes of this Act, the term “definition of anti-Semitism”—

(1) includes the definition of anti-Semitism set forth by the Special Envoy to Monitor and Combat Anti-Semitism of the Department of State in the Fact Sheet issued on June 8, 2010, as adapted from the Working Definition of Anti-Semitism of the European Monitoring Center on Racism and Xenophobia (now known as the European Union Agency for Fundamental Rights); and

(2) includes the examples set forth under the headings “Contemporary Examples of Anti-Semitism” and “What is Anti-Semitism Relative to Israel?” of the Fact Sheet.

SEC. 4. RULE OF CONSTRUCTION FOR TITLE VI OF THE CIVIL RIGHTS ACT OF 1964.

In reviewing, investigating, or deciding whether there has been a violation of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) on the basis of race, color, or national origin, based on an individual's actual or perceived shared Jewish ancestry or Jewish ethnic characteristics, the Department of Education shall take into consideration the definition of anti-Semitism as part of the Department's assessment of whether the alleged practice was motivated by anti-Semitic intent.

SEC. 5. CONSTITUTIONAL PROTECTIONS.

Nothing in this Act, or an amendment made by this Act, shall be construed to diminish or infringe upon any right protected under the First Amendment to the Constitution of the United States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TSUNAMI WARNING, EDUCATION, AND RESEARCH ACT OF 2015—Continued

TRIBUTE TO TRECIA BICKFORD MCEVOY

Mr. TESTER. Mr. President, I rise today, not a minute too late, not a minute too early but at the exact time I am scheduled to speak. That is because of a remarkable woman, my

scheduler Trecia Bickford McEvoy. Trecia has dedicated 25 years of her life to serving her country and the United States Senate. She has worked for a Republican, she has worked for an Independent, and she has worked for a Democrat, a true bipartisan public servant we can all learn a thing or two from.

As a farmer, the schedule is rigorous but simple: You plant, you harvest, and then everything else in between, but when I got to the Senate, I found Washington, DC, is not as cut and dry as the farm. Luckily for me, after Trecia served Vermont Senator Jim Jefford's office for over 15 years, she came to my office to help me and my staff find the bathrooms.

Since 2008, I have been lucky enough to have her in my office, and the State of Montana is better off for it. Thanks to her remarkable work, I have been able to see thousands of Montanans, in between thousands of committee hearings and briefings and runs to the airport, all because of an airtight schedule curated by Trecia.

At an all-staff meeting, one of my staffers was asked to draw a picture of what she believes Trecia does every day. With her trademark humility, Trecia said: "Well, that would be kind of boring," but what landed on that paper was a set of hands, a generous set of hands, that ensures that all Montanans can engage with the important policy decisions that shape our lives every day.

Trecia acts as the hands that carry Montanans from all across the State to see their Senator. It is not boring at all. In fact, it is really important. If scheduling was an art, my schedules would be enshrined not just on my Web site but also down the street at the National Gallery. Trecia would know exactly how many minutes it takes every day to drive from the Hill to the museum.

As my colleagues know, a good scheduler is hard to find and even harder to keep. Trecia has shown a staying quality that puts her in the Scheduler Hall of Fame, a hall that would be erected along the road from the Capitol to National Airport. Whether it is a call from my farm at 3 a.m. to tell her I am going to miss my flight because my truck can't make it through the snow or a text from the plane in Minneapolis asking which gate I need to get to for a tight connection, Trecia has always been ready and willing to answer the call.

After 25 years on the Hill, I know I am not the only one who can attest to Trecia's talents as a scheduler, as a friend, and as a person. She is a critical part of my office, not only because she keeps me on schedule, but she is also a relentless mentor to my younger staffers, always sharing in their joys and consoling them in their tougher times.

I will never forget that the first time I met Trecia is when I interviewed her for the job as my scheduler. A few months earlier, my wife and I had just

been on an airplane from Seattle to Washington National Airport. My wife sat in the middle seat in row 12, and I sat in the middle seat in row 27.

I said to Trecia: What is going to happen when you schedule me on a cross-country flight in a middle seat in the back of the plane and my wife in a middle seat in the front of the plane?

She looked at me and said: That ain't ever going to happen.

And it never has.

Her smarts, her generosity, and her quick wit not only make my life easier but also make the lives of other Senators' staffs and, most importantly, Montanans' easier. As one of my former chiefs of staff pointed out, whether it is a veteran from Columbia Falls, a high school student from Billings, or a mom from Havre, Trecia has played a vital role in improving the lives of everyday Montanans. They may not know who made that moment happen, but I do.

To me and to many others on the Hill and in the office, Trecia is more than just a scheduler. When I asked for the quintessential Trecia McEvoy story, one of her former bosses told a story—not about Trecia getting a meeting scheduled or pulling off an air traffic miracle, but they told a story about Trecia the coworker and friend. According to one of her former chiefs of staff, Trecia would give a secret heads-up to young, junior staff members any time their boss was coming by so that their pencils were sharpened and everything was on the up and up, even late on a Friday afternoon long after the Senator had flown home. This type of kindness, humor, and leadership shines through with Trecia's work every day.

Whether it is a bright-eyed intern from Helena looking for a place to live for the summer, the ambitious staff assistant looking for professional guidance, or the know-it-all executive assistant who thinks he knows best, Trecia has been there to give advice, to listen, and to keep all of us grounded in a town where often the only thing bigger than the monuments are the egos.

Despite a reputation as a miracle worker, her greatest accomplishment has been balancing the hectic profession of a scheduler with her critically important duties as a parent. When I call on Thursday night because a flight is delayed, it is not uncommon for me to hear in the background the cheer of a crowd from Ian's hockey game or a hushed whisper from an audience at one of Zachary's plays. Despite the long hours, frantic phone calls, and countless emails, Trecia's No. 1 priority has always been crystal clear: her family. Over the past 25 years, Trecia and her husband Jeff have made sure that their kids—Alexis, Zachary, and Ian—have everything they need to be able to succeed.

In the office and in life, Trecia is more than a scheduler. What has made Trecia a great scheduler over the years are the same qualities that have made her a great friend, counselor, and

mother. Trecia's generosity, sympathetic ear, sharp wit, and understanding nature have made her a phenomenal scheduler, a great friend, and, most importantly, an ideal mother.

On behalf of Montana, Vermont, countless staff members, and from this dirt farmer from Big Sandy, I thank Trecia for 25 years of service.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

OVERTIME RULE

Mr. FRANKEN. Mr. President, as we enter the holiday season, today should be a special day for 4.2 million working Americans, including 75,000 Minnesotans. That is because today was supposed to be the day that the overtime rule would go into effect to ensure that workers are paid overtime wages when they work more than 40 hours in a week. Instead, the rule has been blocked, meaning that many of these working people will not be able to benefit from this rule, which is especially unfortunate given that the holidays are coming upon us. Right now, these 4.2 million employees don't have to be paid at all for overtime work they perform. That is what we are trying to change.

As you know, we had a big election in which working people sent the clear message they are hurting. Yet less than a month later, Republicans have decided to attack a rule that would ensure that American workers are paid for every hour they work. This is exactly the type of policy we should all be able to agree on to help working people across the country.

During the campaign, President-Elect Trump repeatedly said he was for working people. One important action he could take immediately would be to go on his twitter account and express support for the overtime rule.

Here is why this rule matters so much. As our economy has changed in the past couple of decades, the rule on overtime pay has not kept pace at all. The last meaningful improvement for workers covered by this rule came in 1975, when the rule made 62 percent of so-called administrative and professional employees eligible for overtime pay. As a result of failing to keep the rule up-to-date and current with the rate of inflation, right now only 7 percent of employees in that category must be paid overtime.

The Obama administration's update to the overtime rule was intended to change the fact that under the standard right now, employers aren't required to pay overtime to these employees unless the employees earn less than \$23,000 a year. If you are paid on a salary basis and earn more than

\$23,000 a year, your employer can make you work more than 40 hours a week and not pay you anything at all for your extra hours. Twenty-three thousand dollars is simply too low of a threshold. A salary of \$23,000 a year is below the poverty line for a family of four. I believe workers and their families deserve better.

That is why the Obama administration instituted an update to the overtime rule, to lift the salary threshold to \$47,000 a year, bringing it closer to the original standard in place in 1975. It still wouldn't be as high as the comparable level in 1975, but it would be a vast improvement, and it would mean that 4.2 million more workers across the United States would qualify for overtime pay.

Consider a retail manager making a salary of \$40,000 a year at a big box store or fast-food chain. Right now, many employers are legally allowed to require such an employee to work 50, 60 or more hours in a week without paying him or her anything extra. This new rule would mean the employee would be paid extra when they work more than 40 hours a week.

Similarly, the rule would make sure a trucking dispatcher earning \$45,000 a year would not be forced to work late at night without compensation. The rule encourages his or her employer to send employees home to his or her family on time or else the employer will pay them for the overtime he or she works.

This is very important for working men and women in America. That is why many of my colleagues and I have been strong supporters of this rule. That is why it has been very disappointing to see so many of my Republican colleagues attack and ultimately try to dismantle this rule.

They have been attacking the rule ever since it was proposed. They have set out on a campaign to delay, to water down, or to block the rule entirely. In the Senate, 45 Republicans have signed on to a bill to block it. In the House, 202 Members have signed on to a companion measure to that bill. House Speaker PAUL RYAN claims the rule is an "absolute disaster," and Senator VITTER claims the rule will "reduce worker's opportunity for long-term advancement and increased pay."

Despite their attacks on this updated rule in the House and in the Senate, Republicans weren't able to block it through the legislative process. So they took their fight to the courts, where they used their old tactic of forum shopping, where they file a suit in the court they think is most likely to be favorable for their arguments. As a result, 9 days ago, they convinced a Texas judge to put the updated overtime rule on hold. The 4.2 million workers who today were scheduled to be paid for every hour they work above the 40 could continue to be forced to work overtime without the additional compensation they deserve.

As our economy has continued to recover from the Great Recession, too

much of the wealth in the last few years has accrued to the top 1 percent in this country and often the top one-tenth of 1 percent. While new data suggests the economy has improved a bit for middle-class workers since last year, the median household income in the United States remains lower than it was in the year 2000 in real dollars. Updating our overtime pay rule is one of the most effective steps we can take to put working people back on a more level economic playing field.

I hope my colleagues will join me today in pledging to fight in Congress, the executive branch, and the courts for a fairer system for all workers and for updating this incredibly outdated overtime rule. Let's hope that the postponement of the new rule today will be temporary. Let's join forces on behalf of American workers to stand strong in support of a fair overtime rule and to work together to build a stronger American middle class.

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I appreciate the comments made by my colleague from Minnesota. He has been a strong champion for America's workers and believes we should make this Nation and our economy work for working Americans. His leadership on this overtime rule is certainly much appreciated.

Today should be a day of celebration. It should be a day in which 4 million American workers who work overtime without getting paid but earn very modest salaries were going to get rewarded for their overtime work—get paid for their overtime work—but instead those 4 million Americans are getting scrooged.

You all remember the story of Ebenezer Scrooge. He made a lot of money as a very successful businessman. He enjoyed counting his coins while treating his workers in a terrible fashion and paying them as little as he could get away with. That is exactly what is at stake with this overtime rule. The vision of the overtime rule was that when you had a very well-paid manager who was clearly earning far more than they would if they were earning a more modest amount plus overtime, you could reduce the complexity of tracking their overtime hours and instead simply pay them a salary without compensation for overtime. The key to that was that it was a very well-paid worker or manager and not someone earning near the bottom of the scale and barely making more than minimum wage.

As I said, today should be a day of celebration with the overtime rule being modified so that it would catch up with inflation. Many decades have passed since it was put forward. It was supposed to be adjusted for inflation from here forward, but it was not adjusted.

This is not a day of celebration; it is a day in which approximately 4 million

Americans are getting scrooged, and that also means 40,000 Oregonians who were looking forward to finally getting compensated for the overtime they will be working during this coming holiday season will also be told: No go. No paycheck. No compensation for your overtime.

These folks earn as little as \$23,000 a year. Going into the holidays, a lot of retail workers are asked to work far more than 40 hours a week. They are asked to work 50, 60, 70, 80 hours a week without a dime of overtime, and that is wrong.

A whole lot of these workers are parents raising children. It is pretty hard to raise a child on \$23,000 a year. I don't think anyone in this Chamber—any one of the Senators here in this Chamber—has raised a child on \$23,000 a year. If they had attempted to do so, they would have an understanding of why they should be up here right now joining this fight for the overtime rule—which is hopelessly outdated and hopelessly unfair to America's workers—to be implemented in a timely fashion with legislation that we could pass today. Instead, Senators with their far larger salaries are very happily preparing for their holiday without considering that today is a day in which 4 million American workers are getting treated unfairly.

Since 1975, the salary of full-time workers who qualify for overtime has plummeted from 62 percent to 7 percent. That is a pretty dramatic reduction. For over a year now, millions of American workers have been looking forward to today when their long hours of overtime were finally going to be compensated, and it is only fair that they have that compensation. But just like Ebenezer Scrooge, the Republican Party, in coordination with 21 States, has said to those 4 million American workers: Bah humbug. You don't get compensated for your overtime. We are putting a lump of coal in your stocking, and it is too bad that you are trying to raise kids. This happened because States filed a lawsuit and got a preliminary injunction granted by a judge to take away the power of today's overtime rule, the modified overtime rule, to assist American workers.

I grew up in a blue-collar family. My dad was a mechanic, and my mother was a stay-at-home mom. My father, who had a basic blue-collar wage, was able to put food on the table, buy a three-bedroom ranch house with a garage, acquire a car, and have modest family camping vacations. It was a pretty square deal to provide a foundation for his children to thrive and have opportunities by working with his hands. Our blue-collar community was in much the same situation. When he worked overtime and stayed on the job because a machine needed to be repaired and finished in time for a client of the company to be able to put that heavy equipment to work to build highways, work in the forest, or work to build dams, he got paid for that

overtime, and it was right and fair that he did.

It is not right and fair that today America's workers are not getting paid for their overtime. They are working longer and harder only to see that extra wealth go to the CEO of the company. American workers are working longer hours, but their wages and paychecks are getting spread thinner and thinner. The overtime rule is a long overdue adjustment for those who are working those long hours. You don't get any help from this rule if you are not working more than 40 hours a week.

When President Franklin Roosevelt was talking about the importance of living wages to support families, he said: "By living wages I mean more than a bare subsistence level—I mean the wages of decent living." Isn't that what we are talking about, the wages of decent living?

Is there anyone who would contend that a parent raising a child on \$23,000 a year is making a wage that would allow them to have a decent living? I don't think so, at least not at the cost of what it is to exist in today's society, not when rent on a two-bedroom apartment is \$800 to \$900 in Portland, not when the cost of groceries is where it is, and not when the cost of health care is where it is. Franklin Roosevelt said that no one who works full time should live in poverty. He said that working Americans should make enough to raise and support a family and provide a foundation for their children to thrive. He meant that you should be able to earn enough to save up over time and retire with dignity. He meant that a working American should be able to earn enough to cover the basic necessities of life, such as food, clothes, and shelter, but for many Americans, those goals are out of reach even though they are working a lot of overtime, overtime in which they are not getting paid. We just haven't kept pace with the vision of families being able to earn, as Roosevelt put it, the wages of a decent living—the wages that enable you to live decently. This rule is critical to changing and fixing that.

While the courts tie up the process at the request of my Republican colleagues and State governments, we should instead have a bill here on the floor and simply pass this adjustment ourselves.

Has anyone noticed that we just had a Presidential campaign in which both candidates talked about making America work for working Americans? The candidate who won the vote in the electoral college but lost the popular vote, by the way, has claimed he is going to watch out for working Americans. Well, where is he today on the day 4 million Americans are getting scrooged? Where is Donald Trump today on the day that those who worked overtime are now told they will not get paid for that overtime? How about a tweet in the middle of the night saying: I get it.

If we return to the story of Ebenezer Scrooge, we remember the fact that he was resisting any effort to enable his employee, Bob Cratchit, to have Christmas Day off with his family or to be able to have a decent amount of food on the table on that day. His heart was a few sizes too small. The night before Christmas he had a dream, and in that dream ghosts of Christmas past, Christmas present, and Christmas future came to him and showed the poverty—the spiritual poverty of his life. They showed him the emptiness of his life. That life is not about building up treasures you can count coin by coin, but helping other families to thrive and succeed and share in their joy. When he woke up, he was a changed man. He woke up and said: Yes, my team—my workers—shouldn't be working on Christmas Day. Yes, I should pay them more. Yes, I should make sure they have bountiful food so they can care for their family. Yes, their son, Tiny Tim, should have the health care he needs so he can live a full and productive life. He took care of these things and personally went out and acquired the largest turkey he could for the Cratchit family.

Isn't today the day when my colleagues who have been playing the role of Ebenezer Scrooge and fighting fair compensation for overtime—Isn't today the day when they should take a nap and go to sleep tonight and have a little bit of a dream about the circumstances of working Americans? Here we are, just coming off a campaign where everyone talked about the plight of working Americans. Maybe a little of that should reverberate in their dreams tonight so that they might think about how families are struggling across America and how hard it is to put food on the table, not just during the holiday season but throughout the year. They should think about how unfair it is for someone to work 80 hours a week and not get paid overtime because they are being paid only \$23,000 a year.

Do I hear a single colleague volunteer to work for 80 hours a week for a year and get paid \$23,000? I would love to hear that speech on this floor when someone says: I get it. I am all for the overtime rule of the past because I am willing to live on \$23,000 a year.

I don't think I have heard that from a single colleague. Colleagues here are paid many times that increment. Maybe it is a little hard to understand the plight of American workers when you are living in a bubble. Think about what it would be like to raise a family on \$23,000 a year, given the expenses you experience in today's society.

So tonight, let's have a few of our colleagues who have been such advocates of the Ebenezer Scrooge strategy of denying overtime to workers who are paid very little go to sleep and maybe get visited by the ghosts of the past and the present and the future. Maybe they will be able to put themselves in the same pair of shoes that

working Americans work in and place themselves in the same set of circumstances and financial challenges that American workers have. Maybe they can wake up tomorrow with a different vision—a vision of being a partner with working America—to make this Nation work for working America, make our economy work for working America. Maybe they can come to this floor and insist that we immediately pass a bill to take care of these workers so they are compensated for their overtime. That would be a Christmas story to celebrate.

Maybe, while we are at it, our President-elect can tweet tonight in the middle of the night that he had a dream and he was visited by the ghosts of the past and the present and the future and he saw a vision of treating workers fairly, and he wants the Senate to act tomorrow morning. Wouldn't that be a fabulous Christmas story—one that is completely consistent with the rhetoric we heard in the campaign about an economy that works for working Americans. I hope tomorrow morning that is exactly what we hear.

Thank you, Mr. President.

THE PRESIDING OFFICER. The Senator from Alaska.

THE ECONOMY

Mr. SULLIVAN. Mr. President, one of the things I have been focused on—and I know many of my colleagues have been as well, such as the Presiding Officer—in the last couple of years in the Senate is coming to the Senate floor and speaking about this issue, certainly one of the most important issues we can be focused on in the Congress, and that is the economy and the economic growth for the United States.

What we have here, shown by this chart, is really a lost decade of economic growth that we have had in America over the last 10 years—a lost decade. This chart reflects the gross domestic product, or GDP growth, in the United States over the last several decades. GDP is essentially really a measure of the health of the economy, the health of the opportunity that we have in this country. By any measure, over the last 10 years we have had a sick economy.

So if we look here at the 3-percent GDP growth, this is OK growth. It is not considered that great. The average rate of growth for the United States over the last 200 years—what really has made our country great—has been about 3.9 percent, almost 4 percent. Three percent is not great. It is certainly below average. But we have a President—President Obama—and an administration that is going to be the first President ever to never in 1 year, even once, hit 3 percent GDP growth ever.

Let me cite a couple of recent numbers. In the fourth quarter of 2015, we grew at 0.9 percent of GDP and did not even hit 1 percent. In the first quarter of 2016, it was 0.8 percent of GDP. In the second quarter of 2016, it was 1.1

percent GDP growth. It is true that the third quarter numbers came out estimated just a little above 3 percent for the quarter, but the year will be way off of even 3 percent.

Again, traditional levels of American growth are close to 4 percent.

So each quarter, when these numbers have come out—these dismal, anemic economic growth numbers—what I have tried to do is come to the Senate floor, talk about the issue, and then ask the question: Where is the Secretary of the Treasury? Where is the President of the United States? What is the plan? Is this really what we expect for Americans? We can't even hit 3 percent GDP growth.

Look at every other administration, including Kennedy, Johnson, Eisenhower, Nixon, Ford, Carter, Reagan—holy cow—6 percent, 5.5 percent; Bill Clinton, 4.5, 5 percent; even George Bush, well above 3 percent. Not once in 8 years—the lost decade of economic growth under President Obama. That is with low energy prices, and that is with super-low interest rates.

So when we ask what the plan is, what the administration is doing to grow the economy, they come back and say: Well, listen, the new normal is about 2 percent, 1.5 percent GDP growth. They don't say we are going to grow the economy. They just dumb down American expectations. Go google the term “new normal.” Everybody uses it now in Washington. Essentially, they are saying that 1.5, 2 percent GDP growth is the best we can do.

I have a lot of respect for my colleague from Oregon, but if you want to talk about an Ebenezer Scrooge strategy—growing the U.S. economy at 1.5 percent and not even trying to grow at traditional levels of American growth—that is the ultimate Ebenezer Scrooge strategy because the entire country, especially middle class families, are hurt by it.

So this answer that, no, we can't even hit 3 percent, that the new normal is 1.5, 2 percent, that is an answer that we get from the Obama administration. The Secretary of the Treasury never comes out and tells us how we are going to get back to traditional levels of growth. That is an answer that consigns millions of Americans to lives where they no longer believe in economic opportunity, no longer believe in strong wages and in terms of growth for our wages, and no longer believe in a future in which their kids are going to do better than they did.

We talk a lot about stats, which are important to understand. So let me give my colleagues some of the numbers behind them. In the last 8 years, we have now had, in terms of people working in the workforce, the lowest labor-force participation rate since 1978. What does that mean? Again, that is a health issue of our economy. It means that millions of Americans have just quit looking for work. Can we imagine being that discouraged because the economy is not growing and so you just quit looking?

The percentage of Americans below the poverty line has grown by almost 4 percent over this period, where we see no growth. Real medium household income during this period sank by almost \$2,000. Food stamp participation in this period—again, 8 years—has soared by almost 40 percent. The percentage of Americans who own homes, which is one of the ultimate markers of the American dream, is the lowest it has been since 1965. So we were talking about Ebenezer Scrooge. My colleague was just talking about him. Those are Ebenezer Scrooge numbers, and those are Americans who are hurting because we can't grow the economy.

We need to change that. The Obama administration has not been focused on this issue. We never hear the Secretary of the Treasury come out—or even the President—and talk about how we get back to traditional levels of American growth, like every Republican and Democratic President has done for decades. They don't talk about it. They haven't been focused on it. But I think on November 8, we saw that the American people are very focused on this issue. Millions and millions of Americans rejected the idea that, because of these growth rates, they had to give up on the American dream and a strong U.S. economy and good jobs. They did not want to give up on it. We do not want to give up on that.

In essence, Americans saw that the idea of the new normal—which is this, peddled by the Obama administration—is a surrender, and they didn't want to surrender. We shouldn't surrender. We need to grow this economy.

So what now? Well, I find it very encouraging that the President-elect and his team, including his nominee for the Secretary of the Treasury, have been talking very regularly about this issue. We need to grow the economy—not at new normal rates of 1.5 percent or 2 percent but at 3, 3.5, or 4 percent GDP growth. That is what we need to do. We in this body need to help them do that because that is what the American people want. In fact, with the exception of having a strong military and keeping this country safe in terms of national defense, growing our economy, creating economic opportunity for all Americans is certainly one of the most important things we can do in the Senate. But we need a partner in the executive branch. We need a partner in the executive branch that is actually focused on the issue, that actually cares about these numbers, and we haven't had it in 8 years. So where do we start?

I think we need to start on this issue of the overregulation of our economy. Again, the incoming administration has talked a lot about this issue. When we ask people outside of Washington what is keeping our economy down, they refer to this. This chart is a chart of the cumulative number of Federal rules that have come out of this town onto American businesses, small businesses, and working-class families. That is what we see—pure growth, pure growth.

President Obama has enacted more than 600 new major regulations, totaling close to \$800 billion or \$2,300 per American. What is really interesting is that, despite the fact that the American people on November 8 said they want to grow the economy and they don't want to see this continue, this administration is putting its pedal to the metal on trying to see how many more regulations they can issue and promulgate to crush our economy and opportunity.

My State has been ground zero for a lot of these regulations. We are a resource development State in Alaska. The President just last week came out with a new regulation that said: I know that the vast majority of Alaskans want to responsibly develop their resources, but I am going to take the entire Outer Continental Shelf off the table for Alaska. Sorry, Alaska. Sorry, workers. Sorry, American energy independence. I am taking it all off the table. That was a regulation the President put on the table and issued last week that is going to hurt our economy, that is going to hurt American energy independence, that is going to hurt jobs, that is going to hurt our national security, and he did it anyway. There are no leases in my State because the President, in Executive order, issued that. That is not what the American people voted for on November 8.

So several Senators, led by Senator GARDNER, are going to be sending the President a letter very soon saying: Mr. President, the American people have spoken. The American people are tired of this. You are on your way out. Please, respect the results of the election and quit issuing these regulations that are stifling economic growth and crushing middle-class families. I hope he will abide by that. I hope he listens to us. I hope he listens to the American people. But, somehow, I think we are going to see even more of these in the next month or so.

I wish to conclude by noting something that I think most Americans understand intuitively. When it comes to our Nation and the comparative advantages that we have over other countries—and I am talking about the major countries in the world, whether it is China or Russia or the EU or Brazil or Japan—we have so many incredible comparative advantages relative to anyone. We have energy. We have great entrepreneurs. We have world class universities. We have agriculture and fisheries that literally feed the world. We have some of the brightest young people, like our pages here. We have a military that is the most professional and lethal in the world, by far. We have alliances all over the world where countries want to be close to the United States. Our adversaries and potential adversaries, such as China, Russia, North Korea, and Iran, have very few, if any, allies.

We have so many advantages, and yet the majority of Americans think we

are heading in the wrong direction. I believe they think that because we can't grow the economy. So what we need to do is for all of us to work closely with the new administration, and I would encourage all of my colleagues here in the Senate to focus back on this issue. We need to return to traditional levels of American economic growth, and we can do it with the right policies.

I yield the floor.

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. 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.

UNANIMOUS CONSENT REQUEST—S. 579

Mr. GRASSLEY. Mr. President, Members of the Senate, I come to the floor to speak about and to propound a unanimous consent request in regard to the Inspector General's Empowerment Act. I would like to defer. I ask unanimous consent to not lose the floor but yield to Senator JOHNSON.

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

Mr. JOHNSON. Mr. President, I thank the Senator from Iowa for letting me speak to a very important issue. I also thank him for his leadership. Long before I came to the Senate, I know the Senator from Iowa was working tirelessly to make sure government was more efficient, more effective, and more accountable. He has done an awful lot of work to ensure that. Certainly he has relied on inspectors general to bolster his efforts.

So I am completely in support of S. 579, the Inspector General Empowerment Act of 2015. When I took over the chairmanship of the Senate Committee on Homeland Security and Governmental Affairs, the Senator from Iowa had been working long and hard on this act. I was happy—I was pleased to utilize our committee to move this bill through our committee unanimously.

The bill has 18 bipartisan cosponsors. It is just incredibly important. The Senator from Iowa will certainly fill us in on the details of what has happened and what has made this bill so important. I just want to spend a little bit of time on how important inspector generals are.

We, working together with the Senator from Iowa, asked the inspectors general, for example, to report back to us how many of their recommendations—off of their tireless work—have gone unimplemented. We just received that report. Over 15,000 recommendations from inspectors general have not been implemented. The total aggregate savings could be as high as \$87 billion. Even in this massive Federal Government, \$87 billion is real money. Of course, inspectors general need access to the records from their agencies,

from their departments, so they can determine what is happening so they can make these kind of recommendations.

We also have had and witnessed a real tragedy, for example, at the Tomah VA Medical Center. We had an inspector general who had inspected and investigated over 140 different instances, then issued reports on those inspections, investigations, and then buried those reports—did not make those reports public.

One of those had to do with the Tomah VA Center in terms of the overprescription of opioids. Because that report was not made public, we were unaware of the problems there, and the problems persisted. For over a decade, opioids were being overprescribed. The result was that veterans—the finest among us—some of them died because of overprescription.

It is not an overstatement to say that the work of the inspector general is crucial and that work—those reports, those inspections, those investigations—literally is the difference between life and death. Again, I am here supporting the Senator from Iowa in his tireless efforts to get this bill passed, the Inspector General Empowerment Act of 2015. I urge all of my colleagues to allow this to pass by unanimous consent so we can get this put on the President's desk and it can be signed into law as quickly as possible.

With that, I yield the floor.

Mr. GRASSLEY. Mr. President, while I am waiting for Senator McCAIN to come to the floor before I speak about the specific unanimous consent request I am going to make, I would like to point out, in a very general way, that the pursuit of what we are doing, in so many other ways, is part of Congress's constitutional responsibility and constitutional authority under the checks and balances of government to make sure the laws are faithfully executed.

There are several different tools that are used in that direction. They can be individual Senators. Any time an individual Senator wants to ask questions of whether the laws are being faithfully executed, that Senator can do it, that Member of the House of Representatives can do it, through the particular committees of the Senate and the House of Representatives, through both letter as well as open hearings about certain subjects of whether money being spent by the executive branch is according to Congressional intent or whether laws are being carried out the way Congress intended.

That is all part of congressional oversight, but there has also been seen a need, over a course of many years, for other ways to make sure it is done. One of those was the setting up of the Government Accountability Office that has authority, at the request of committees and request of individual Members of Congress, to investigate and do research on certain problems we have in the executive branch of government.

That predates, by a long time, the passage of the inspectors general law that we are dealing with, with this subject I have before the Senate now. The inspector general was set up for the purpose of being within the executive branch to see that the laws are faithfully executed and the money spent according to Congress. I see that Senator McCAIN has come to the floor. I would like to make my opening statement on the legislation. I thank Senator McCAIN for the courtesy he gives me to come and listen to my request. Whatever he decides to do with it will be his choice, but I want to tell him I appreciate the cooperation he has given me on so many different things.

To justify my unanimous consent request, I start out with some of the issues that are involved with the legislation, the Inspector General Empowerment Act. In 1978, Congress created inspectors general or IGs as they are often known, to be the eyes and ears within the executive branch.

These independent watchdogs are designed to keep Congress and the public informed about waste, fraud, and abuse in government. They also help agency leaders identify problems and inefficiencies they may not be aware of. IGs are a very critical part to good governance and to the rule of law.

In order for IGs to do their job, they need independent access to information. That is why, when Congress passed the Inspector General Act of 1978, we explicitly said IGs should have access to all records of the agency they are charged with overseeing.

However, since 2010, more and more agencies have refused to comply with this legal obligation. This obstruction has slowed down far too many important investigations, ranging from sexual assault in the Peace Corps to the FBI's exercise of anti-terrorism authority under the PATRIOT Act.

Those are just two of the things I have been involved in. Every one of the other 99 Senators would probably have to say that in their oversight work, somehow the executive branch agencies have not carried out the spirit of the 1978 legislation.

It got worse in July of 2016. The Justice Department's Office of Legal Counsel released a memo supporting this obstruction of congressional intent. Now, let me put this in a commonsense form that surely everybody ought to understand. In 1978, Congress passes the inspectors general law. It is voted on by a majority of the Congress. It is sent to the President. The President signs it. It has been law since that period of time, but we have a situation where 1 bureaucrat out of 2 million Federal employees sits and reads something into a piece of legislation that was never intended because the legislation says the inspector general should be entitled to all records, but the Office of Legal Counsel opinion says: Well, maybe not all. It kind of depends on the head of the department. There are some exceptions in the inspectors general law that ought to be there—those

are spelled out—some of them dealing with national security, some of them dealing with the Department of Defense, as just one example.

So we have this opinion in July of 2016. The memo argued that Congress did not mean what it very clearly said; that the IG gets access to all records. This is unacceptable. It undermines Congress's intent. It undermines the rule of law. It makes a mockery of government transparency. The public deserves a robust scrutiny of the Federal Government. Every eighth grade civics student understands what checks and balances is all about.

Congressional oversight is one of those checks. Since September 2015, a bipartisan group of Senators and I have been working to overturn the Justice Department's opinion through S. 579, the Inspector General Empowerment Act. Among other things, this bill further clarifies that Congress intended IGs to access all agency records, notwithstanding any other provision of law, unless—and this is a big unless—other laws specifically state that the IGs are not entitled to receive such access.

A lot of those fall into the area of national security and defense. The bill has a total of 20 cosponsors, including seven of my Democratic colleagues: MCCASKILL, CARPER, MIKULSKI, WYDEN, BALDWIN, MANCHIN and PETERS. At the Judiciary Committee hearing in August of last year, Senator LEAHY also agreed that this access problem needs to be fixed by legislation because it is "blocking what was once a free flow of information." Even the Justice Department witness at that hearing disagreed with the results of the Office of Legal Counsel opinion and supported legislative action to solve the problem.

As of today, a large majority of Senators, the Las Vegas Review Journal—and I say that for the benefit of Senator REID who at one time objected—the New York Times, the Washington Post, good governance groups like Project on Government Oversight and Citizens Against Government Waste, all support restoring the intent of that act through S. 579.

I want to emphasize that the intent of the act was destroyed by one bureaucrat writing a legal opinion that has been a crutch for a lot of people who don't want to cooperate with the inspector general.

Despite strong bipartisan and public support for the bill, we have not been able to pass the bill by unanimous consent. We attempted to pass the bill by unanimous consent September 2015 and again December 2015.

In December, the Armed Services Committee and the Intelligence Committee raised concerns about the bill. It is perfectly legitimate for them to do that. My cosponsors and I worked with our colleagues on those committees to address and resolve their concerns. Ultimately, Chairman MCCAIN and Chairman BURR lifted their holds, and in December 2015 the bill cleared

the Republican side with no objections. But when we tried to pass the bill on the floor by unanimous consent, Senator REID, as I previously said, objected on the Democratic side.

In the meantime, the House passed its own version of the bill. Since then, we have worked closely with the House to resolve minor differences between the House and Senate bills. Now it is time to press forward and finally pass this critical bill to ensure the effective oversight of waste, fraud, and abuse in government—in other words, to make very clear that when the act says they are entitled to all records, "all" means all.

There is one provision of the bill we had to remove from this version at the insistence of Senator LEAHY. It relates to testimonial subpoena authority for inspectors general.

First, let me be clear about why the testimonial subpoena authority is important to the ability of IGs to conduct effective investigations. When employees of the U.S. Government are accused of wrongdoing or misconduct, IGs should be able to conduct a full and thorough investigation. Unfortunately, employees who may have violated that trust are often able to evade the IG's inquiry simply by retiring from the government. Testimonial subpoena authority empowers IGs to obtain testimony about waste, fraud, and abuse from employees after they leave the agency.

Similarly, the subpoena authority helps IGs investigate entities that receive Federal funds. In other words, if you want to know what is wrong, follow the money. The subpoena authority enables IGs to require testimony from government contractors, subcontractors, grantees, and subgrantees. Currently, most IGs can subpoena documents from entities outside of their agency, but most cannot subpoena testimony. 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.

Let me also be clear that when we learned of Senator LEAHY's concerns with this provision in November 2015, my bipartisan cosponsors and I worked in good faith for 12 months to address them. We offered at least half a dozen accommodations that would provide meaningful and appropriate limitations on the subpoena in question, but Senator LEAHY continued to demand the removal of that from the bill.

Despite a year of negotiation, we were unable to reach a resolution, so I proposed bringing the provision to the floor for debate. I offered Senator LEAHY the option of debating on the floor the merits of the testimonial subpoena authority so that the Senate could vote on whether to keep or remove the provision from the bill, but my colleague declined to agree to floor time so that we could have an open debate on the issue.

His continued refusal to debate and vote on the much needed testimonial

subpoena authority threatens to derail the entire bill, which has such substantial bipartisan public support.

Despite my strong belief that IGs need that subpoena authority, I also recognize that the IG bill contains many other critical provisions the IG needs to move forward with it, and now is the time to do that. We cannot afford to wait any longer for those provisions that empower the IG. This bill is still necessary to help IGs and to ensure to the American people that there is transparency and accountability within the government.

Before I ask unanimous consent, I wish to say for the benefit of the position that I think Senator MCCAIN is going to take that the Secretary, under existing law, may block an IG investigation if it is necessary to preserve the national security and interests of the United States and if the information the IG has requested concerns any one of five categories: sensitive operation plans, intelligence matters, counterintelligence matters, ongoing criminal investigations, or other matters that would constitute a serious threat to national security if they were to be disclosed.

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

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I appreciate the hard work the Senator from Iowa and his staff have done. The Senator and I are old friends, and I know he is one of the most zealous advocates for government oversight and reform in the Senate. I am aware of the many years of hard work he has put into this legislation.

I believe we share the same goal of ensuring that inspectors general across the Federal Government have the authorities and support they need to do their vital work on behalf of the American people. At the same time, I have serious concerns about a few aspects of this regulation as written.

I have been working with the Senator from Iowa. I wish to continue working with him.

To tell you the truth, I say to my friend from Iowa, I don't know why we cannot reach agreement. What we are really talking about are a few words. For example, this legislation would substitute the words "under the nominal supervision of the head of the establishment involved"—that takes the place of the wording "under the general supervision of the establishment involved." I say to my friend from Iowa, what springs to mind is, why

would we want to change that wording unless there was some intent to do so? Isn't the "general supervision of the establishment involved"—we have to have "under the nominal supervision"? What is this wordsmithing stuff that, frankly, I can only assume has some underlying purpose? Why would you want to substitute "under the nominal supervision" for "under the general supervision" without some reason? I don't get it. There is no explanation for why this change is necessary. It is unclear what "nominal supervision" means. If "nominal" means literally "in name only"—that is what "nominal" means—then it would remove the IG from the supervisory authority of the agency or department head.

The legislation would impose further restrictions on the ability of the Secretary of Defense—which is the area of my responsibility—to supervise and support the inspector general of the Department of Defense, so it is a reach too far.

The legislation would also restrict the President from placing an inspector general in an involuntary nonduty status, either paid or not paid, except as narrowly defined, for cause. This is likely an unconstitutional restriction on the authority of the President, who has the authority to appoint and to remove his or her own appointees. Constitutionally appointed officers serve at the pleasure of the President. Constitutionally appointed officers serve at the pleasure of the President, some subject to advice and consent of the Senate, some not. In other words, us saying what a Member of Congress can do to put someone on nonduty status is not the responsibility or the authority of the Congress of the United States.

It would limit the President's authority to place an inspector general in an involuntary, paid or unpaid, nonduty status for more than 14 days, unless the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency, a well-known organization, submits to the President a written recommendation for additional time, which is acted upon by the President, and the decision is communicated immediately to both Houses of Congress. That is a further restriction on Presidential power by a committee of the Council of the Inspectors General on Integrity and Efficiency—by the way, an organization whose existence I was unaware of.

The people expect the President to have both control and responsibility over employees and officers in the executive branch, subject to advice and consent—the constitutional authorities of the Senate of the United States. It is clearly outlined in the Constitution.

The people expect the President to have both control and responsibility over employees and officers in the executive branch. The Founders believed that this design ensured effective government but, most importantly, protected our liberty from rogue government agents who might accrue vast

power but be responsive and responsible to no elected, accountable authority. We just saw a dramatic example of that, as I know my colleague from Iowa understands, in the Dodd-Frank legislation, which created agencies of government that have no accountability whatsoever, even to the appropriations process.

The legislation would also undermine congressional oversight of the IGs. For example, with this language, a congressional investigation conducted by committees into complaints that the IG has violated whistleblower protections could be labeled as "interfering with the independence of the IG" if the committee is communicating with an agency or department as part of that investigation.

While I appreciate the effort to provide exemptions to the Department of Defense from this legislation, that exemption only relates to certain subsections and sentences of the overall Inspector General Act. Thus, many of these new rules and requirements would apply to the Department of Defense. For example, the new "timely access to information" requirement is included in the legislation, but there is no exemption for DOD from that requirement. It is unclear that existing exemptions would apply.

The Senate Armed Services Committee conducts a regular, stringent oversight of the Department of Defense, including its inspector general. The committee and the Congress pass defense legislation on an annual basis, and this will be the 55th year we will do so. I do not believe there is any problem at present in the DOD IG that requires the solution this legislation would require, and in the event the Senate Armed Services Committee uncovers problems in the course of our oversight work, we will address those issues in our annual authorization legislation.

Look, I have great affection for my friend from Iowa. It is obvious that this issue is important to him. It is obvious he has been working on it for years. If I could make a suggestion to my friend from Iowa, let's set a time tomorrow to sit down with our staffs, find out what the problem is, see if we can get it resolved, and then that will give us 24 hours to try to resolve these issues.

I understand what the Senator from Iowa is seeking and trying to do. I support the intent of that legislation. My responsibilities are oversight of the Department of Defense, the largest part of our government, and I have these concerns about it. I believe we can resolve these problems maybe with a face-to-face with our staffs's engagement.

For all those reasons, I regret to tell my friend from Iowa that I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I knew ahead of time that we would have

this objection. The only difference between this objection this time and a year ago is the fact that a year ago we worked out differences with other committees of the Congress and had, evidently, 99 Senators ready to pass this bill, except for Senator REID. So it is disappointing that when we work out one problem we had a year ago, that now we have serious objections, very numerous, as it worked out, considering the fact that the committee of jurisdiction—Senator JOHNSON is chair of the Homeland Security and Governmental Affairs Committee, passing this bill out unanimously, getting it cleared on both sides a year ago, except for Senator REID, and now all these other problems come up.

It is impossible for me to respond to all the problems that have been presented by the Senator from Arizona. Obviously, the legislative process does emphasize cooperation between Members when there are differences, but I believe that it is probably going to be impossible this year for us to work out those differences. So I will be prepared to come back next year and pursue this legislation again and see what we can do.

Mr. MCCAIN. Mr. President, could I just say to my friend from Iowa that I am willing to maybe have a sit-down sometime in the next 24 hours to see if we can get this done.

Mr. GRASSLEY. OK. I will take that under advisement.

I would simply close with further evidence of the importance of this legislation and try to respond to what the Senator from Arizona said about its impact on the Defense Department.

Section 8 of the IG Act already contains an exception that allows the Secretary of Defense to prohibit the inspector general from conducting an investigation and gathering documents to protect national security. The exception is broad. The Secretary may block an IG investigation if it is necessary to preserve the national security interests of the United States and if the information the IG has requested concerns sensitive operation plans, intelligence matters, counterintelligence matters, ongoing criminal investigations, and other matters that would constitute a serious threat to national security if disclosed.

In addition, cosponsors and I worked with the Committee on Armed Services last year to ensure that the bill makes the Secretary of Defense's authority to restrict certain types of sensitive information even more clear than it was in the 1978 legislation. After we made those changes, Senator MCCAIN, as I have already said, cleared this version of the access language last year.

I guess at this point I am going to yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TENNESSEE TRAGEDIES

Mr. CORKER. Mr. President, I rise today to express my deepest sympathies and offer steadfast support to the countless Tennesseans who have experienced tragedy in the recent days.

It has been a rough few weeks in our great State. Last week, my hometown of Chattanooga lost six young children in a tragic schoolbus crash. Today, countless East Tennesseans face a long road ahead after severe storms and tornadoes ripped through southeast Tennessee, leaving tremendous damage and taking the lives of two individuals in Polk County.

Tomorrow morning, I will be in another area of our State that is dealing with unimaginable tragedy. As you have likely seen by now, the damage caused by wildfires in Sevier County, the place where my wife was raised, is heartbreaking. While officials continue to assess the full extent of the damage, we know that many have suffered tremendous loss. As of this morning, officials confirmed that they are still addressing the remnants of smoldering wildfires. More than 400 firefighters are supporting the effort. The exact number of structures affected remains unknown, but local officials are estimating 700 impacted structures and more than 17,000 acres burned. More than 200 individuals remain in shelters, and just moments ago, we learned that 10 fatalities have been confirmed.

Sevier County is a special place, surrounded by some of the country's most beautiful God-given amenities. Millions of people from around the world visit each year and have built memories in this treasured community. But as the mayor of Gatlinburg noted earlier today, "it's not the attractions or the restaurants that make this place special, it's the people" who live there.

So many wonderful families call Sevier County home—tough, proud people whose roots in the area span generations.

Those who know the area and these people are not at all surprised by the community response. The Nation has watched and read countless stories of selfless individuals—many who lost everything themselves—helping others. We have watched the mayor and city manager of Gatlinburg, both of whom lost their own homes, provide steadfast strength and grace. We have watched the Sevier County mayor close each press conference with a simple request: "Pray for us."

The coming days, weeks, and months will not be easy. The recovery will take time. We are committed to doing everything that we all can do to help you rebuild. The support does not end when the cameras leave. Governor Haslam, Senator ALEXANDER, Congressman ROE, and I are ready to support requests for assistance for the recovery efforts. People throughout Tennessee and across the Nation will be back to visit very soon. Of course, as has been requested, we will continue to pray.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

MORNING BUSINESS

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

WORLD AIDS DAY

Mr. CARDIN. Mr. President, today I wish to discuss World AIDS Day. Thirty years ago, the National Academy of Sciences's Institute of Medicine issued a report calling for a "massive media, educational and public health campaign to curb the spread of the HIV infection." The global community heeded that call and today, on World AIDS Day, we celebrate progress that we have made in treating and preventing HIV/AIDS both at home and abroad and recommit ourselves to creating an AIDS-free generation.

Earlier this year, I had the opportunity to visit an HIV/AIDS clinic in Namibia supported by the President's Emergency Plan for AIDS Relief, PEPFAR, and the Global Fund. While there, I met a 30-year-old man named Simon who said he would not be alive without the international community's HIV/AIDS assistance. While the individual stories of people like Simon are a testament to the hard-fought progress this global response has achieved, the aggregate impact of our efforts cannot be understated. PEPFAR has been a bipartisan success story that began with a strong commitment by President George W. Bush and grew under President Obama. It must continue to have broad-based support in a Trump administration and in the 115th Congress, so we can keep making inroads against this pernicious disease.

Since 2005, AIDS-related deaths have fallen by 45 percent globally. In Africa, new HIV infections have declined 14 percent since 2010, including a 66 percent reduction in new infections in children in the region. And today, 18.2 million men, women, and children worldwide are on antiretroviral therapy, double the number of people who had access just 5 years ago.

Nevertheless, there remains more work to be done. In my home State of Maryland, there were 1,334 new HIV diagnoses in 2015, ranking it the third highest adult HIV diagnosis rate per capita in the country. And globally, we are seeing data that indicates that

AIDS-related deaths are actually increasing among adolescents. At home and abroad, such trends are troubling.

We therefore cannot rest on our laurels. The United States must continue to lead this global fight. Through strong funding for PEPFAR and multi-lateral organizations like the Global Fund, we will ensure the continued commitment and leadership of partner countries reinforced with support from donor nations, civil society, and people living with HIV, faith-based organizations, the private sector, and foundations. And at here at home, we must ensure that the Centers for Disease Control and Prevention, CDC, the National Institutes of Health, NIH, the Ryan White HIV/AIDS Program, and our State, local, and community partners have the resources they need to continue making significant progress to prevent, treat, and eventually cure this disease.

With our work cut out for us and the memories of far too many loved ones in our hearts, we strive on this World AIDS Day as an international community toward a world free of HIV/AIDS and recommit to mobilize the resources needed for treatment, to summon the compassion and understanding to prevent stigma, and to unleash our collective ingenuity and persistence in search of a cure.

REMEMBERING BISHOP EMERSON COLAW

Mr. PORTMAN. Mr. President, today I wish to remember a dear friend, Bishop Emerson Colaw, a devoted and widely respected leader of the United Methodist Church. Bishop Colaw passed away on October 11, 2016, at the age of 94 in Ohio, where he lived during the final years of his life.

Emerson Stephen Colaw was born November 13, 1921, in Chanute, KS, and moved to Cincinnati at the age of 16 to attend God's Bible School and College. A committed student, Colaw went on to earn a B.S. degree in 1944 from the University of Cincinnati, a bachelor of divinity, magna cum laude, in 1947 from Drew Theological Seminary, and a master of arts in 1953 from Northwestern University in Evanston, IL. He also received honorary doctorates from five different institutions.

Remembered as a strong preacher and compassionate leader who loved the church and had a heart for the clergy, Colaw served as a mentor and role model of Christian discipleship for colleagues, congregants, friends, and family. He began his ministry as a clergyperson for the United Methodist Church serving the New York Annual Conference and the Northern Illinois Annual Conference, where he served three pastorates over 14 years.

In 1961, Colaw was appointed to Hyde Park Community United Methodist Church in Cincinnati, OH, part of the West Ohio Annual Conference. During his time in Cincinnati, Colaw spent many years as the moderator of a