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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The PRESIDENT pro tempore. Today's opening prayer will be offered by Martyn Sloan, lead pastor of Harvest Time in Fort Smith, AR.

The guest Chaplain offered the following prayer:

Almighty and Eternal God, who has created us, to whom we belong and whom we serve, it is in You that we find our purpose, our peace, and our prosperity. May Your Kingdom come.

Use this day our lawmakers to complete and carry out Your will on this Earth as in Heaven. Create in each of them a clean and a courageous and a selfless heart that will not give in to fear, adversity, or temptation. Grant them wisdom and the discernment of the truth so that they may rightly judge these, Your children. Strengthen them as they grow weary so that they may give strength to the weary and burdened in this life.

We pray this and all things in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. STRANGE). The Senator from Arkansas is recognized.

WELCOMING THE GUEST CHAPLAIN

Mr. BOOZMAN. Mr. President, I would like to thank Pastor Marty Sloan for delivering the opening prayer in the Senate today.

Pastor Sloan is the lead pastor of Harvest Time, one of the most active

and well-attended houses of worship in Arkansas's second largest city of Fort Smith, which is the city in which I grew up.

Pastor Sloan is also a proud husband and father and plays an important role in the life of the Fort Smith community. As the lead pastor of Harvest Time, he has a passion for caring for his congregation and those in the larger community through preaching, teaching, and counseling in order to encourage and build up their faith and develop meaningful relationships with Christ and one another.

For 22 years, Pastor Sloan has been in ministry and has focused on both national and international missions. He has also been involved with the Live Nativity on Capitol Hill and the National Day of Prayer and has conducted pastoral conferences in America, Peru, and Armenia. Pastor Sloan says that one of his greatest joys is to "pastor from the center of the room" because his desire is to lead his congregation by walking through life together with them.

Serving as the guest Chaplain is an incredible honor. I am thankful for Pastor Sloan's ministry, and I am so pleased he could be here to offer an invocation of asking God to guide and bless the efforts of Congress and America's leaders.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

THE PRESIDENT'S TAX PLAN

Mr. McCONNELL. Mr. President, yesterday, the administration introduced a plan to serve as the guideline for modernizing and simplifying America's Tax Code. This process is long overdue, and it is a priority that is shared by the Republican House, Senate, and the

administration. By bringing down tax rates for individuals, we can help ease the burden on middle-class families, and by lowering taxes for American businesses, both small and large, we can foster job creation here at home, while making our country more competitive in an increasingly competitive international economy. I commend the President and his team for taking this critical first step, and I look forward to working with the administration and our House colleagues to finally overhaul our tax system.

NOMINATION OF ALEXANDER ACOSTA

Mr. McCONNELL. Mr. President, on another matter, despite much unnecessary obstruction, the Senate has continued to move forward with the confirmation process for administration nominees.

Just this week, we have confirmed two more impressive individuals—Secretary of Agriculture Sonny Perdue and Deputy Attorney General Rod Rosenstein. Today, we will have the opportunity to confirm a third. That nominee, Alexander Acosta, understands the difficult task ahead of him as the next Secretary of Labor. Fortunately, he has an impressive background that will serve him well as he takes on these tough issues. It explains why Acosta has earned high acclaim from numerous pro-job groups, like the National Association of Manufacturers, which called him an "exceptional choice to lead the Department," and the chamber of commerce, which noted his "extraordinary history of government service and refined skills."

He has also earned support from across the political spectrum, including from people like Lafe Solomon, a National Labor Relations Board Acting General Counsel in the Obama administration, who said Acosta is "very open-minded and fair" and "deserves to be Secretary of Labor."

- This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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We have also heard from unions that have backed him as well. In their words, Acosta is an “advocate for the middle class,” a nominee with “strong credentials and an impeccable reputation,” and someone they can work with “to protect and make better the lives of working men and women across America.”

Acosta’s leadership at the Labor Department will serve as a much needed change from what we saw under the previous administration, when, too often, onerous regulations that stifled instead of encouraged growth were given high priority, which came at a disadvantage to the very workers the previous administration claimed to be helping.

Of course, much work remains when it comes to providing relief to middle-class workers, but today’s vote to confirm Acosta represents another positive step in that direction.

GOVERNMENT FUNDING LEGISLATION

Mr. MCCONNELL. Mr. President, on one final issue, as we know, talks on government funding legislation have continued throughout the week on a bipartisan, bicameral basis. The House has introduced a short-term funding bill that we expect to pass before Friday night’s deadline so that a final agreement can be drafted and shared with Members for their review prior to its consideration next week. This extension will also protect thousands of retired coal miners and their families from losing the healthcare benefits I have fought for throughout this entire process, as I continue to lead the fight to secure them on a permanent basis.

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.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the Acosta nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of R. Alexander Acosta, of Florida, to be Secretary of Labor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I think I have 15 minutes to speak. When I get to about 13 minutes, would you raise your thumb or something and tell me, please.

The PRESIDING OFFICER. The Chair certainly will.

Mr. GRASSLEY. Thank you.

DEFENSE DEPARTMENT’S OFFICE OF THE INSPECTOR GENERAL

Mr. President, I come to the floor today to spotlight a potential failure of leadership at the Defense Department’s Office of Inspector General in that a large number of hotline cases have been set aside, neglected, and possibly forgotten.

The hotline plays a very critical role in the inspector general’s core mission of rooting out fraud, waste, and abuse. The hotline is the command and control link between whistleblowers on the one hand and investigators on the other hand. To succeed, hotline tips need quick and decisive action, but speed is not one of the chief assets of this unit. Without a quick response, the full value of whistleblower information is lessened.

Last year, at my request, I was given a 12-page spreadsheet dated November 8, 2016. It listed 406 hotline cases that had been open for more than 2 years or over 730 days. Frankly, I was stunned by what I saw on this spreadsheet. I counted 240 cases—over half of the total—that had been open for more than 1,000 days. Many had been open for more than 1,300 days. Some were right at a 4-year marker; that is 1,460 days. The oldest is now pushing close to 1,600 days. Even—if you can believe it—5-year-old cases are not unheard of. So we can see why working quickly on these investigations—taking tips from whistleblowers and pursuing them on waste, fraud, and abuse—is very important, and we shouldn’t have this time wasted.

When cases remain open for years, they become stale. Inattention breeds neglect. Work grinds to a halt. Cases slowly fade from memory. This is unacceptable, and my colleagues ought to consider it unacceptable, and the Secretary of Defense ought to consider it unacceptable. The hotline, then, with this waiting period, loses its full value.

The deputy inspector general for administrative investigations, Mrs. Marguerite C. Garrison, is in charge of the hotline, so she is accountable for the backlog. The backlog shows a lack of commitment to the hotline creed and the plight of whistleblowers. Here is why: Hotline posters are displayed throughout the Department of Defense. They are a bugle call for whistleblowers. They encourage whistleblowers to step forward, and they do that at considerable risk. In return, then, these patriotic people ought to deserve a quick and honest response.

Allowing their reports to slide into a deep, dark hole, in limbo for 2, 3, or 4 years—and even more, as I have pointed out—leaves whistleblowers exposed, leaves them vulnerable to retaliation, and of course distrusting of the system that is designed to protect the whistleblowers. So, in the end, this kind of treatment will discourage others from stepping forward in the future.

Hotline officials, including Mrs. Garrison, were questioned about the backlog on December 15, 2016. They attempted to deflect responsibility elsewhere and showed little interest in the problem. After numerous followup inquiries, a second meeting was requested.

So at a March 30 meeting this year, Hotline officials were singing a whole different song. They tried to dispel the notion that a surge in cases closures were triggered by my inquiry. To the contrary, they said, it was part of routine, ongoing “cleanup of the hotline mess” that began way back in March of 2013. They reported that 107,000 cases were swept up, including the so-called bad dog cases from 2002.

This explanation may be fiction.

Mrs. Garrison should know that the 406 cases date back to 2012 and 2013. After sitting on the hotline docket for up to 4-plus years, these cases are anything but routine. They are tough nuts to crack, of course, and very difficult to resolve—sort of like the bad dogs way back in 2002.

What they needed was clear direction from the top. They needed to be handed off to a tiger team, but that didn’t happen. Priorities became an afterthought, and the hotline mess got more nourishment.

Then, finally, the “routine, ongoing” cleanup reached the 406 most egregious cases—the worst of the worst. The ones that bring me to the floor today.

Since January, I received five updated spreadsheets trumpeting the closure of 200 of these so-called bad dogs—done with due diligence, I hope. Though late and incomplete, the surge shows what is possible when management starts doing what we expect management to do; in other words, managing. The backlog can be controlled and eliminated.

Why did it take top managers so long to see the light and get on the stick doing their job? Maybe they just didn’t care—at least not until the Senator from Iowa started asking questions. Then and only then did they indicate what had been characterized as “aggressive management oversight.”

Well, praise the Lord. Those words—“aggressive management oversight”—warm my heart, but the deputy IGs need to exercise aggressive oversight at all times, not just when a Senator steps in and not just when embarrassing revelations get some daylight. Good managers don’t need a Senator looking over their shoulders to know what needs to be done. That is no way to run a railroad, as we say. The managers responsible for the hotline mess need more supervision.