

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

One of Mrs. Garrison's other directorates—the whistleblower reprisal investigations, or what we call the WRI unit—is always crying out for help. It is facing its own hotline-style tsunami. It has a staff of 56 personnel, but only 28 of those 56—or about 50 percent—are actually assigned to investigative teams. They complete 50 to 60 reports per year. With some 120 cases under investigation at any one time, a large number inevitably get rolled forward from year to year. The backlog could easily double or triple over the next few years.

In November, 38 cases were beyond acceptable limits. As of March 28, the oldest one was 1,394 days old. While many of these cases were recently closed, new ones keep popping up on the list. Despite very substantial increases in money and personnel since 2013, the deputy IG still seems overwhelmed by the volume of work.

While beefing up the whistleblower reprisal investigations may be necessary, Mr. Fine and his deputies need to do more with what they have. With an annual budget of \$320 million and a 1,500-person workforce, efficiencies can be found.

Some units are said to be top-heavy and ripe for belt-tightening. The investigative processes are notoriously cumbersome and could be streamlined.

The audit office, with 520 workers, turns out mostly second-rate reports. It needs strong leadership and it needs redirection. The Obama administration never seemed to take these problems very seriously. I hope this new administration coming in to drain the swamp will do better.

Weak leadership gave us the hotline backlog. Weak leadership is giving us the continuing mismatch between the workforce and the workload. Both are messy extensions of a much more harmful leadership problem—a festering sore that is eating away at integrity and independence.

This is what I am hearing:

Top managers have allegedly been tampering with investigative reports and then retaliating against supervisory investigators who call them to account. This is sparking allegations that a culture of corruption is thriving in the Office of the Inspector General. I gave my colleagues a glimpse of this problem in a speech on April 6 of last year. I used the fifth and final report of Admiral Losey's investigation to illuminate this problem.

That report was allegedly doctored by senior managers. Investigators were allegedly ordered to change facts and remove evidence of suspected retaliation.

Can my colleagues believe this?

Mrs. Garrison even sent a letter that cleared the admiral long before investigators had even completed the review of the evidence. This was a very serious error in judgment, giving the appearance of impropriety.

Was this then a coverup to facilitate the admiral's pending promotion?

Thankfully, Acting Inspector General Fine intervened. He showed real courage. After taking a firsthand look, he backed up the investigators, overturning some—but not all—unsupported charges. He helped to bring evidence and findings back into sync. I thank Inspector General Fine from the bottom of my heart.

But Mr. Fine still has more work to do.

The alleged doctoring of the Losey report, I am told, is not an isolated case. There are at least five others just like it—and probably more—that all need oversight.

As I understand it, the Office of Special Counsel is contemplating a review of these matters and could rule in favor of whistleblower reprisal investigations. They blew the whistle on all of the alleged tampering going on—and do my colleagues know what these patriotic people got for it? They got hammered for it. They got hammered for protecting Federal workers.

If top managers are tampering with reports and retaliating against their own people who report it, then how can they be trusted to run the agency's premier whistleblower oversight unit?

All of the pertinent issues need to be resolved, and they demand high-level attention. So I call on the new Secretary of Defense and the acting inspector general to work together to address these problems.

No. 1, the hotline needs to be brought up to acceptable standards under stronger management; No. 2, all potential solutions to the workload-workforce mismatch need to be explored, including internal realignments; No. 3, an independent review of all cases where alleged tampering occurred should be conducted, to include an examination of the Garrison letter clearing an admiral in the midst of an investigation. If tampering and retaliation did in fact occur, then the culprits should be fired.

I look forward to receiving a full report.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

U.S. MILITARY READINESS

Mr. CORNYN. Mr. President, our military and our intelligence community grapple with intersecting issues that aren't wholly unique to this day and age. Our national security has always been imperiled by foreign threats, from the Revolutionary War to two World Wars, and we previously faced a seemingly unsurmountable debt burden following World War II.

The challenge seems to be, as it always is in a democracy, that people of different views differ on the sense of urgency on priorities and the means to address both those threats and our financial house in order to be able to pay for what it takes to keep America safe. What is unique is the range and complexity of the problems we face and their scale.

I am reminded of a sobering quote from the former Director of National

Intelligence during a hearing just last year, former Director James Clapper, who served 50 years in the U.S. intelligence community. He said: "In my time in the intelligence business, I don't recall a time when we have been confronted with a more diverse array of threats." I agree with him.

On top of that diverse array of threats, never before has our country been at war for such an extended period of time since 9/11, and never before have we done so much with an all-volunteer military force stressed by repeated deployments, while at the same time defense spending has been cut by nearly 15 percent over the last 8 years.

So the United States is at a crossroads when it comes to meeting the diverse threats we face today, while simultaneously preparing for the ever-evolving future threats headed our way tomorrow.

I wish to first provide a little bit of context about our lack of readiness to meet those threats by framing the challenges our military and our Nation faces, and then I wish to offer some thoughts about how we can rise to meet these challenges and maintain our military preeminence and leadership in the world.

First, there are the challenges abroad. We face a range of adversaries unlike any other in our history. In the Middle East, even as ISIS forces are pushed back in Iraq, their ideology spreads like a contagion through their so-called cyber caliphate, and it continues to permeate the West and attract the vulnerable and the disillusioned. FBI Director Comey has said that his agency has open investigations into home-grown jihadists in all 50 States.

Iran, under the Joint Comprehensive Plan of Action, is a breakout nuclear threat and remains the No. 1 state sponsor of terrorism in the world. At the same time, it is rapidly growing its ballistic missile arsenal and has regained much of its financial strength following sanctions relief under the JCPOA.

Then there is Syria. Since the Syrian civil war began, 400,000 have died in a bloody civil war, while Bashar al-Assad, a brutal dictator known to repeatedly use chemical weapons on his own people despite redlines drawn, enjoys Russian and Iranian support and protection.

In addition to its meddling in the Middle East, Russia has invaded eastern Ukraine and annexed Crimea. It routinely threatens NATO member states and has ramped up its use of "active measures"—a program of both overt and covert action that leverages propaganda, cyber espionage, social media, and a sometimes gullible mainstream media both here and abroad—to influence and undermine public confidence in the very foundation of our democracies, which are our free and fair elections.

In the Pacific, China seeks to advance its regional dominance by making claims to former sandbars and reefs