

This is a cry for help. It is a challenge to Republicans and Democrats to come up with a plan that is not a red plan or a blue plan but an American plan to address his needs, his wife's needs, and those similar to him across the country.

The PRESIDING OFFICER. The Senator from Louisiana.

#### HONORING THE GHOST ARMY

Mr. KENNEDY. Mr. President, thank you and Senator CASSIDY. We just came back, as we all know, from the Memorial Day recess. I wanted today not to only reflect on that but also to reflect on our anniversary of D-day and the day that our Allies invaded France in 1944. In doing so today, I would like to speak and pay tribute to all of those—including, but not limited to, Americans, but especially Americans—who risked their lives to defend our freedoms.

In particular, I come today to recognize a special group of dedicated soldiers. You probably have not heard of them, but they are referred to as the Ghost Army—the Ghost Army. This is a unit that served in World War II. It was comprised of the 23rd Headquarters Special Troops and the 3133rd Signal Service Company. The personnel of this U.S. Army unit were handpicked. They were handpicked for their artistic and creative characteristics, and you will see why in just a moment.

They handled top secret information, and they were among some of America's most promising artists, engineers, and signals professionals. The mission of the Ghost Army was very simple: Fool Adolph Hitler—fool Adolph Hitler by using what was called tactical deception. The Ghost Army's deceptive creation of fake battles, inflatable tanks, theatrical props, and other inventive equipment falsified troop movements, and had our enemies chasing ghosts—hence the name the Ghost Army.

Beginning in Normandy 2 weeks after D-day and ending in the Rhine River Valley, the Ghost Army staged over 20 fake battles—fake battlefield deceptions. The German Army did not know whether they were coming or going, thanks to the Ghost Army. These performances, of course, were illusions. They were called illusions by the soldiers. They occurred in the most dangerous spot in the war, on the frontline of battle.

Now, without the Ghost Army's dedication and fearless perseverance, Allied successes at the Battle of the Bulge and the final battles in Po Valley, Italy, would not have been possible. The 23rd unit was composed of only 1,184 men—1,200 men. They put themselves at risk every day at the forefront of danger, and they fought tirelessly. They used ingenious, innovative methods to mislead the enemy, ultimately leading the Allies to many victories in Europe. Because of their bravery, because of the bravery of the 1,200 men in the Ghost Army, up to 30,000 American soldiers and 10,000 German soldiers were able to return home alive.

So why are we waiting until today to honor these 1,184 brave Americans? Because until recently the Ghost Army's mission was classified. It was top secret. Nobody except the members of the Ghost Army knew anything about it. This has finally changed. That is one of the reasons I am here today. I am proud to be a cosponsor of the Ghost Army soldier bill, a bipartisan effort led by Senators MARKEY, COLLINS, and KING. This long overdue legislation will award a Congressional Gold Medal to the 23rd Headquarters Special Troops and the 3133rd Signal Service Company.

It is a privilege to share that, in my home State of Louisiana, the Ghost Army is being recognized at the New Orleans Museum of Art. Soldier's art is on display depicting many watercolor portraits, as well as graphite portraits, of civilians, soldiers, and refugees during World War II. It is a legacy that our great State now gets to honor.

Specifically, I want to recognize six brave men from Louisiana, my State, who were members of the Ghost Army. Hilton Howell Railey of New Orleans is a prominent journalist and the author of "Touch'd with Madness." He recruited several of the handpicked 23rd. Mr. Railey trained and deployed the 3133rd Signal Service Company, which served in Italy.

There is Jim Stegg of New Orleans, a longtime faculty member at Tulane. He was an artist; in fact, there is a retrospective of his work at the New Orleans Museum of Art's Ghost Army exhibit.

Also, there is Mr. Murphy P. Martin, of St. Martinville, LA; Mr. Thomas L. Raggio, of Lake Charles, LA; Mr. Roy L. Ravia, of Calcasieu Parish, in my State; Mr. Alvin J. Picard, of Vermilion Parish; and last but certainly not least, Mr. Anderson B. Wilson, of Slidell, LA.

Unfortunately, Mr. Wilson is the only Ghost Army soldier still alive in Louisiana. I had the rare privilege and the rare honor of speaking with Mr. Wilson this morning. In December of 1943, President Roosevelt authorized the Ghost Army unit. Only 2 weeks later, in January 1944, Mr. Wilson was on his way to Camp Mack Morris, TN, to join the Ghost Army. Who says the Federal Government can't move quickly when it wants to?

Mr. Wilson trained there until May, when his unit was shipped out of New York to Liverpool, England. It was the largest convoy that at the time had ever crossed the Atlantic Ocean. From there, Mr. Wilson and his team traveled more than any other unit. From England they went to France. They went to Belgium. They went to Holland. They went to Luxembourg, and they went to Germany.

Mr. Wilson and his comrades fought fearlessly through the war's end as members of the Ghost Army. In July 1945, Mr. Wilson finally came home. However, while he came home safely, he could not even disclose, he couldn't

even talk about—even to his own family—the honorable service unit he was a part of. Now, it is humbling to me to hear a man's sacrifice, to go through what he went through and not even be able to talk about it with his family, but he kept his word out of honor to his country.

The willingness of Mr. Wilson and his fellow soldiers to risk their own lives to defend the freedom we have today—well, it, too, is humbling.

Mr. Wilson returned home in 1945. And I hope he is listening right now. He has been a little under the weather. He was in the hospital when I spoke to him today. It wasn't until the 1990s, when Mr. Wilson was married with two grown children, that he could ever talk about his service to this great country, share his stories, share his experiences, share his fight to keep the freedoms all of us take for granted every day.

Mr. Wilson's story only gives a snapshot of the sacrifices and honorable work these men of the Ghost Army gave to the Allied forces victory. And I, for one—and I know all Americans join me—thank them for their service and for the freedoms they protected.

I am proud of this Ghost Army legislation, and I hope to see it move forward and pass so that these fine Americans can receive the recognition they have long deserved.

God bless the members of the Ghost Army. And if you are listening, Mr. Wilson, God bless you.

#### RECESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate recess until 2:15 p.m.

There being no objection, the Senate, at 12:01 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Elwood nomination?

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

The result was announced—yeas 67, nays 33, as follows:

[Rollcall Vote No. 139 Ex.]

#### YEAS—67

|           |              |           |
|-----------|--------------|-----------|
| Alexander | Cassidy      | Daines    |
| Barrasso  | Cochran      | Donnelly  |
| Bennet    | Collins      | Duckworth |
| Blunt     | Corker       | Enzi      |
| Boozman   | Cornyn       | Ernst     |
| Burr      | Cortez Masto | Feinstein |
| Capito    | Cotton       | Fischer   |
| Carper    | Crapo        | Flake     |
| Casey     | Cruz         | Gardner   |

|           |           |          |
|-----------|-----------|----------|
| Graham    | Lee       | Rubio    |
| Grassley  | Manchin   | Sasse    |
| Harris    | McCaïn    | Scott    |
| Hatch     | McCaskey  | Shelby   |
| Heitkamp  | McConnell | Strange  |
| Hoeven    | Moran     | Sullivan |
| Inhofe    | Murkowski | Thune    |
| Isakson   | Murphy    | Tillis   |
| Johnson   | Nelson    | Toomey   |
| Kaine     | Perdue    | Warner   |
| Kennedy   | Portman   | Wicker   |
| King      | Risch     | Young    |
| Klobuchar | Roberts   |          |
| Lankford  | Rounds    |          |

## NAYS—33

|            |          |            |
|------------|----------|------------|
| Baldwin    | Heinrich | Sanders    |
| Blumenthal | Heller   | Schatz     |
| Booker     | Hirono   | Schumer    |
| Brown      | Leahy    | Shaheen    |
| Cantwell   | Markey   | Stabenow   |
| Cardin     | Menendez | Tester     |
| Coons      | Merkley  | Udall      |
| Durbin     | Murray   | Van Hollen |
| Franklin   | Paul     | Warren     |
| Gillibrand | Peters   | Whitehouse |
| Hassan     | Reed     | Wyden      |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

## DEPARTMENT OF VETERANS AFFAIRS ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION ACT OF 2017

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session and proceed to the consideration of S. 1094, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 1094) to amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, and for other purposes.

Thereupon, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

## SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

## TITLE I—OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION

Sec. 101. Establishment of Office of Accountability and Whistleblower Protection.

Sec. 102. Protection of whistleblowers in Department of Veterans Affairs.

Sec. 103. Report on methods used to investigate employees of Department of Veterans Affairs.

## TITLE II—ACCOUNTABILITY OF SENIOR EXECUTIVES, SUPERVISORS, AND OTHER EMPLOYEES

Sec. 201. Improved authorities of Secretary of Veterans Affairs to improve accountability of senior executives.

Sec. 202. Improved authorities of Secretary of Veterans Affairs to improve accountability of employees.

Sec. 203. Reduction of benefits for Department of Veterans Affairs employees convicted of certain crimes.

Sec. 204. Authority to recoup bonuses or awards paid to employees of Department of Veterans Affairs.

Sec. 205. Authority to recoup relocation expenses paid to or on behalf of employees of Department of Veterans Affairs.

Sec. 206. Time period for response to notice of adverse actions against supervisory employees who commit prohibited personnel actions.

Sec. 207. Direct hiring authority for medical center directors and VISN directors.

Sec. 208. Time periods for review of adverse actions with respect to certain employees.

Sec. 209. Improvement of training for supervisors.

Sec. 210. Assessment and report on effect on senior executives at Department of Veterans Affairs.

Sec. 211. Measurement of Department of Veterans Affairs disciplinary process outcomes and effectiveness.

## TITLE I—OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION

## SEC. 101. ESTABLISHMENT OF OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.

(a) **IN GENERAL.**—Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

## “§323. Office of Accountability and Whistleblower Protection

“(a) **ESTABLISHMENT.**—There is established in the Department an office to be known as the ‘Office of Accountability and Whistleblower Protection’ (in this section referred to as the ‘Office’).

“(b) **HEAD OF OFFICE.**—(1) The head of the Office shall be responsible for the functions of the Office and shall be appointed by the President pursuant to section 308(a) of this title.

“(2) The head of the Office shall be known as the ‘Assistant Secretary for Accountability and Whistleblower Protection’.

“(3) The Assistant Secretary shall report directly to the Secretary on all matters relating to the Office.

“(4) Notwithstanding section 308(b) of this title, the Secretary may only assign to the Assistant Secretary responsibilities relating to the functions of the Office set forth in subsection (c).

“(c) **FUNCTIONS.**—(1) The functions of the Office are as follows:

“(A) Advising the Secretary on all matters of the Department relating to accountability, including accountability of employees of the Department, retaliation against whistleblowers, and such matters as the Secretary considers similar and affect public trust in the Department.

“(B) Issuing reports and providing recommendations related to the duties described in subparagraph (A).

“(C) Receiving whistleblower disclosures.

“(D) Referring whistleblower disclosures received under subparagraph (C) for investigation to the Office of the Medical Inspector, the Office of Inspector General, or other investigative entity, as appropriate, if the Assistant Secretary has reason to believe the whistleblower disclosure is evidence of a violation of a provision of law, mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health and safety.

“(E) Receiving and referring disclosures from the Special Counsel for investigation to the Medical Inspector of the Department, the Inspector General of the Department, or such other person with investigatory authority, as the Assistant Secretary considers appropriate.

“(F) Recording, tracking, reviewing, and confirming implementation of recommendations from audits and investigations carried out by the Inspector General of the Department, the Medical Inspector of the Department, the Special Counsel, and the Comptroller General of the United States, including the imposition of disciplinary actions and other corrective actions contained in such recommendations.

“(G) Analyzing data from the Office and the Office of Inspector General telephone hotlines, other whistleblower disclosures, disaggregated by facility and area of health care if appropriate, and relevant audits and investigations to identify trends and issue reports to the Secretary based on analysis conducted under this subparagraph.

“(H) Receiving, reviewing, and investigating allegations of misconduct, retaliation, or poor performance involving—

“(i) an individual in a senior executive position (as defined in section 713(d) of this title) in the Department;

“(ii) an individual employed in a confidential, policy-making, policy-determining, or policy-advocating position in the Department; or

“(iii) a supervisory employee, if the allegation involves retaliation against an employee for making a whistleblower disclosure.

“(I) Making such recommendations to the Secretary for disciplinary action as the Assistant Secretary considers appropriate after substantiating any allegation of misconduct or poor performance pursuant to an investigation carried out as described in subparagraph (F) or (H).

“(2) In carrying out the functions of the Office, the Assistant Secretary shall ensure that the Office maintains a toll-free telephone number and Internet website to receive anonymous whistleblower disclosures.

“(3) In any case in which the Assistant Secretary receives a whistleblower disclosure from an employee of the Department under paragraph (1)(C), the Assistant Secretary may not disclose the identity of the employee without the consent of the employee, except in accordance with the provisions of section 552a of title 5, or as required by any other applicable provision of Federal law.

“(d) **STAFF AND RESOURCES.**—The Secretary shall ensure that the Assistant Secretary has such staff, resources, and access to information as may be necessary to carry out the functions of the Office.

“(e) **RELATION TO OFFICE OF GENERAL COUNSEL.**—The Office shall not be established as an element of the Office of the General Counsel and the Assistant Secretary may not report to the General Counsel.

“(f) **REPORTS.**—(1)(A) Not later than June 30 of each calendar year, beginning with June 30, 2017, the Assistant Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the activities of the Office during the calendar year in which the report is submitted.

“(B) Each report submitted under subparagraph (A) shall include, for the period covered by the report, the following:

“(i) A full and substantive analysis of the activities of the Office, including such statistical information as the Assistant Secretary considers appropriate.

“(ii) Identification of any issues reported to the Secretary under subsection (c)(1)(G), including such data as the Assistant Secretary considers relevant to such issues and any trends the Assistant Secretary may have identified with respect to such issues.

“(iii) Identification of such concerns as the Assistant Secretary may have regarding the size, staffing, and resources of the Office and such recommendations as the Assistant Secretary may have for legislative or administrative action to address such concerns.