

Graham	Lee	Rubio
Grassley	Manchin	Sasse
Harris	McCaïn	Scott
Hatch	McCaskill	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.

“(iv) Such recommendations as the Assistant Secretary may have for legislative or administrative action to improve—

“(I) the process by which concerns are reported to the Office; and

“(II) the protection of whistleblowers within the Department.

“(v) Such other matters as the Assistant Secretary considers appropriate regarding the functions of the Office or other matters relating to the Office.

“(2) If the Secretary receives a recommendation for disciplinary action under subsection (c)(1)(I) and does not take or initiate the recommended disciplinary action before the date that is 60 days after the date on which the Secretary received the recommendation, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a detailed justification for not taking or initiating such disciplinary action.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘supervisory employee’ means an employee of the Department who is a supervisor as defined in section 7103(a) of title 5.

“(2) The term ‘whistleblower’ means one who makes a whistleblower disclosure.

“(3) The term ‘whistleblower disclosure’ means any disclosure of information by an employee of the Department or individual applying to become an employee of the Department which the employee or individual reasonably believes evidences—

“(A) a violation of a provision of law; or

“(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.”.

(b) CONFORMING AMENDMENT.—Section 308(b) of such title is amended by adding at the end the following new paragraph:

“(12) The functions set forth in section 323(c) of this title.”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by adding at the end the following new item:

“323. Office of Accountability and Whistleblower Protection.”.

#### **SEC. 102. PROTECTION OF WHISTLEBLOWERS IN DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Subchapter II of chapter 7 of title 38, United States Code, is amended by—

(1) striking sections 731, 732, 734, 735, and 736;

(2) by redesignating section 733 as section 731; and

(3) by adding at the end the following new sections:

#### **“§ 732. Protection of whistleblowers as criteria in evaluation of supervisors**

“(a) DEVELOPMENT AND USE OF CRITERIA REQUIRED.—The Secretary, in consultation with the Assistant Secretary of Accountability and Whistleblower Protection, shall develop criteria that—

“(1) the Secretary shall use as a critical element in any evaluation of the performance of a supervisory employee; and

“(2) promotes the protection of whistleblowers.

“(b) PRINCIPLES FOR PROTECTION OF WHISTLEBLOWERS.—The criteria required by subsection (a) shall include principles for the protection of whistleblowers, such as the degree to which supervisory employees respond constructively when employees of the Department report concerns, take responsible action to resolve such concerns, and foster an environment in which employees of the Department feel comfortable reporting concerns to supervisory employees or to the appropriate authorities.

“(c) SUPERVISORY EMPLOYEE AND WHISTLEBLOWER DEFINED.—In this section, the terms ‘supervisory employee’ and ‘whistleblower’ have the meanings given such terms in section 323 of this title.

#### **“§ 733. Training regarding whistleblower disclosures**

“(a) TRAINING.—Not less frequently than once every two years, the Secretary, in coordination with the Whistleblower Protection Ombudsman designated under section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.), shall provide to each employee of the Department training regarding whistleblower disclosures, including—

“(1) an explanation of each method established by law in which an employee may file a whistleblower disclosure;

“(2) the right of the employee to petition Congress regarding a whistleblower disclosure in accordance with section 7211 of title 5;

“(3) an explanation that the employee may not be prosecuted or reprimanded against for disclosing information to Congress, the Inspector General, or another investigatory agency in instances where such disclosure is permitted by law, including under sections 5701, 5705, and 7732 of this title, under section 552a of title 5 (commonly referred to as the Privacy Act), under chapter 93 of title 18, and pursuant to regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191);

“(4) an explanation of the language that is required to be included in all nondisclosure policies, forms, and agreements pursuant to section 115(a)(1) of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note); and

“(5) the right of contractors to be protected from reprisal for the disclosure of certain information under section 4705 or 4712 of title 41.

“(b) MANNER TRAINING IS PROVIDED.—The Secretary shall ensure, to the maximum extent practicable, that training provided under subsection (a) is provided in person.

“(c) CERTIFICATION.—Not less frequently than once every two years, the Secretary shall provide training on merit system protection in a manner that the Special Counsel certifies as being satisfactory.

“(d) PUBLICATION.—The Secretary shall publish on the Internet website of the Department, and display prominently at each facility of the Department, the rights of an employee to make a whistleblower disclosure, including the information described in paragraphs (1) through (5) of subsection (a).

“(e) WHISTLEBLOWER DISCLOSURE DEFINED.—In this section, the term ‘whistleblower disclosure’ has the meaning given such term in section 323 of this title.”.

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

(1) by striking the items relating to sections 731 through 736; and

(2) by adding at the end the following new items:

“731. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints.

“732. Protection of whistleblowers as criteria in evaluation of supervisors.

“733. Training regarding whistleblower disclosures.”.

(c) CONFORMING AMENDMENTS.—Section 731 of such title, as redesignated by subsection (a)(2), is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

“(A) making a whistleblower disclosure to the Assistant Secretary for Accountability and Whistleblower Protection, the Inspector General of the Department, the Special Counsel, or Congress;”;

(ii) by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively; and

(iii) in subparagraph (B), as redesignated by clause (ii), by striking “complaint in accordance

with section 732 or with” and inserting “disclosure made to the Assistant Secretary for Accountability and Whistleblower Protection,”; and

(B) in paragraph (2), by striking “through (F)” and inserting “through (E)”;

(2) by adding at the end the following new subsection:

“(d) WHISTLEBLOWER DISCLOSURE DEFINED.—In this section, the term ‘whistleblower disclosure’ has the meaning given such term in section 323(g) of this title.”.

#### **SEC. 103. REPORT ON METHODS USED TO INVESTIGATE EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) REPORT REQUIRED.—Not later than 540 days after the date of the enactment of this Act, the Assistant Secretary for Accountability and Whistleblower Protection shall submit to the Secretary of Veterans Affairs, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives a report on methods used to investigate employees of the Department of Veterans Affairs and whether such methods are used to retaliate against whistleblowers.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the use of administrative investigation boards, peer review, searches of medical records, and other methods for investigating employees of the Department.

(2) A determination of whether and to what degree the methods described in paragraph (1) are being used to retaliate against whistleblowers.

(3) Recommendations for legislative or administrative action to implement safeguards to prevent the retaliation described in paragraph (2).

(c) WHISTLEBLOWER DEFINED.—In this section, the term “whistleblower” has the meaning given such term in section 323 of title 38, United States Code, as added by section 101.

#### **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.**

(a) IN GENERAL.—Section 713 of title 38, United States Code, is amended to read as follows:

#### **“§ 713. Senior executives: removal, demotion, or suspension based on performance or misconduct**

“(a) AUTHORITY.—(1) The Secretary may, as provided in this section, reprimand or suspend, involuntarily reassign, demote, or remove a covered individual from a senior executive position at the Department if the Secretary determines that the misconduct or performance of the covered individual warrants such action.

“(2) If the Secretary so removes such an individual, the Secretary may remove the individual from the civil service (as defined in section 2101 of title 5).

“(b) RIGHTS AND PROCEDURES.—(1) A covered individual who is the subject of an action under subsection (a) is entitled to—

“(A) advance notice of the action;

“(B) be represented by an attorney or other representative of the covered individual's choice; and

“(C) grieve the action in accordance with an internal grievance process that the Secretary, in consultation with the Assistant Secretary for Accountability and Whistleblower Protection, shall establish for purposes of this subsection.

“(2)(A) The aggregate period for notice, response, and decision on an action under subsection (a) may not exceed 15 business days.

“(B) The period for the response of a covered individual to a notice under paragraph (1)(A) of an action under subsection (a) shall be 7 business days.

“(C) A decision under this paragraph on an action under subsection (a) shall be issued not

later than 15 business days after notice of the action is provided to the covered individual under paragraph (1)(A). The decision shall be in writing, and shall include the specific reasons therefor.

“(3) The Secretary shall ensure that the grievance process established under paragraph (1)(C) takes fewer than 21 days.

“(4) A decision under paragraph (2) that is not grieved, and a grievance decision under paragraph (3), shall be final and conclusive.

“(5) A covered individual adversely affected by a decision under paragraph (2) that is not grieved, or by a grievance decision under paragraph (3), may obtain judicial review of such decision.

“(6) In any case in which judicial review is sought under paragraph (5), the court shall review the record and may set aside any Department action found to be—

“(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with a provision of law;

“(B) obtained without procedures required by a provision of law having been followed; or

“(C) unsupported by substantial evidence.

“(c) RELATION TO OTHER PROVISIONS OF LAW.—Section 3592(b)(1) of title 5 and the procedures under section 7543(b) of such title do not apply to an action under subsection (a).

“(d) DEFINITIONS.—In this section:

“(1) The term ‘covered individual’ means—

“(A) a career appointee (as that term is defined in section 3132(a)(4) of title 5); or

“(B) any individual who occupies an administrative or executive position and who was appointed under section 7306(a), section 7401(1), or section 7401(4) of this title.

“(2) The term ‘misconduct’ includes neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

“(3) The term ‘senior executive position’ means—

“(A) with respect to a career appointee (as that term is defined in section 3132(a) of title 5), a Senior Executive Service position (as such term is defined in such section); and

“(B) with respect to a covered individual appointed under section 7306(a) or section 7401(1) of this title, an administrative or executive position.”.

(b) CONFORMING AMENDMENT.—Section 7461(c)(1) of such title is amended by inserting “employees in senior executive positions (as defined in section 713(d) of this title) and” before “interns”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 713 and inserting the following new item:

“713. Senior executives: removal, demotion, or suspension based on performance or misconduct.”.

## **SEC. 202. IMPROVED AUTHORITIES OF SECRETARY OF VETERANS AFFAIRS TO IMPROVE ACCOUNTABILITY OF EMPLOYEES.**

(a) IN GENERAL.—Subchapter I of chapter 7 of title 38, United States Code, is amended by inserting after section 713 the following new section:

### **“§ 714. Employees: removal, demotion, or suspension based on performance or misconduct**

“(a) IN GENERAL.—(1) The Secretary may remove, demote, or suspend a covered individual who is an employee of the Department if the Secretary determines the performance or misconduct of the covered individual warrants such removal, demotion, or suspension.

“(2) If the Secretary so removes, demotes, or suspends such a covered individual, the Secretary may—

“(A) remove the covered individual from the civil service (as defined in section 2101 of title 5);

“(B) demote the covered individual by means of a reduction in grade for which the covered

individual is qualified, that the Secretary determines is appropriate, and that reduces the annual rate of pay of the covered individual; or

“(C) suspend the covered individual.

“(b) PAY OF CERTAIN DEMOTED INDIVIDUALS.—(1) Notwithstanding any other provision of law, any covered individual subject to a demotion under subsection (a)(2) shall, beginning on the date of such demotion, receive the annual rate of pay applicable to such grade.

“(2)(A) A covered individual so demoted may not be placed on administrative leave during the period during which an appeal (if any) under this section is ongoing, and may only receive pay if the covered individual reports for duty or is approved to use accrued unused annual, sick, family medical, military, or court leave.

“(B) If a covered individual so demoted does not report for duty or receive approval to use accrued unused leave, such covered individual shall not receive pay or other benefits pursuant to subsection (d)(5).

“(c) PROCEDURE.—(1)(A) The aggregate period for notice, response, and final decision in a removal, demotion, or suspension under this section may not exceed 15 business days.

“(B) The period for the response of a covered individual to a notice of a proposed removal, demotion, or suspension under this section shall be 7 business days.

“(C) Paragraph (3) of subsection (b) of section 7513 of title 5 shall apply with respect to a removal, demotion, or suspension under this section.

“(D) The procedures in this subsection shall supersede any collective bargaining agreement to the extent that such agreement is inconsistent with such procedures.

“(2) The Secretary shall issue a final decision with respect to a removal, demotion, or suspension under this section not later than 15 business days after the Secretary provides notice, including a file containing all the evidence in support of the proposed action, to the covered individual of the removal, demotion, or suspension. The decision shall be in writing and shall include the specific reasons therefor.

“(3) The procedures under chapter 43 of title 5 shall not apply to a removal, demotion, or suspension under this section.

“(4)(A) Subject to subparagraph (B) and subsection (d), any removal or demotion under this section, and any suspension of more than 14 days under this section, may be appealed to the Merit Systems Protection Board, which shall refer such appeal to an administrative judge pursuant to section 7701(b)(1) of title 5.

“(B) An appeal under subparagraph (A) of a removal, demotion, or suspension may only be made if such appeal is made not later than 10 business days after the date of such removal, demotion, or suspension.

“(d) EXPEDITED REVIEW.—(1) Upon receipt of an appeal under subsection (c)(4)(A), the administrative judge shall expedite any such appeal under section 7701(b)(1) of title 5 and, in any such case, shall issue a final and complete decision not later than 180 days after the date of the appeal.

“(2)(A) Notwithstanding section 7701(c)(1)(B) of title 5, the administrative judge shall uphold the decision of the Secretary to remove, demote, or suspend an employee under subsection (a) if the decision is supported by substantial evidence.

“(B) Notwithstanding title 5 or any other provision of law, if the decision of the Secretary is supported by substantial evidence, the administrative judge shall not mitigate the penalty prescribed by the Secretary.

“(3)(A) The decision of the administrative judge under paragraph (1) may be appealed to the Merit Systems Protection Board.

“(B) Notwithstanding section 7701(c)(1)(B) of title 5, the Merit Systems Protection Board shall uphold the decision of the Secretary to remove, demote, or suspend an employee under subsection (a) if the decision is supported by substantial evidence.

“(C) Notwithstanding title 5 or any other provision of law, if the decision of the Secretary is supported by substantial evidence, the Merit Systems Protection Board shall not mitigate the penalty prescribed by the Secretary.

“(4) In any case in which the administrative judge cannot issue a decision in accordance with the 180-day requirement under paragraph (1), the Merit Systems Protection Board shall, not later than 14 business days after the expiration of the 180-day period, submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that explains the reasons why a decision was not issued in accordance with such requirement.

“(5)(A) A decision of the Merit Systems Protection Board under paragraph (3) may be appealed to the United States Court of Appeals for the Federal Circuit pursuant to section 7703 of title 5 or to any court of appeals of competent jurisdiction pursuant to subsection (b)(1)(B) of such section.

“(B) Any decision by such Court shall be in compliance with section 7462(f)(2) of this title.

“(6) The Merit Systems Protection Board may not stay any removal or demotion under this section, except as provided in section 1214(b) of title 5.

“(7) During the period beginning on the date on which a covered individual appeals a removal from the civil service under subsection (c) and ending on the date that the United States Court of Appeals for the Federal Circuit issues a final decision on such appeal, such covered individual may not receive any pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, special payments, or benefits related to the employment of the individual by the Department.

“(8) To the maximum extent practicable, the Secretary shall provide to the Merit Systems Protection Board such information and assistance as may be necessary to ensure an appeal under this subsection is expedited.

“(9) If an employee prevails on appeal under this section, the employee shall be entitled to backpay (as provided in section 5596 of title 5).

“(10) If an employee who is subject to a collective bargaining agreement chooses to grieve an action taken under this section through a grievance procedure provided under the collective bargaining agreement, the timelines and procedures set forth in subsection (c) and this subsection shall apply.

“(e) WHISTLEBLOWER PROTECTION.—(1) In the case of a covered individual seeking corrective action (or on behalf of whom corrective action is sought) from the Office of Special Counsel based on an alleged prohibited personnel practice described in section 2302(b) of title 5, the Secretary may not remove, demote, or suspend such covered individual under subsection (a) without the approval of the Special Counsel under section 1214(f) of title 5.

“(2) In the case of a covered individual who has made a whistleblower disclosure to the Assistant Secretary for Accountability and Whistleblower Protection, the Secretary may not remove, demote, or suspend such covered individual under subsection (a) until—

“(A) in the case in which the Assistant Secretary determines to refer the whistleblower disclosure under section 323(c)(1)(D) of this title to an office or other investigative entity, a final decision with respect to the whistleblower disclosure has been made by such office or other investigative entity; or

“(B) in the case in which the Assistant Secretary determines not to refer the whistleblower disclosure under such section, the Assistant Secretary makes such determination.

“(f) TERMINATION OF INVESTIGATIONS BY OFFICE OF SPECIAL COUNSEL.—(1) Notwithstanding any other provision of law, the Special Counsel (established by section 1211 of title 5) may terminate an investigation of a prohibited personnel practice alleged by an employee or former employee of the Department after the Special

Counsel provides to the employee or former employee a written statement of the reasons for the termination of the investigation.

“(2) Such statement may not be admissible as evidence in any judicial or administrative proceeding without the consent of such employee or former employee.

“(g) VACANCIES.—In the case of a covered individual who is removed or demoted under subsection (a), to the maximum extent feasible, the Secretary shall fill the vacancy arising as a result of such removal or demotion.

“(h) DEFINITIONS.—In this section:

“(1) The term ‘covered individual’ means an individual occupying a position at the Department, but does not include—

“(A) an individual occupying a senior executive position (as defined in section 713(d) of this title);

“(B) an individual appointed pursuant to sections 7306, 7401(1), 7401(4), or 7405 of this title;

“(C) an individual who has not completed a probationary or trial period; or

“(D) a political appointee.

“(2) The term ‘suspend’ means the placing of an employee, for disciplinary reasons, in a temporary status without duties and pay for a period in excess of 14 days.

“(3) The term ‘grade’ has the meaning given such term in section 7511(a) of title 5.

“(4) The term ‘misconduct’ includes neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

“(5) The term ‘political appointee’ means an individual who is—

“(A) employed in a position described under sections 5312 through 5316 of title 5 (relating to the Executive Schedule);

“(B) a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5; or

“(C) employed in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, or successor regulation.

“(6) The term ‘whistleblower disclosure’ has the meaning given such term in section 323(g) of this title.”

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 713 the following new item:

“714. Employees: removal, demotion, or suspension based on performance or misconduct.”

(2) CONFORMING.—Section 4303(f) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking “or” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “, or”; and

(C) by adding at the end the following:

“(4) any removal or demotion under section 714 of title 38.”

#### SEC. 203. REDUCTION OF BENEFITS FOR DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES CONVICTED OF CERTAIN CRIMES.

(a) REDUCTION OF BENEFITS.—

(1) IN GENERAL.—Subchapter I of chapter 7 of title 38, United States Code, is amended by adding at the end the following new section:

##### “§ 719. Reduction of benefits of employees convicted of certain crimes

“(a) REDUCTION OF ANNUITY FOR REMOVED EMPLOYEE.—(1) The Secretary shall order that the covered service of an employee of the Department removed from a position for performance or misconduct under section 713, 714, or 7461 of this title or any other provision of law shall not be taken into account for purposes of calculating an annuity with respect to such in-

dividual under chapter 83 or chapter 84 of title 5, if—

“(A) the Secretary determines that the individual is convicted of a felony (and the conviction is final) that influenced the individual’s performance while employed in the position; and

“(B) before such order is made, the individual is afforded—

“(i) notice of the proposed order; and

“(ii) an opportunity to respond to the proposed order by not later than ten business days following receipt of such notice; and

“(C) the Secretary issues the order—

“(i) in the case of a proposed order to which an individual responds under subparagraph (B)(ii), not later than five business days after receiving the response of the individual; or

“(ii) in the case of a proposed order to which an individual does not respond, not later than 15 business days after the Secretary provides notice to the individual under subparagraph (B)(i).

“(2) Any individual with respect to whom an annuity is reduced under this subsection may appeal the reduction to the Director of the Office of Personnel Management pursuant to such regulations as the Director may prescribe for purposes of this subsection.

“(b) REDUCTION OF ANNUITY FOR RETIRED EMPLOYEE.—(1) The Secretary may order that the covered service of an individual who the Secretary proposes to remove for performance or misconduct under section 713, 714, or 7461 of this title or any other provision of law but who leaves employment at the Department prior to the issuance of a final decision with respect to such action shall not be taken into account for purposes of calculating an annuity with respect to such individual under chapter 83 or chapter 84 of title 5, if—

“(A) the Secretary determines that individual is convicted of a felony (and the conviction is final) that influenced the individual’s performance while employed in the position; and

“(B) before such order is made, the individual is afforded—

“(i) notice of the proposed order; and

“(ii) opportunity to respond to the proposed order by not later than ten business days following receipt of such notice; and

“(C) the Secretary issues the order—

“(i) in the case of a proposed order to which an individual responds under subparagraph (B)(ii), not later than five business days after receiving the response of the individual; or

“(ii) in the case of a proposed order to which an individual does not respond, not later than 15 business days after the Secretary provides notice to the individual under subparagraph (B)(i).

“(2) Upon the issuance of an order by the Secretary under paragraph (1), the individual shall have an opportunity to appeal the order to the Director of the Office of Personnel Management before the date that is seven business days after the date of such issuance.

“(3) The Director of the Office of Personnel Management shall make a final decision with respect to an appeal under paragraph (2) within 30 business days of receiving the appeal.

“(c) ADMINISTRATIVE REQUIREMENTS.—Not later than 37 business days after the Secretary issues a final order under subsection (a) or (b) with respect to an individual, the Director of the Office of Personnel Management shall recalculate the annuity of the individual.

“(d) LUMP-SUM ANNUITY CREDIT.—Any individual with respect to whom an annuity is reduced under subsection (a) or (b) shall be entitled to be paid so much of such individual’s lump-sum credit as is attributable to the period of covered service.

“(e) SPOUSE OR CHILDREN EXCEPTION.—(1) The Secretary, in consultation with the Director of the Office of Personnel Management, shall prescribe regulations that may provide for the payment to the spouse or children of any individual referred to in subsection (a) or (b) of any

amounts which (but for this subsection) would otherwise have been nonpayable by reason of such subsections.

“(2) Regulations prescribed under paragraph (1) shall be consistent with the requirements of section 8332(o)(5) and 8411(l)(5) of title 5, as the case may be.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘covered service’ means, with respect to an individual subject to a removal for performance or misconduct under section 719 or 7461 of this title or any other provision of law, the period of service beginning on the date that the Secretary determines under such applicable provision that the individual engaged in activity that gave rise to such action and ending on the date that the individual is removed from or leaves a position of employment at the Department prior to the issuance of a final decision with respect to such action.

“(2) The term ‘lump-sum credit’ has the meaning given such term in section 8331(8) or section 8401(19) of title 5, as the case may be.

“(3) The term ‘service’ has the meaning given such term in section 8331(12) or section 8401(26) of title 5, as the case may be.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 717 the following new item:

“719. Reduction of benefits of employees convicted of certain crimes.”

(b) APPLICATION.—Section 719 of title 38, United States Code, as added by subsection (a)(1), shall apply to any action of removal of an employee of the Department of Veterans Affairs under section 719 or 7461 of such title or any other provision of law, commencing on or after the date of the enactment of this Act.

#### SEC. 204. AUTHORITY TO RECOUP BONUSES OR AWARDS PAID TO EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter I of chapter 7 of title 38, United States Code, as amended by section 203, is further amended by adding at the end the following new section:

##### “§ 721. Recoupment of bonuses or awards paid to employees of Department

“(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may issue an order directing an employee of the Department to repay the amount, or a portion of the amount, of any award or bonus paid to the employee under title 5, including under chapters 45 or 53 of such title, or this title if—

“(1) the Secretary determines that the individual engaged in misconduct or poor performance prior to payment of the award or bonus, and that such award or bonus would not have been paid, in whole or in part, had the misconduct or poor performance been known prior to payment; and

“(2) before such repayment, the employee is afforded—

“(A) notice of the proposed order; and

“(B) an opportunity to respond to the proposed order by not later than 10 business days after the receipt of such notice; and

“(3) the Secretary issues the order—

“(A) in the case of a proposed order to which an individual responds under paragraph (2)(B), not later than five business days after receiving the response of the individual; or

“(B) in the case of a proposed order to which an individual does not respond, not later than 15 business days after the Secretary provides notice to the individual under paragraph (2)(A).

“(b) APPEAL OF ORDER OF SECRETARY.—(1) Upon the issuance of an order by the Secretary under subsection (a) with respect to an individual, the individual shall have an opportunity to appeal the order to the Director of the Office of Personnel Management before the date that is seven business days after the date of such issuance.

“(2) The Director shall make a final decision with respect to an appeal under paragraph (1)

within 30 business days after receiving such appeal.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter, as amended by section 203(a)(2), is further amended by inserting after the item relating to section 719 the following new item:

“721. Recoupment of bonuses or awards paid to employees of Department.”.

(c) **EFFECTIVE DATE.**—Section 721 of title 38, United States Code, as added by subsection (a), shall apply with respect to an award or bonus paid by the Secretary of Veterans Affairs to an employee of the Department of Veterans Affairs on or after the date of the enactment of this Act.

(d) **CONSTRUCTION.**—Nothing in this Act or the amendments made by this Act may be construed to modify the certification issued by the Office of Personnel Management and the Office of Management and Budget regarding the performance appraisal system of the Senior Executive Service of the Department of Veterans Affairs.

**SEC. 205. AUTHORITY TO RECOUP RELOCATION EXPENSES PAID TO OR ON BEHALF OF EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) **IN GENERAL.**—Subchapter I of chapter 7 of title 38, United States Code, as amended by section 204, is further amended by adding at the end the following new section:

**“§ 723. Recoupment of relocation expenses paid on behalf of employees of Department**

“(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary may issue an order directing an employee of the Department to repay the amount, or a portion of the amount, paid to or on behalf of the employee under title 5 for relocation expenses, including any expenses under section 5724 or 5724a of such title, or this title if—

“(1) the Secretary determines that relocation expenses were paid following an act of fraud or malfeasance that influenced the authorization of the relocation expenses;

“(2) before such repayment, the employee is afforded—

“(A) notice of the proposed order; and

“(B) an opportunity to respond to the proposed order not later than ten business days following the receipt of such notice; and

“(3) the Secretary issues the order—

“(A) in the case of a proposed order to which an individual responds under paragraph (2)(B), not later than five business days after receiving the response of the individual; or

“(B) in the case of a proposed order to which an individual does not respond, not later than 15 business days after the Secretary provides notice to the individual under paragraph (2)(A).

“(b) **APPEAL OF ORDER OF SECRETARY.**—(1) Upon the issuance of an order by the Secretary under subsection (a) with respect to an individual, the individual shall have an opportunity to appeal the order to the Director of the Office of Personnel Management before the date that is seven business days after the date of such issuance.

“(2) The Director shall make a final decision with respect to an appeal under paragraph (1) within 30 days after receiving such appeal.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is further amended by inserting after the item relating to section 721, as added by section 204(b), the following new item:

“723. Recoupment of relocation expenses paid on behalf of employees of Department.”.

(c) **EFFECTIVE DATE.**—Section 723 of title 38, United States Code, as added by subsection (a), shall apply with respect to an amount paid by the Secretary of Veterans Affairs to or on behalf of an employee of the Department of Veterans Affairs for relocation expenses on or after the date of the enactment of this Act.

**SEC. 206. TIME PERIOD FOR RESPONSE TO NOTICE OF ADVERSE ACTIONS AGAINST SUPERVISORY EMPLOYEES WHO COMMIT PROHIBITED PERSONNEL ACTIONS.**

Section 731(a)(2)(B) of title 38, United States Code, as redesignated by section 102(a)(2), is amended—

(1) in clause (i), by striking “14 days” and inserting “10 days”; and

(2) in clause (ii), by striking “14-day period” and inserting “10-day period”.

**SEC. 207. DIRECT HIRING AUTHORITY FOR MEDICAL CENTER DIRECTORS AND VISION DIRECTORS.**

(a) **IN GENERAL.**—Section 7401 of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(4) Directors of medical centers and directors of Veterans Integrated Service Networks with demonstrated ability in the medical profession, in health care administration, or in health care fiscal management.”.

(b) **CONFORMING AMENDMENTS.**—Section 7404(a)(1) of such title is amended—

(1) by inserting “(A)” before “The annual”; and

(2) in subparagraph (A), as designated by paragraph (1)—

(A) by inserting “and 7401(4)” after “7306”; and

(B) by adding at the end the following new subparagraph:

“(B) Section 5377 of title 5 shall apply to a position under section 7401(4) of this title as if such position were included in the definition of ‘position’ in section 5377(a) of title 5.”.

**SEC. 208. TIME PERIODS FOR REVIEW OF ADVERSE ACTIONS WITH RESPECT TO CERTAIN EMPLOYEES.**

(a) **PHYSICIANS, DENTISTS, PODIATRISTS, CHIROPRACTORS, OPTOMETRISTS, REGISTERED NURSES, PHYSICIAN ASSISTANTS, AND EXPANDED-FUNCTION DENTAL AUXILIARIES.**—Paragraph (2) of section 7461(b) of title 38, United States Code, is amended to read as follows:

“(2) In any case other than a case described in paragraph (1) that involves or includes a question of professional conduct or competence in which a major adverse action was not taken, such an appeal shall be made through Department grievance procedures under section 7463 of this title.”.

(b) **MAJOR ADVERSE ACTIONS INVOLVING PROFESSIONAL CONDUCT OR COMPETENCE.**—Section 7462(b) of such title is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “, within the aggregate time period specified in paragraph (5)(A),” after “is entitled”; and

(B) in subparagraph (A)—

(i) by striking “At least 30 days advance written notice” and inserting “Advance written notice”; and

(ii) by striking “and a statement” and inserting “a statement”; and

(iii) by inserting “and a file containing all the evidence in support of each charge,” after “with respect to each charge,”; and

(C) in subparagraph (B), by striking “A reasonable time, but not less than seven days” and inserting “The opportunity, within the time period provided for in paragraph (4)(A)”; and

(2) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) After considering the employee’s answer, if any, and within the time period provided for in paragraph (5)(B), the deciding official shall render a decision on the charges. The decision shall be in writing and shall include the specific reasons therefor.”;

(3) in paragraph (4)—

(A) by striking subparagraph (A) and inserting the following new subparagraph (A):

“(A) The period for the response of an employee under paragraph (1)(B) to advance written under paragraph (1)(A) shall be seven business days.”; and

(B) in subparagraph (B), by striking “30 days” and inserting “seven business days”; and

(4) by adding at the end the following new paragraphs:

“(5)(A) The aggregate period for the resolution of charges against an employee under this subsection may not exceed 15 business days.

“(B) The deciding official shall render a decision under paragraph (3) on charges under this subsection not later than 15 business days after the Under Secretary provides notice on the charges for purposes of paragraph (1)(A).

“(6) The procedures in this subsection shall supersede any collective bargaining agreement to the extent that such agreement is inconsistent with such procedures.”.

(c) **OTHER ADVERSE ACTIONS.**—Section 7463(c) of such title is amended—

(1) in paragraph (1), by striking “the same notice and opportunity to answer with respect to those charges as provided in subparagraphs (A) and (B) of section 7462(b)(1) of this title” and inserting “notice and an opportunity to answer with respect to those charges in accordance with subparagraphs (A) and (B) of section 7462(b)(1) of this title, but within the time periods specified in paragraph (3)”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting “, within the aggregate time period specified in paragraph (3)(A),” after “is entitled”; and

(B) in subparagraph (A), by striking “an advance written notice” and inserting “written notice”; and

(C) in subparagraph (B), by striking “a reasonable time” and inserting “time to answer”; and

(3) by adding at the end the following new paragraph (3):

“(3)(A) The aggregate period for the resolution of charges against an employee under paragraph (1) or (2) may not exceed 15 business days.

“(B) The period for the response of an employee under paragraph (1) or (2)(B) to written notice of charges under paragraph (1) or (2)(A), as applicable, shall be seven business days.

“(C) The deciding official shall render a decision on charges under paragraph (1) or (2) not later than 15 business days after notice is provided on the charges for purposes of paragraph (1) or (2)(A), as applicable.”.

**SEC. 209. IMPROVEMENT OF TRAINING FOR SUPERVISORS.**

(a) **IN GENERAL.**—The Secretary of Veterans Affairs shall provide to each employee of the Department of Veterans Affairs who is employed as a supervisor periodic training on the following:

(1) The rights of whistleblowers and how to address a report by an employee of a hostile work environment, reprisal, or harassment.

(2) How to effectively motivate, manage, and reward the employees who report to the supervisor.

(3) How to effectively manage employees who are performing at an unacceptable level and access assistance from the human resources office of the Department and the Office of the General Counsel of the Department with respect to those employees.

(b) **DEFINITIONS.**—In this section:

(1) **SUPERVISOR.**—The term “supervisor” has the meaning given such term in section 7103(a) of title 5, United States Code.

(2) **WHISTLEBLOWER.**—The term “whistleblower” has the meaning given such term in section 323(g) of title 38, United States Code, as added by section 101.

**SEC. 210. ASSESSMENT AND REPORT ON EFFECT ON SENIOR EXECUTIVES AT DEPARTMENT OF VETERANS AFFAIRS.**

(a) **IN GENERAL.**—Not later than two years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) measure and assess the effect of the enactment of this title on the morale, engagement,

hiring, promotion, retention, discipline, and productivity of individuals in senior executive positions at the Department of Veterans Affairs; and

(2) 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 findings of the Secretary with respect to the measurement and assessment carried out under paragraph (1).

(b) ELEMENTS.—The assessment required by subsection (a)(1) shall include the following:

(1) With respect to engagement, trends in morale of individuals in senior executive positions and individuals aspiring to senior executive positions.

(2) With respect to promotions—

(A) whether the Department is experiencing an increase or decrease in the number of employees participating in leadership development and candidate development programs with the intention of becoming candidates for senior executive positions; and

(B) trends in applications to senior executive positions within the Department.

(3) With respect to retention—

(A) trends in retirement rates of individuals in senior executive positions at the Department;

(B) trends in quit rates of individuals in senior executive positions at the Department;

(C) rates of transfer of—

(i) individuals from other Federal agencies into senior executive positions at the Department; and

(ii) individuals from senior executive positions at the Department to other Federal agencies; and

(D) trends in total loss rates by job function.

(4) With respect to disciplinary processes—

(A) regarding individuals in senior executive positions at the Department who are the subject of disciplinary action—

(i) the length of the disciplinary process in days for such individuals both before the date of the enactment of this Act and under the provisions of this Act described in subsection (a)(1); and

(ii) the extent to which appeals by such individuals are upheld under such provisions as compared to before the date of the enactment of this Act;

(B) the components or offices of the Department which experience the greatest number of proposed adverse actions against individuals in senior executive positions and components and offices which experience the least relative to the size of the components or offices' total number of senior executive positions;

(C) the tenure of individuals in senior executive positions who are the subject of disciplinary action;

(D) whether the individuals in senior executive positions who are the subject of disciplinary action have previously been disciplined; and

(E) the number of instances of disciplinary action taken by the Secretary against individuals in senior executive positions at the Department as compared to governmentwide discipline against individuals in Senior Executive Service positions (as defined in section 3132(a) of title 5, United States Code) as a percentage of the total number of individuals in senior executive positions at the Department and Senior Executive Service positions (as so defined).

(5) With respect to hiring—

(A) the degree to which the skills of newly hired individuals in senior executive positions at the Department are appropriate with respect to the needs of the Department;

(B) the types of senior executive positions at the Department most commonly filled under the authorities in the provisions described in subsection (a)(1);

(C) the number of senior executive positions at the Department filled by hires outside of the Department compared to hires from within the Department;

(D) the length of time to fill a senior executive position at the Department and for a new hire to begin working in a new senior executive position;

(E) the mission-critical deficiencies filled by newly hired individuals in senior executive positions and the connection between mission-critical deficiencies filled under the provisions described in subsection (a) and annual performance of the Department;

(F) the satisfaction of applicants for senior executive positions at the Department with the hiring process, including the clarity of job announcements, reasons for withdrawal of applications, communication regarding status of applications, and timeliness of hiring decision; and

(G) the satisfaction of newly hired individuals in senior executive positions at the Department with the hiring process and the process of joining and becoming oriented with the Department.

(c) SENIOR EXECUTIVE POSITION DEFINED.—In this section, the term "senior executive position" has the meaning given such term in section 713 of title 38, United States Code.

**SEC. 211. MEASUREMENT OF DEPARTMENT OF VETERANS AFFAIRS DISCIPLINARY PROCESS OUTCOMES AND EFFECTIVENESS.**

(a) MEASURING AND COLLECTING.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall measure and collect information on the outcomes of disciplinary actions carried out by the Department of Veterans Affairs during the three-year period ending on the date of the enactment of this Act and the effectiveness of such actions.

(2) ELEMENTS.—In measuring and collecting pursuant to paragraph (1), the Secretary shall measure and collect information regarding the following:

(A) The average time from the initiation of an adverse action against an employee at the Department to the final resolution of that action.

(B) The number of distinct steps and levels of review within the Department involved in the disciplinary process and the average length of time required to complete these steps.

(C) The rate of use of alternate disciplinary procedures compared to traditional disciplinary procedures and the frequency with which employees who are subject to alternative disciplinary procedures commit additional offenses.

(D) The number of appeals from adverse actions filed against employees of the Department, the number of appeals upheld, and the reasons for which the appeals were upheld.

(E) The use of paid administrative leave during the disciplinary process and the length of such leave.

(b) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2017, the Secretary shall submit to the appropriate committees of Congress a report on the disciplinary procedures and actions of the Department.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) The information collected under subsection (a).

(B) The findings of the Secretary with respect to the measurement and collection carried out under subsection (a).

(C) An analysis of the disciplinary procedures and actions of the Department.

(D) Suggestions for improving the disciplinary procedures and actions of the Department.

(E) Such other matters as the Secretary considers appropriate.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.

The PRESIDING OFFICER. Under the previous order, the committee-reported substitute amendment to S. 1094 is agreed to.

Under the previous order, there will now be 3 hours of debate, equally divided in the usual form.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I am pleased to rise today on the 73rd anniversary of the invasion of Normandy, Omaha Beach, and Sword Beach by 156,000 brave Americans who saved our freedom and liberty, for the American people as well as all of Europe, who put an end to the reign of Adolph Hitler, and remind me every day as chairman of the Veterans' Committee why I am here in the U.S. Senate—and that is to see to it that we take care of those who have taken care of us.

Somebody asked me this morning: Is it coincidence that D-day was 73 years ago today? I said: It is Divine providence that we are on the floor today paying back those brave 156,000 who invaded those beaches to make the Veterans' Administration a more favorable agency than it is already.

I am proud to be on the floor to lead a part of the debate with Senator TESTER—my ranking member on the committee and my dear friend—on a bill that I think is of great significance. It is the Veterans Affairs Accountability and Whistleblower Protection Act.

The best quote is not one I could come up with or I doubt that JON could come up with. The best quote really was come up with by the Iraq and Afghanistan Veterans of America, the IAVA. When asked, they said: "This is the strongest VA accountability measure that can be signed into law." I want to reiterate that: the strongest accountability measure of the VA that can be signed into law. Which means we are reaching into every corner of problems in the VA which have existed over the last years. We are making sure we make the corrections necessary to make the VA an accountable organization, and we are doing it in a bipartisan fashion together, Democrats and Republicans alike.

As I have said very often, there aren't Republican casualties and Democratic casualties on the battlefield. They are American citizens who have fought and died for this country. So there is no room for partisanship when it comes to providing them with the benefits that are necessary and seeing to it that they get what they deserve.

I thank all the members of the committee; in particular, Ranking Member TESTER for his work; Senator MORAN, who did such great work for us on the accountability measure; Senator RUBIO, who is not a member of the committee but did a great job in terms of accountability, and he will speak later on the floor—as I am sure others will—about this.

We have had a great committee working for a long period of time. We passed a bill—almost—last year and then failed at the last few moments of the session to get it done. So we are back a second time, but we are back



with a bill that has come unanimously from the Committee on Veterans' Affairs and I hope will leave this Senate floor unanimously so we send a clear signal to our veterans: We will hold ourselves accountable to you.

What specifically does the legislation do that is important? One, it makes what President Trump referred to in an Executive order about 3 weeks ago, the veterans whistleblower protection act, a reality and codifies it into law. Second, it removes many of the bureaucratic hurdles currently in place, making it easier for the VA Secretary to remove employees of all departments in the VA who are found guilty of wrongdoing or misconduct, and I underscore found guilty of wrongdoing or misconduct.

The bill shortens the removal process for employees of the VA and ensures an individual appealing removal from the VA is not kept on VA's payroll indefinitely while they appeal. The Department of Veterans Affairs Accountability and Whistleblower Protection Act also prohibits the VA from awarding bonuses to employees found guilty of misconduct. The bill would remove the bureaucratic Merit System Protection Board from appeals by the senior management—top management—of the Veterans' Administration.

The Department of Veterans Affairs Accountability and Whistleblower Protection Act establishes the Office of Accountability and Whistleblower Protection to make it permanent in the United States of America.

In essence, and very simply, this bill ensures and codifies into law the accountability of this agency and its operation to the American people and to the veterans of the United States of America for all they have done for each and every one of us.

It is very important to appreciate that this does not come to us by some Senator or some Representative coming up with a bunch of crazy ideas at the last minute. This is a response to what we have seen happen over and over again over the past few years. Most, if not all, of the employees in the Veterans' Administration are hard-working, dedicated, committed individuals, but there have been, from time to time, questions that have arisen about the handling of certain situations: the situation that took place in Phoenix, AZ, in terms of appointments; the rash number of suicides and mishandling of pharmaceuticals in the Atlanta office of Clairmont, near where I am in my office in Atlanta, GA; the situation of transfers in Philadelphia, PA, where people were transferred rather than disciplined and were paid their moving expenses and cost-of-living adjustments upward—all to get rid of somebody in one office but move them to another, instead of handling them in the way in which they should have been, which holds them accountable, rather than making sure they work somewhere else. We took instances where people themselves were breaking

the law and violating the law, and we are now holding them accountable because of what is written into the VA accountability and whistleblower act.

Simply put, we have taken the worst performance, in isolated cases in the past few years, and did what was right. We have corrected it where it needed to be corrected, we have eliminated it where it needed to be eliminated, and we have given the authority to the Secretary of Veterans Affairs and employees under the Secretary of Veterans Affairs to discipline people who work for them and hold them accountable for doing the wrong thing and encourage them to do the right thing.

I reiterate, though, that we are not singling out an agency which has a large number of people who are not performing. We are singling out an agency which has had some situations where a few employees have done some egregious things that need to be addressed. They were addressed but couldn't be addressed under the current status of the law, which now will be able to be addressed under the status of the new law and held accountable for their actions.

Nothing happens when one person does it. Everything happens when people come together as a team. It has been a pleasure for me to have a great teammate in this effort; that is, JON TESTER from Montana. I have been on the committee 12 years, and I think JON has been on the committee 8 or 9 years.

You are on the Veterans' Affairs Committee, first of all, because you want to be on it. It is what we refer to as a B committee, which means it is a second tier. A lot of times it is a fill-in committee for Members of the Senate or the House, but for me and for JON, it is our principal and primary responsibility. We know to whom we owe everything, and that is our veterans to whom we owe everything.

JON TESTER has been a great teammate. He has been great to work with. He has helped us get through some times of difficulty and some good times of common understanding and settlement, and I appreciate that very much.

I want JON to tell me what the people of Montana are telling him about our Veterans' Administration and the need for stronger accountability in the VA of Montana. Tell us what they are saying in Montana, JON.

Mr. TESTER. I thank Chairman ISAKSON.

Before I answer the question, I want to echo and say thank you very much for your leadership on this committee. It has been great to work with you. You have a reputation of being a man of honesty, integrity, and fair dealing, and you have once again lived up to that reputation. I could not ask for a better chairman of the Senate Veterans' Affairs Committee than you. I very much appreciate the work you have done on this bill.

I, too, want to thank Senators RUBIO, MORAN, SHAHEEN, BLUMENTHAL, ANGUS

KING, DONNELLY, BALDWIN, and DUCKWORTH. There are a number of folks on both sides of the aisle who have stepped up—some on the committee, some off the committee—who have done such a great job making sure we ended up here today.

Chairman ISAKSON knows this. We got a bill over from the House, we sat down together, and we negotiated. We gave and took and massaged the bill. We ended up with a bill that probably JOHNNY would not have written and probably I wouldn't have written, but it is a bill that is going to work, and it is going to give the VA what they need to hold people accountable.

I also echo what JOHNNY said. Veterans across this country are very happy with the care they get at the VA, and it is because of the great people on the ground within the VA, but every once in a while we get a bad apple, and the VA needs to be able to remove that bad apple because that bad apple reflects poorly on everybody within the VA. So this bill is about making sure the VA has the tool it needs to hold itself accountable and hold itself accountable to the veterans.

What I hear from the folks in Montana is: How come it took so long?

We have been at this for a while, and I hope it is worth the wait. I think we have a good bill here. I think we have a bill that really holds folks accountable while protecting workers' rights moving forward.

The VA is a different kind of animal than any other agency. We owe it to the people who put it on the line for this country. When things don't go just right, we have a problem, and we have a problem that needs to be fixed and not fixed yesterday—fixed today. These folks have given their all to this country, and they have earned these healthcare benefits. We need to make sure that when they need them, they have them and there aren't any mistakes made.

What I also hear from veterans in Montana, other than it took so long, is: How can we rebuild the VA to make it all it can be? I think this bill is going to help with that, too, by making sure we have the best of the best there, by making sure we have training for our hospital administrators and being able to hire hospital administrators—that is part of this bill, too—while holding the VA accountable when folks screw up in areas of misconduct.

So there is a bunch in this bill. I think this bill will fit the needs, not only of veterans in a rural or frontier State like Montana but in more populated areas like Atlanta, GA. I think it gives the Secretary of the VA the tools at his disposal to be able to make the VA as strong as it can possibly be.

I will say that this bill would not have happened without the good work of JOHNNY and his staff and my staff coming together and getting stuff done. I think this is one of the days in the Senate where we can look back and

say that folks came together as Democrats and Republicans and did the right thing for the veterans of this country.

JOHNNY, I am curious to know from you what kind of stuff you are hearing in Georgia about this bill and bringing accountability to the VA.

Mr. ISAKSON. Senator TESTER, like you, I get my best information at the Legion, the IAVA, and from folks around my State. I am a member of the American Legion post at Loganville, GA, and go every once in a while to the bar and get a drink just to find out what is going on. I find out more there in an hour socializing than I find out by reading every newspaper in the United States of America.

Let me tell you what some of the organizations are saying—because these veterans service organizations are the voice of the American people who served in our military, and they are the people who communicate to us in committee.

The VFW wants the Secretary to weed out misperformers and especially the criminals, regardless of whether the crime was committed on or off duty.

The VFW wants a bill passed because maintaining the status quo does not work for those who have borne the battle and borne the fight.

They want to make sure the VA holds their employees to the standards the veterans of America feel they have committed themselves to as veterans serving in our military.

The American Legion applauds the bipartisan effort to provide Secretary Shulkin the additional tools to increase accountability and address poor performance within the Department of Veterans Affairs.

I underscore this, because in the bill JON and I ensure we motivate management to understand it is their job to seek out nonperformance and correct it before it runs amuck. So this bill incentivizes management of the Veterans' Administration to find those employees who are not performing well and turn them around and reward those employees who are turned around to be an example they set for all the rest of the employees.

The Department of Veterans Affairs Accountability and Whistleblower Protection Act will give Secretary Shulkin the authority he needs to hold Department employees responsible for their actions. "We strongly agree with the Senate to take the bill immediately and pass it," said Dan Caldwell of Concerned Veterans of America.

So, once and for all, all around our State our VSO organizations are getting a response to the questions they have asked of all of us, and that is what this bill does.

There is misinformation out there. There are rumors flying around in Montana, some flying around in Georgia. Can the Senator help clear up some of the errors?

Mr. TESTER. There is a lot of misinformation about this bill. I will tell

you what this bill does not do. It does not trample on workers' rights. This bill maintains bargaining rights of union workers at the VA. One of the problems we had with the House-passed bill was it did away with the ability of members to use the bargaining process. This does not. It maintains it. It does not gut due process protections. It keeps all the existing due process protections under current law. Unlike the House bill, it doesn't shorten or eliminate the appeals process for employees who are fired. Moreover, we provide a judicial review to employees who are directed to repay a bonus and other protection. Finally, this bill does not allow VA supervisors to get away with firing anyone who just challenges them. Evidence is still required in order to take action, and that evidence must go through general counsel for review before an action is proposed.

This is all critically important, as we go forth, to give accountability and yet be able to protect the rights of the workers who are doing the job. I think we found the sweet spot there.

More important than anything else in this bill—and it does a lot of things—it is really about a culture of accountability at the VA.

Can the Senator tell us here in the Senate what else this bill does for veterans?

Mr. ISAKSON. I want to talk about the culture the Senator just mentioned. He is exactly right. The main thing the American people are going to see from the Veterans' Administration now is a culture throughout that organization of excellence to serve the veterans the way they should be served. And where there might be an isolated problem, make sure it is sought out, rooted out, and corrected within the agency. Our veterans deserve the highest quality care.

Secretary Shulkin has asked for more authority to hold accountable those who are not meeting standards. He wants to recognize those who have not only met but exceeded standards as well.

This bill gives VA the authority to expedite the removal of a bad employee, but it doesn't motivate them to get rid of people, it gives them the parameters by which people should be dealt with if, in fact, they are behaving poorly. It shortens the process for removing an employee to 15 days. That doesn't mean you act recklessly or quickly, it means you act expeditiously to see to it that if you have a problem, it is addressed quickly for the benefit of all the agencies.

It removes the Merit Systems Protection Board from the appeal process for senior executives. There is some bad talk out there about removing the Merit Systems Protection Board for all employees. It doesn't do that at all. But the most senior employees of the Veterans' Administration deserve to be held accountable without lots of hoops you have to go through before ever getting to them. So by taking the Merit

Systems Protection Board away from those senior executives, you are holding them totally accountable in the bright light of day for their own actions, without some hoop to go through for the agency trying to remove them.

It prohibits bonuses and relocation expenses for employees guilty of wrongdoing. I mentioned this in my earlier remarks, and I will reiterate. This deals with things like what happened in Pennsylvania, where two employees were reassigned for a discipline, yet they were given bonuses and cost-of-living adjustments in their pay upward for doing something wrong. That sends exactly the wrong signal to any employee in the Veterans' Administration.

For anyone doing a good job, it pats them on the back and lets them know they can do an even better job.

It expedites the hiring of VA medical center directors, which is absolutely critical. We have far too many people in the VA healthcare system today who are acting. They are acting director or acting assistant. We don't need any more "acting" in the Veterans' Administration; we need performance.

That is what this bill ends up being about—the performance of delivery of quality healthcare to our veterans, rewarding those employees who are doing a good job, encouraging those who aren't to do a better job, and seeing all American veterans get the services they deserve to get.

The need for this bill does not come out of thin air. I say to Senator TESTER, can you tell me why the VA and veterans need this legislation to strengthen accountability at the VA?

Mr. TESTER. I sure can. I talked previously about this. It has been a while. It has been 3 years. We talked about this accountability issue a lot in the Veterans' Affairs Committee and here on the floor. I think the context is important for folks who do make the claim that there is no need for this particular bill, that we are simply playing politics. That couldn't be further from the truth.

If you remember, back in August of 2014, in response to systemic failures in the Veterans Health Administration, the Senate overwhelmingly passed the Veterans Access, Choice, and Accountability Act of 2014. We were both members of the committee back then. We both helped draft that bill. It passed by a vote 91 to 3. As my colleagues on the Veterans' Affairs Committee are well aware, the bill included a provision to hold senior executives of the VA more accountable. That provision was in response to multiple reports from both the Obama administration and an independent VA inspector general documenting the need to bring greater accountability to the VA.

While much of the attention has been focused on senior-level employees, hospital administrators, and the like, there are employees across the system who need to be effectively held accountable for misconduct and inappropriate behavior. Last Congress, the



Senate Veterans' Affairs Committee reported bipartisan legislation that would give the VA greater authority to improve accountability for all employees. Unfortunately, we never got floor time for that bill.

This Congress, the House passed a VA accountability bill that, at least in my view, needed some fixing. I appreciate that my Republican colleagues worked closely with us—with me—on these changes, and we got to this point today.

But make no mistake about it—veterans in Montana and all the major veterans service organizations support giving the VA the authority to expedite disciplining and firing bad employees. Let me say that one more time. Every major veteran service organization supports giving the VA the authority to expedite disciplining or firing bad employees. The President and the VA Secretaries—both McDonald and Shulkin—have asked for this authority. Former VA Secretary McDonald repeatedly asked Congress to give him the tools he needed to hold employees accountable. Secretary Shulkin has followed and done the same. So we have this bill up today.

I would like to end where I started, and that is by thanking Chairman ISAKSON for his leadership and his willingness to work together in a bipartisan way to reach a compromise and make “collaboration” a good word again, to get to a point where we can get a bill, as the IAVA said, that can pass and that can pass the Senate and that hopefully will pass the Senate within the next few hours.

I thank Chairman ISAKSON.

Mr. ISAKSON. I thank Senator TESTER.

I started my remarks a few minutes ago by saying that this will be the 73rd anniversary of D-day. Nobody who charged Omaha Beach or climbed those cliffs in Normandy had second thoughts about what they were doing or asked questions about their leadership or tolerated anything but the best they could out of themselves. Because of that, they won.

Today, our veterans are winning. Our committee—the Senate is going to pass in I think a unanimous or near-unanimous fashion a piece of legislation that is a byproduct of a good bipartisan effort to see to it that we correct the problems of the past, give the Secretary of the VA the ability to do it in the future, and if he or she doesn't do it, it gives us the ability to change them so they are held accountable as well.

It has been a pleasure to work with you and a privilege to work for our veterans.

On this special day, we honor those who served America 73 years ago by the beginning of the end of World War II, thank them for their service, and thank all veterans who provide service to the people of the United States of America.

I want to end by noting that we have 32 sponsors of this legislation, which is

almost exactly one-third of the Senate, Republican and Democrat alike. That sends the proper signal that this is the right bill at the right time for the right people—veterans of the United States of America.

I yield back.

The PRESIDING OFFICER (Mr. HOEVEN). The Senator from Ohio.

Mr. PORTMAN. Mr. President, I want to start by commending my colleagues from Georgia and Montana for their compassion and care for our veterans and specifically for their continued efforts to ensure we have accountability at the VA. They worked hard on this legislation. I hope the Senate moves expeditiously to vote for it and to help our veterans to be able to have the kind of responsibility and accountability they deserve.

#### REMEMBERING LES SPAETH

Mr. President, I also rise today to talk about veterans. I am going to focus on World War II veterans.

Last Monday was Memorial Day. I was in Mason, OH. I was in Warren County, OH. My mom grew up there, and my family still has a lot of ties there. I was there at a ceremony for the veterans memorial, one of the most beautiful memorials in the State of Ohio. I happened to be there about 15 years ago when it was first began, and it was great to be back. At the ceremony, I got to see a World War II buddy of mine. His name is Les Spaeth. He is also a good friend of my father's and grandfather's. As always, seeing him brought back great memories, and I was able to speak about him during my remarks.

Two days later—a few days ago—we got word that Les Spaeth died at age 92. I want to take a moment to pay tribute to this man who gave so much to his country and to his community.

Les was a marine corporal during World War II. He signed up after graduating from Mason High School in 1942. He served in the Pacific, including the occupation of Japan after the war, helping that country make a difficult transition to democracy. Thanks in large part to American soldiers like him, by the way, the transition worked. Japan has become one of our greatest allies.

Les came back to Mason, OH, and started a small business called Spaeth Brothers Cleaners. He had that optimism so many of the World War II generation had. He had the courage to take a risk and help build jobs and help the economy of his hometown. My dad did the same thing after World War II.

Les was a businessman, but he was also a public servant for more than half a century. He served six terms as Warren County auditor. He served on the Board of Elections for 25 years. He chaired the Warren County Republican Party for 17 years.

He was very active in the community in so many other ways too. He was one of the very first volunteer firefighters in Mason, OH, starting way back in 1948. He was elder at his church, Herit-

age Presbyterian, where his service will be held. For 70 years, he was a freemason and member of the American Legion. He helped set up the American Legion Buckeye Boys Program, a great program where they are teaching young men about State, local, and Federal government and values and leadership. His whole life was centered around his community—through the family business, through military service, through elected office, and through volunteerism.

In 2009, Mason High School started having a distinguished alumni graduation speaker every year. For all the reasons I talked about a moment ago, a few years ago, in 2013, I wrote a letter and recommended that they honor Les Spaeth. They agreed with me. That spring of 2013, it was time to receive his award. He gave a beautiful speech. He talked about his love for this country and counting our blessings as Americans. He received a standing ovation from the graduating class. I know that meant a lot to him. That ovation shows the respect and esteem people in Warren County have for Les Spaeth across generations.

On behalf of Ohio, I want to express my condolences to the family of Les Spaeth. I also want to thank them for sharing Les with the rest of us in Ohio for these past 92 years. He was a dedicated servant to the people of Warren County, an American hero for his military service, and a good friend to so many.

#### 73RD ANNIVERSARY OF D-DAY

As was noted, as we talk about World War II, today is also the 73rd anniversary of D-day. As Chairman ISAKSON just said, it was really the beginning of the end of that war. And 73 years ago this morning, Les Spaeth was in theater in the Pacific, as I said, risking his life for all of us. But in Europe on that same morning, the largest amphibious invasion in the history of the world was taking place. Men as young as 18 years old were crossing the channel, carrying packs weighing 80 pounds. More than 160,000 Allied soldiers—mostly Americans—and more than 5,000 ships backed by more than 10,000 aircraft were fighting to liberate Europe from Hitler. The outcome was far from certain. The Nazis had spent 2 years fortifying the coast to prepare for this moment. It was Hitler's so-called Atlantic Wall. The beautiful coastline of France was covered in barbed wire, land mines, and bunkers.

A little more than a month before D-day, by the way, the Allies had conducted a trial run. They practiced on beaches in western England that were most like those of Normandy. The practice run was a disaster. In fact, Germans spotted the Allied ships and attacked them. Hundreds of American troops died in that practice session.

COL George Taylor told his troops as they were about to land on Normandy: “Only two kinds of men are going to be on this beach—the dead, and those about to die. So get moving.” This was

tough stuff. They had an enormous task, and the stakes could not have been higher.

Erwin Rommel—and Rommel was leading the Nazi defense at that time—said at that time: “The fate of Germany depends on . . . the first 24 hours of this invasion.” He was right.

Well-known historian Douglas Brinkley said that D-day was “the single most important moment in the 20th Century.” It was one of the bloodiest too. It was the beginning of the end of the most difficult war in human history, and the lives of millions of people depended on the outcome.

They depended on the success of brave, young Americans like Eugene Lyons of University Heights, OH. Eugene was a medic. His ship hit a mine in the English Channel and sank off the coast. He swam to shore while German planes shot at him, missing him by a matter of inches. Or the Napier brothers of Warren County, like Les Spaeth. Five brothers all served during World War II. Two of them were there on the beaches that day; one died. Or Jim “Pee Wee” Martin from Dayton, OH, who served in the 506th Parachute Infantry Regiment and parachuted behind German lines before dawn that day. Jim received both the Purple Heart and the Bronze Star for his service that day. Or Sigmund Czelusniak of North Royalton, OH, who was wounded by a mortar shell on Omaha Beach. Sigmund later said, as he lay wounded: “In my heart, I didn’t think I’d ever come back.”

More than 10,000 Allied troops did not come back.

While those brave men and hundreds of thousands of others were fighting, President Franklin D. Roosevelt took to the airwaves, as you would expect a President to do. As you know, he was known for what were called fireside chats. These were informal speeches he would give to the Nation during difficult times. But on that day, he did something very different. Instead of giving a speech, he was called to lead the Nation in prayer. This prayer brought our country together. It strengthened our resolve. It comforted us at a very difficult and frightening time for our country, and it briefly encapsulated, as you will hear in a second, what our purpose was—not just in World War II but what our purpose was as Americans. He made an indelible mark on our history.

Three years ago, after the 70th anniversary of D-day, then-President Obama signed into law legislation that I had authored to add the words of this famous prayer to the World War II Memorial in Washington, DC. Since then, the site for the plaque has been approved. The architect is continuing to work with the National Park Service on the design. I have been told that the Park Service intends to present the design options to the Commission of Fine Arts and the National Capital Planning Commission during their meetings this summer. Construction could begin as

soon as December and be completed by next June.

Frankly, I am discouraged this has taken so long because this prayer belongs on the World War II Memorial, and Congress has said so. I urge the Park Service to move as expeditiously as possible to complete this project, to bring those words to so many veterans and others who visit that beautiful memorial.

As has been my tradition since the time we were trying to get that legislation passed, I would like to read the words President Roosevelt spoke on D-day 73 years ago.

He started by saying:

My fellow Americans: Last night, when I spoke with you . . . I knew at that moment that troops of the United States and our allies were crossing the Channel in another and greater operation. It has come to pass with great success thus far. And so, in this poignant hour, I ask you to join with me in prayer.

This was his prayer:

Almighty God: Our sons, pride of our nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity. Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.

They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know by Thy grace and by the righteousness of our cause our sons will triumph. They will be sore tried, by night and by day, without rest—until the victory is won. The darkness will be rent by noise and flame. Men’s souls will be shaken with the violences of war.

For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom.

And for those of us at home—fathers, mothers, children, wives, sisters, and brothers of brave men overseas, whose thoughts and prayers are ever with them—help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

Many people have urged that I call the nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and material support of our armed forces.

And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be.

And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment—let not these deter us in our unconquerable purpose.

With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogances. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all men live in freedom, reaping the just rewards of their honest toil.

Thy will be done, Almighty God. Amen.

Those were the words he spoke and the words that will soon be inscribed on the World War II monument.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### PARIS AGREEMENT

Mr. DURBIN. Mr. President, I come to the floor today to speak about the administration’s decision to withdraw from the Paris climate agreement.

In 1992, under President George H.W. Bush, the Senate unanimously approved a treaty to allow the United States to join the United Nations Framework Convention on Climate Change. Since then, we have been engaged in a global conversation with nations around the world to tackle the challenges of climate change and ensure that we leave future generations a planet that is not plagued by catastrophic drought, famine, floods, wildfire, and a rising sea level.

After years of intense negotiation, the world finally reached an international agreement that resulted in a global commitment, and 195 countries from around the world, except for 2, came together. Nicaragua abstained; they wanted a stronger agreement. Syria was another country that stepped aside and didn’t take part, for obvious reasons. Representing more than 90 percent of global greenhouse gas emissions, these 195 countries committed to reducing their carbon emissions to prevent the average global temperature from rising by more than 2 degrees.

I cannot fathom why any President of either political party would want to isolate the United States from the rest of the world, from our allies and trading partners, by leaving this agreement.

President Trump justified this decision with concern for American jobs and American business. Yet, since the election, American business leaders have called him on the phone, sent a barrage of public letters, and paid for full-page ads in newspapers, trying to get the message through to him in any way possible that American business strongly supports the Paris Agreement, which President Trump has walked away from.

Tech companies and retailers, insurance companies, and even energy companies, such as ExxonMobil and BP, support global engagement on climate. In fact, the World Economic Forum estimated that the Paris Agreement represents a \$23 trillion investment potential due to the growing demand in every corner of the world for clean energy. Between consumers who want

clean energy and local regulations that require it, the demand for clean energy will continue to grow here in the United States and around the world.

While pulling out of the Paris Agreement might seem like a way to protect jobs, for example, in the coal industry, the truth is that when these jobs do go away, it is mostly due to other things: market forces and automation.

I have been down in the coal mines of Southern Illinois, Central Illinois. I have seen the way they mine coal today. For those who have not been there and paid close attention, it may come as a surprise. It is largely automated. Massive machinery, known as continuous miners, literally chew away at the walls of coal, transporting it back up to the surface for transport.

Back in the day, hundreds, if not thousands, of coal miners would head for their jobs with little more than a pick or an ax or a shovel or some drill. Today, it is an automated industry, and fewer jobs are creating more and more coal opportunities because automation is a big part.

In addition, there is a change in the global energy market. Because of fracking in States like North Dakota and South Dakota, we have seen an increase in the availability of natural gas at lower prices. Last year, for the first time in modern history, we had more electricity generated in 1 month in America from natural gas sources than from coal sources.

We have turned a corner when it comes to the availability of alternatives in energy. Between consumers who want access to clean energy and local regulations that require it, clean energy is going to continue to grow in demand.

Meanwhile, even in my own home State of Illinois, which is the fourth largest coal-producing State in the Nation, we already have thousands more workers in the solar industry than in the coal industry.

Clean energy jobs are growing. Remaining engaged on climate change spurs new investment and strengthens American competitiveness for jobs in the future. These jobs include designing more efficient solar panels, wind turbines, batteries, and manufacturing the components for export all over the world. Why should other nations get to lead this growing industry of clean energy and the United States step away? We can create those jobs right here in America—American jobs for American workers in clean energy opportunities. We should lead the world in the creation of clean energy jobs.

This decision by the Trump administration to turn its back on this revolution in energy is going to cost us dearly. When the coal jobs do decline, we have responsibilities to retrain the workers for clean energy jobs and other opportunities in the future. The Paris Agreement ensured that we have credibility as leaders, access to global markets, and reduced financial risk for our citizens and businesses associated with changing climate.

By walking away from the agreement, America is not just giving up an environmental commitment, but it is giving up economic opportunity. We have given away our leadership, isolated ourselves from the rest of the world. They are not going to wait for us; they are going to move forward and look for other leaders than the United States. This President talked about making America first. His decision to walk away from the Paris Agreement puts America dead last when it comes to energy in the 21st century.

Climate change is a dire threat to the global economy and global stability. It will cause catastrophic consequences for global health, food security, and habitat on land and in the ocean. My constituents in Illinois are already experiencing the adverse effects of changing climate.

In recent years, our State—and, I might add, many others—has seen historic storms, floods, and droughts, causing millions of dollars in damage. Climate models suggest that if current global warming trends continue, Illinois will have a climate similar to the Texas gulf coast by the end of this century. For Illinois farmers, these changes to the environment have a direct effect on their livelihood and for all of us, a direct impact on our food supply.

Climate change also has significant national security implications that affect our shores—ones we simply can't ignore. The crisis in Syria, the flow of refugees from unstable parts of the world, is an early warning of the link to climate change and how humanitarian crises, particularly from less stable parts of our shared planet, are going to get worse if we continue to let climate change go unaddressed.

Back in 2011, when pro-democracy protests began in Syria, many of those joining were displaced farmers who had suffered 4 years of drought, made worse by the effects of climate change. The National Academy of Sciences published findings earlier this year showing that extreme drought in Syria between 2006 and 2009 was more likely due to climate change and that the drought was a factor in the uprisings in 2011.

Last year, Pulitzer Prize-winning New York Times columnist Tom Friedman wrote about massive migration out of parts of West Africa through the Sahara Desert to Libya, where people were hoping to eventually cross the dangerous trek across the Mediterranean Sea to Europe. He wrote: "Just as Syria's revolution was set off in part by the worst four-year drought in the country's modern history—plus overpopulation, climate stresses and the Internet—the same is true of this African migration wave."

Former CIA Acting Director Mike Morell recently called President Trump's decision to pull the United States from the Paris climate agreement the worst decision made by this President so far.

Mr. Morell pointed out that pulling out not only cedes American leadership

in the world, but it harms our own national security by ignoring the impact of climate change on failed and fragile states that are homes to instability and violence. He further noted that we face three possible threats to our existence: nuclear war, a natural or man-made biological threat, or climate change. President Trump's dangerous decision, if not reversed, will contribute to that threat.

Anyone in this Chamber claiming to be serious about national security simply cannot be credible without addressing the long-term threats posed by weak states and climate change in the decades to come.

It is amazing to me that people around the world have come together to recognize the danger and the urgent need to act on climate change everywhere in the world except right here in the United States of America.

I don't understand the other political party. I can remember a time when we would have a debate on climate change on the floor. We would be talking about the Environmental Protection Agency, created by a Republican President, Richard Nixon, and we would have Senators from both sides of the aisle actively debating climate change, realizing that it is a threat to our future. Those days have changed.

Any debate now about environment is strictly one-sided. Was the science changed when it comes to global warming and climate change? Not at all. Ninety-eight percent of scientists agree that we have global warming, and the reasons for it relate directly to greenhouse gas emissions.

So what has changed? Why isn't this a bipartisan debate anymore? The politics have changed. They have changed dramatically with the way we finance political campaigns in this country. Groups have emerged—one in particular, the Koch brothers, who have made their fortune in carbon industries and who have promised any Republican who steps out of line on climate change this: You are in for a fight; you are going to face a primary. Don't you dare stand up and talk about climate change here on the floor of the Senate.

That is where we are today. We have come to a standstill, and now we have a President who has decided to walk away from this issue. This President has chosen politics over science and greed over responsibility. His decision is a fateful decision for our children, our grandchildren, and generations to come.

There may be some momentary applause in some places because President Trump has walked away from this global agreement to deal with this global challenge, but I could tell you the cheers are short-lived. When we see the price that we are going to pay—and that our kids will pay—for this gross irresponsibility, there will not be a lot of cheering.

I have said this on the floor before, and I will say it again because I am waiting for someone on the other side

to come to challenge me: The Republican Party of the United States of America is the only major political party in the world today that refuses to take climate change seriously. I have said that over and over, and I expect Senators from the Republican side to come to the floor and say: That is not true; we take it seriously. But they don't. Or I expect them to come to the floor and say: No, there is another major political party that also denies climate change.

One Republican Senator, after I said this on the floor repeatedly, pulled me off to the side in the corridor, looked around, and whispered: There is a party in Australia that also doesn't believe in climate change.

You think to yourself: So it has come to that. We have isolated ourselves in the eyes of the world when it comes to protecting this world for generations to come. We are going to pay a heavy price for that, but the biggest price is going to be paid by future generations.

Can we make a little sacrifice today, drive more energy-efficient cars and trucks, and think about ways to heat our homes and to light up our rooms that don't consume so much energy? Well, of course, we can. We have already done it, and we can do so much more. Walking away from the Paris Agreement is not the path that should lead America into the 21st century.

#### HEALTHCARE LEGISLATION

Mr. President, earlier today, Majority Leader MCCONNELL came to the Senate floor to, once again, be critical of the Affordable Care Act, a law that has resulted in more than 20 million Americans gaining health insurance. The law has lowered the uninsured rate to the lowest in American history. This law has put an end to insurance discrimination based on preexisting conditions or gender. It is a law that has made sure that Americans suffering from mental health or substance abuse addiction can get treatment. It is a law that extended the solvency of Medicare by a decade and decreased prescription drug costs for seniors by more than \$1,000 for each senior in America. It is a law that has helped to reduce—cut in half—the number of bankruptcies filed in America because so many were the result of medical bills that people just couldn't pay. I was proud to vote for this law.

Is it perfect? Of course not. Can it be improved and strengthened? Yes, it should be. Improvements can be made the same way we have made improvements in Medicare, Social Security, and in so many other programs over the years, but not by repealing Social Security, not by repealing Medicare but by sitting down on a bipartisan basis to try to find a way to make sure that we don't deny health insurance coverage to 23 million people in America because of the repeal of the Affordable Care Act and to find a way not to raise costs on older Americans, which the bill that passed the House of Representatives would do, and to find a

way to make this law better for people living in rural America.

My hometown is in downstate Illinois. I, as a Congressman and Senator, have represented a lot of small towns in sparsely populated counties. They value many things. They sure value their schools, their basketball teams and football teams. I will tell you what they value as much, if not more, than anything else—their local hospital.

The local hospital makes such a difference in smalltown America. It is not only a lifesaver—it saves you from driving another 50 or 100 miles for quality care—but it is also a source of great employment. Probably the best paying jobs in town are at the local hospital. If you want to keep a business or attract one, a local hospital is a good selling point.

Do you know what the bill that passed the House of Representatives will do to the rural and smalltown hospitals in Illinois?

Don't take my word for it. Ask the Illinois Health and Hospital Association. They anticipate losing 60,000 jobs in Illinois because of the healthcare repeal bill that passed the House of Representatives, and they know that many hospitals downstate and many in the inner city are going to be forced to cut back in services, if not close, as a result of it.

What can we do to make this a better bill, to make the Affordable Care Act work more effectively? Let me give you a couple of ideas. First, we don't have anything in the law today that deals with prescription drug prices. We are at the mercy of people—pharmaceutical companies, investment bankers, and others—who come and control these pharmaceutical patents. They can literally raise the cost of these drugs beyond the reach of many families.

I had a young man come see me. He is in high school. He has been fighting diabetes since he was a little boy. He and his mother talked about the dramatic increase in the cost of insulin that he has faced over the last several years. Insulin has been around a long time. This is not a new wonder drug. It is a critical, lifesaving drug, but the prices and costs of insulin are going through the roof, and there is no way under current law for us to deal with it. Should we take that up? Of course, we should.

Blue Cross Blue Shield in Illinois told me recently that they spent more money last year on pharmaceutical costs than they did on inpatient hospital care, and the costs continue to go up. We need good, lifesaving drugs. We need to reward the companies that find them with a profit. But as to those who want to gouge prices and take advantage of people of modest income or folks who don't have insurance, there has to be a way to answer that and to deal with it honestly.

Yesterday, I went with eight other Senators up to the National Institutes of Health. It is out in Bethesda, MD. It

is the premier medical research facility in the world. We are lucky to have it right here in the United States.

Time and again they told us about breakthrough drugs that were making a big difference that started with research at the National Institutes of Health. I asked at one point: Is it too much to ask the pharmaceutical companies that take your basic research idea and turn it into a profitable product to give some of those profits back to the NIH to continue their research? They said: We have tried to do it, but the pharmaceutical companies walk away. They don't want to give us a penny for our future research.

Well, that is wrong. We ought to be investing in that research, rewarding the pharmaceutical companies for their development of these products, as well, but making certain we continue this leadership in the world when it comes to medical research and pharmaceuticals.

The individual market on health insurance is one that troubles us because it is the area where people who don't have health insurance through their place of employment or don't qualify for a government health insurance plan—like Medicare, Medicaid, veterans care, or the like—go to buy insurance on the insurance exchange. This is where the premiums have gone up. Now, why have the premiums gone up in that one sector? Because when it comes to individuals, those who are older and sicker are the first to sign up, but the healthier, younger ones are the last.

We can sit down on a bipartisan basis and find ways to create an incentive so that we can increase the participation in this insurance pool and bring down the premium costs for those who are paying.

The third thing we need to do is to make sure that no matter where you live in the United States, there is an option to choose when it comes to buying your health insurance. One of the things we can do is to take one of the most popular medical care programs in history—the Medicare Program itself—and duplicate it in a public option available to people across the United States. Do you want to buy a health insurance program that looks like Medicare, a not-for-profit program? This would be your chance.

So those are three ideas that I think we could bring forward in an effort to make the Affordable Care Act even more responsive.

Senator MCCONNELL, the Republican Leader, comes to the floor frequently to talk about the choice to expand the Medicaid Program, as allowed under law in many States. I would welcome the opportunity to expand that program.

Most people do not understand the Medicaid Program. Oh, that is health insurance for poor people. Well, in a way, it is, but it is so much more. For example, one out of every two births in

Illinois is paid for by the Medicaid Program to keep mom healthy so she delivers a healthy baby and to keep that baby healthy as soon as it is born. It is paid for by Medicaid in 50 percent of the cases of new births. But that is not the most expensive thing.

The most expensive thing under Medicaid is for your mom and your grandmother who is in a nursing home, living on Social Security and Medicare, and they need help. So they qualify for Medicaid to pay for the medical care they need so they can continue to live wholesome lives.

The third area, of course, is medical insurance for the disabled who have ongoing needs. Those three areas make up Medicaid. When the Republican proposal that came out of the House wanted to cut \$600 or \$700 billion and give tax cuts to wealthy people, they took it out of Medicaid.

So which of the groups that I just described to you would you take health insurance away from—mothers with new babies, elderly folks in nursing homes with no resources, or the disabled who live in our communities?

I would think it is a step in the wrong direction to hit any of these groups. That is why Medicaid was expanded in so many States and why we should continue to find ways to expand it in a responsible fashion.

As I go back home and talk to people about this Republican alternative that passed the House of Representatives, it is very clear they oppose it.

I have challenged those Congressmen who voted for the Republican repeal bill to find one medical advocacy group in my State that supports their effort. There are none. The Illinois Health and Hospital Association, the Illinois Medical Association, the Illinois Nurses Association, and the Illinois pediatricians all oppose it.

The AARP, or American Association of Retired Persons, opposes it because the bill removed the protection for elderly people when it came to the cost of premiums. The AARP believes—and I am afraid the facts bear it out—that what passed the House of Representatives will dramatically increase health insurance premiums for people between the ages of 50 and 64. We can do better, but we need to do it on a bipartisan basis.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Oregon.

#### THE PRESIDENT'S BUDGET

**Mr. MERKLEY.** Mr. President, just a little less than 2 weeks ago, President Trump released his proposed budget for fiscal year 2018, which would begin October 1. He named his plan "A New Foundation for American Greatness." While unveiling this budget, Director Mulvaney, the OMB Director, declared that "We are no longer going to measure compassion by the number of programs or the number of people on those programs, but by the number of people we help get off of those programs."

When I read this and looked at the budget, I was reminded of the story of

the two hikers who got to the top of a mountain. They stood near a big cliff and one hiker said: It is a beautiful vista.

The other hiker said: I am so exhausted from hiking all the way up; I wish I could get down quickly.

The first hiker then said: Let me help you with that. And he shoved him off the cliff.

That is what this budget does. It doesn't help people get off programs through education and training; it shuts down the programs. It shoves people off the cliff.

In this budget, millions of struggling, rural, middle-class, low-income, and working Americans are thrown off the cliff. They are thrown out of these programs as these programs are just struck down, not because programs have served their purpose and are no longer needed but because the President wants to do two things. He wants to build a lot more in terms of the military, and he wants to give a tax giveaway of some \$6 trillion in the budget, with most of it going to the very richest Americans. This is not an "America first" budget; this is a "billionaires first" and a "rural and working Americans last" budget.

We see this vision implemented through dramatic cuts to food stamps, children's healthcare, job training, after-school programs, scientific research, and other anti-poverty programs. One program after another designed to help American families who are devastated will be eliminated, all in the name of building a wall, building more missiles and more bombs, and giving this massive, massive giveaway of the Treasury to the privileged and powerful.

Now there is good news. The good news is that I think we are going to have a bipartisan coalition we can build to defeat this budget. Even some of our colleagues in the House Freedom Caucus, who often talk about slashing government spending and eliminating programs, are saying that this proposal and its impact on rural Americans and rural America is draconian and unacceptable. It is not often that you hear folks throughout the entire political spectrum come together to say the same thing—that this budget is shortsighted and ill-conceived—but that is where we are now.

This budget tells us a lot because a budget is an expression of values. When President Trump placed this budget before us, we gained insight into his values. What we quickly learned is that President Trump doesn't place value on struggling and working American families, helping them climb a ladder to a better point. What this budget does tell us is that our President is all about raiding the National Treasury for the privileged and the powerful—quite the opposite of what we heard when he was campaigning.

Franklin Roosevelt once said that, as a nation, "The test of our progress is not whether we add more to the abun-

dance of those who have much; it is whether we provide enough for those who have little." By "enough" he meant, do we provide a ladder of opportunity for families to get their economic footing, to be able to buy a house, to be able to find a job, to be able to educate their children?

In this budget, President Trump puts out a different test. With this budget, he is saying that the test of our progress is whether we destroy programs for working Americans in order to fund a \$6 trillion giveaway to the privileged and powerful. That is Donald Trump's test of progress, and I think we find very few in the country who might agree with that vision of making economic and educational progress for working Americans much more difficult. It is not an "America first" budget. It is not a foundation for American greatness. It is more akin to a great train robbery, a great raid on the National Treasury to benefit those who are already at the very top.

It is a budget that hurts children. It is a budget that hurts struggling, hard-working Americans. It cuts 20 percent from the Children's Health Insurance Program, critical for the health of our children. Shouldn't every child in America have access to affordable healthcare? That is a value I can get behind. But slashing healthcare for children and making it harder for them to succeed in life—I can't agree with that.

Let's make children hungrier by cutting the basic food stamp program or school programs that 44 million Americans rely on, cutting it by \$193 billion. Making children hungrier doesn't help them learn. Helping children learn is a value I can get behind. Making it harder for them to succeed in school may be a Trump value, but it is not mine, and I don't think it is shared by many Members of this Chamber.

We find that he proposes to get rid of the subsidization of interest on student loans, making the cost of college even more unaffordable for low-income and working graduates. He freezes the Pell grants that already have not kept pace with inflation. He proceeds to wipe out the Public Service Loan Forgiveness Program that erases student loans after a decade of service to the public. All of this is about making college more expensive. I can get behind the value of making higher education more affordable, whether it is apprenticeship training, career technical education, or a 4-year college program. I can get behind making those programs more affordable, making community college programs more affordable because some form of education, whether it is in the technical education world or community college world or a 4-year program—some aspect of that is important to virtually every job in America.

Making it more affordable is what virtually every other developed country has done. In Germany, going to a public university is free in terms of tuition—not so here in the United

States of America. Our students are burdened by massive, massive debt. It is growing and growing and growing. I can get behind the value of saying we shouldn't make college a financial gauntlet because it is so essential to the success of our children. But Trump has a different value. His value is let's make it harder. Let's make it more difficult. Let's put students further into debt. Those are not values I can support. Again, I think very few in this Chamber would share in that.

The list goes on and on. This isn't just an attack on the ladder of opportunity for working Americans; this is an attack on rural America. During the last couple of years, I served as the ranking member of the Appropriations Subcommittee on Agriculture and Rural Development and FDA, and in that time I have seen the tremendous impact many of these programs have had in providing opportunity and strengthening the economy in rural America. I value making rural America stronger, but that is not the value Trump put into his budget. He put into this budget: Let's undercut, let's undermine, let's make it more difficult for rural America. This is truly a "rural America last" budget.

It eliminates funding for Essential Air Service. The Essential Air Service is essential to key small towns across our Nation, including one in my home State. If the Essential Air Service is wiped out, the economy of that town, Pendleton, would be dramatically impacted.

It slashes the Contract Tower Program that supports even more airports—six of them in my State—rural airports that need that contract tower support to be able to remain open. Small towns from Aurora to Klamath Falls would be dramatically impacted.

How about rural infrastructure? He takes out the rural water and wastewater disposal program. As I hold townhalls around my State—and I go to every county every year, all 36. Before I hold a public townhall where people can ask any question they want, I meet with the local county commissioners, city commissioners, and all the locally elected. In virtually every county, every year, I hear about the challenge of water infrastructure, expanding the clean water supply or waste water treatment. These two challenges are enormous. Yet here is President Trump wiping out the rural water and wastewater programs.

How about critical housing programs? Well, here is the issue. In our rural communities, often the economy is hindered by the lack of availability of affordable housing. I have been in town after town after town saying: We have interest by a company to move here because of some of the key assets we have. Then they decide not to because they don't have affordable housing in the community for them to be able to hire the staff they need. So we have these programs at the Federal level—direct single-family housing

loans, direct multifamily housing loans, low-income housing repair loans, farm labor housing loans, self-help housing grants. Here again, the Trump budget wipes them out.

The Community Development Block Grant Program provides flexible strength for rural communities to address local problems. We talk a lot about flexibility in the Senate, enabling local areas to decide how best to use funds. The CDBG, the Community Development Block Grant, does exactly that. Yet it is not valued by our President, who probably doesn't even know what the program is, but he wiped it out.

How about the Rural Business-Cooperative Service that offers programs to support business development and job training? It is gone too. His budget slashes USDA's rural development programs by about \$1 billion, a little less than \$1 billion. This is a part of the agency where programs focus on supporting economic development, housing, and infrastructure in rural communities.

Then we have the impact on rural healthcare. This budget impacts rural healthcare in several different ways. It cuts the Rural Hospital Outreach Grant Program that helps small rural hospitals get resources to create collaboratives for long-term care facilities or with ambulance services. It eliminates the State offices of rural health.

In addition, this budget destroys healthcare for 23 million Americans, and many of those live in rural America. In fact, in Oregon, about one out of three individuals, almost one out of three in our small towns find healthcare through the Oregon Health Plan, the Oregon Health Plan funded by Medicaid. Rolling back Medicaid would throw some 400,000 people off of healthcare in Oregon just by itself, and that would make a huge impact in rural Oregon.

I have been holding a lot of townhalls in rural Oregon. This year I have had over 12 in what you would see on a map as pretty red counties, and people are coming up to me at townhalls and saying that they are scared to death about this budget's impact on healthcare. They are not just scared; they are terrified. And they are not just terrified; they are angry because they finally have the peace of mind that if a loved one gets sick, that loved one will get the care they need, that loved one will not end up bankrupt. That is a huge improvement in quality of life, but this budget from the President destroys that peace of mind.

It is not just impacting those who directly benefit from the Oregon Health Plan; it also impacts everybody else in the rural communities because the health plan has enabled our rural clinics and hospitals to do much better financially.

Out in the northeast corner of my State—it is a very remote and beautiful place—a person told me that his

local clinic had gone from 20-some employees to about 50 employees, roughly doubling the healthcare provided. Why were they able to do that? Because they had had so much uncompensated care before people had access to insurance. Now that has dropped dramatically, and their finances are much better. So they are able to hire a lot more people and provide a lot more healthcare to this rural part of the State. But that changes with this Trump budget.

Let me list a few more details about some of these areas, starting with the USDA Rural Development Water Programs.

Last year, 14 projects in my State received \$10.7 million in loans and \$6.5 million in grants in order to provide reliable, clean drinking water and waste disposal, affecting 12,000 folks in rural Oregon. Vernonia, which is in north-west Oregon, relied on these programs so as to finally improve the town's wastewater system—a project almost 20 years in the making. I have visited Vernonia a number of times. In 1996 it suffered a terrible flood, and then, again, in 2007, there was another major flood. The floods overwhelmed Vernonia's wastewater treatment systems and lagoons and caused overflows on public and private properties as well as into the nearby Nehalem River. Thanks to loans and grants from the USDA's rural water programs, the town of Vernonia was able to purchase new equipment, upgrade its wastewater systems, and protect the water for its residents. That is just one community that has benefited.

Let's talk a little bit more about housing. The budget singles out many housing programs to cut.

It eliminates the USDA Rural Development's direct housing loan programs and most of the housing grant programs and community facilities programs, which include programs like the rural Single Family Housing Direct Loans, the rural Multi-Family Housing Direct Loans, the self-help housing program, housing repair loans, and the Farm Labor Housing Program.

With so many States and so many communities across our Nation suffering from a shortage of affordable and available housing, how can we consider it a positive thing to slice and dice these programs?

Last year, 6,000 rural Oregonian families were living in 211 affordable apartment complexes thanks to USDA financing. But keeping these programs and strengthening our housing initiatives isn't just good for our Nation's families. It is also critical for the economic development of rural towns and communities. As I have mentioned so often, I have heard from town leaders that they have a potential deal within their grasp, and it falls out of their grip because of the shortage of housing. We need to do better in this area, not worse.

Let's talk about another program—the Forest Service Collaborative Forest Landscape Restoration Program.



This program is an all-lands approach to collaboratively encouraging science-based ecosystem restoration of priority forest landscapes.

Let me put it more simply.

Often, in terms of forest health, we have a challenge. The work in the woods can be quite expensive to improve forest health, and, often, you have disputes between the environmental community and the timber community on just how this should be done. A collaborative brings together these elements—the environmental side and the timber side—with the goal of both making the forest healthier and providing a steady supply of sawlogs to the mill.

This is something that happened in the Fremont-Winema National Forest, and it has given environmental and conservation groups confidence that Fremont-Winema is on a track to having a healthier ecosystem. At the same time, their work has helped to ensure that there is a balance between the timber industry and environmental protection, which means that timber is still coming and will keep coming to the local mill, which will help to create local jobs, like at the Collins Mill in Klamath Falls. That mill is able to continue employing more than 80 workers because of the steady supply of logs that makes its way from Fremont-Winema due to the eco-friendly forest management practices.

This “billionaires first” and “rural America and workers last” budget is going to die here in the Senate because there is going to be a bipartisan coalition of Democrats and Republicans who say that undermining the success of our families in order to provide a massive giveaway—a raid, if you will, on the National Treasury—and a handout to the privileged and powerful is, simply, the wrong way to go. This is, really, Robin Hood in reverse. This is a situation in which the working families are undermined to provide a \$6 trillion raid on the Treasury, with most being given away to our richest American families.

I do not know that there is anyone in this Chamber who is not already aware that we have massive income inequality here in the United States of America. I do not think there is any Senator among the 100 Senators of the Senate who is unaware that we have a massive wealth gap in America. It has gotten larger and larger and larger until it has become equal to that level or near that level at which it was before the Great Depression. That is not a way for America to thrive—to raid working families in order to provide even more giveaways to those who have the most.

I must say that this budget does not surprise me. It does not surprise me that the President submitted this. The President himself is a billionaire. The President lives in that world of billionaires, and he was persuaded to think that helping the billionaires to have even millions more would, somehow, be good for America.

I would like to take the President to real working America so that he may see the real impact on the ground of destroying rural health clinics, see the real impact on the ground of destroying rural water systems, and see the real impact on the ground of destroying rural housing programs. We need to get the President outside of his billionaire bubble and seeing the impact so that, somehow, he gets a grip on what it means to guide this country in education policy and economic policy and so that we strengthen that ladder of opportunity rather than destroy it.

I thank the Presiding Officer.

The PRESIDING OFFICER (Mr. STRANGE). The Senator from South Dakota.

#### HEALTHCARE LEGISLATION

Mr. THUNE. Mr. President, everyone remembers President Obama's famous—or perhaps infamous—promise that he would sign a healthcare bill that would “cut the cost of a typical family's premiums by up to \$2,500 per year.” Well, as everyone knows, that didn't happen. Between 2009 and 2016, the average family with employer-sponsored health insurance saw its premiums rise by \$4,767. That is just the beginning.

Two weeks ago, the Department of Health and Human Services released a report comparing the average individual market insurance premium in 2013—the year when most of ObamaCare's regulations and mandates were implemented—with the average individual market exchange premium in 2017 in the 39 States that used [healthcare.gov](http://healthcare.gov)—so 2013 to 2017 individual market premiums. Here is what they found. Between 2013 and 2017, the average individual market monthly premium in the [healthcare.gov](http://healthcare.gov) States increased by 105 percent. In other words, on average, individual market premiums more than doubled in just 5 years.

In my home State of South Dakota, premiums increased by 124 percent or \$3,588 over 5 years. As I said, that is according to HHS reporting on the premiums in the individual market exchanges over the course of the past 5 years. So \$3,588 in South Dakota is money that South Dakota families had to take from other priorities, like saving for retirement or investing in their children's education.

Three States saw their premiums triple over those 5 years. The average monthly premium in Alaska went from \$344 to \$1,041. That is an increase of \$697 per month or more than \$8,300 a year. Think about that. Over the past 5 years, the average individual market yearly premium has increased by \$4,800 in Arizona, by \$3,648 in Louisiana, by \$5,064 in North Carolina, by \$4,488 in Tennessee, and by \$5,292 in West Virginia. Those kinds of premium increases are just not sustainable.

Some people, of course, received tax credits to help offset their premium payments, but many others are left to face these massive premium hikes by

themselves. And most people do not have the money to easily absorb a 105-percent premium increase or more in many States, as I pointed out, over 5 years.

Of course, premium increases show no signs of slowing down. Numbers for 2018 are emerging, and they are not looking good. Insurers on the New York exchange are requesting double-digit rate hikes. A Connecticut insurer requested an average rate hike of 33.8 percent. One Virginia insurer requested an average rate increase of 38 percent. Another has requested an average 45-percent rate hike. In Oregon, the average rate hike requested is 17.2 percent. Companies offering plans on the exchange here in Washington, DC, are requesting average rate hikes ranging from 13 percent to nearly 40 percent. In Maryland, average increases range from 18 percent to almost 59 percent. One insurer in Maryland has requested a rate increase of up to 150 percent—150 percent for just one year.

As if the premium hikes aren't bad enough, many Americans don't have a cheaper option to choose. In 2017, roughly one-third of U.S. counties have just one choice of insurer on their ObamaCare exchange—one choice in one-third of all the counties in America. So you pretty much have to take whatever rate they are going to quote you when that is the only option in town. Talk about a lack of competition.

Several States, including Alabama, Oklahoma, Alaska, and Wyoming, have just one choice of insurer for the entire State. The entire State—in those States that I just mentioned—has one choice of insurer. Things are only getting worse.

In 2018, a number of counties may lack any ObamaCare insurer at all. On Friday, the Omaha World-Herald announced that 100,000 Nebraskans could end up with zero options for individual market coverage in 2018. Iowa is facing a similar situation. In April, Wellmark Blue Cross and Blue Shield announced that it will withdraw from the individual market in Iowa in 2018. Days later, Aetna announced that it would pull out of the Iowa exchange. In the wake of these announcements, Medica, the last ObamaCare insurer for most of Iowa, announced that it will likely leave the State in 2018. That would leave 94 of the 99 Iowa counties with no ObamaCare insurer next year.

Republicans in the Senate are currently working on legislation to repeal and replace ObamaCare. Why? Because, as I just pointed out, ObamaCare is broken. This law is not working. This law has never worked. It shows absolutely no sign that it is going to work in the future, particularly if those premium increases are any indication. From first to last, this law has been a disaster—high premium costs, high deductibles, customers losing health plans, customers losing doctors, fewer choices, failed co-ops, unraveling exchanges. I could go on and on because the list of the failures goes on and on.

Given all of this, it is hard to believe the Democrats are still defending this disastrous law. I sometimes wonder just what it will take for my Democrat colleagues in the Senate to accept the staggering amount of evidence that says this law has failed. Do premiums have to triple? Do they have to quadruple? Does every American on the exchanges have to be reduced to just one choice of insurer or be without an insurer at all?

ObamaCare was going to reduce premiums. It didn't. People were going to be able to keep their healthcare plans. They regularly found out that they couldn't. Buying insurance was going to be like shopping for a TV on Amazon—well, maybe if Amazon had only one brand of television.

The responsible thing to do when a government program has turned out to be a disaster is to repeal it. That is what Republicans are working to do with ObamaCare. We are working to repeal this law and replace it with real healthcare reform. My colleagues in the House have made a good start. We are working to build on their bill in the U.S. Senate. Chairmen ALEXANDER, ENZI, and HATCH have been leading the charge on this. I am grateful to them and their staffs for all of their hard work.

Republicans are committed to restoring the millions of Americans trapped on the ObamaCare exchanges and lifting the burdens this law has foisted onto taxpayers. We are committed to addressing ObamaCare's skyrocketing premium increases. We are committed to preserving access to care for Americans with preexisting conditions. We are committed to making Medicaid more sustainable by giving States greater flexibility while insuring that those who rely on this program don't have the rug pulled out from under them. We need to make healthcare more affordable, more personal, more flexible, and less bureaucratic.

It would be wonderful if at least some Democrats would join us in this effort and stop prioritizing partisanship over the needs of the American people. Republicans know that the American people are suffering under ObamaCare, and we are committed to bringing them relief. They are ready for healthcare reform that actually works, and that is what Republicans intend to deliver.

Mr. President, I yield the floor.

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

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

Mr. NELSON. Mr. President, it is fitting that today, June 6, the anniversary of D-day in Europe and the Battle of Midway in the Pacific, we are talking about our country's veterans in the debate that is going on in the Senate.

The brave men and women who have served our country deserve the very best care our Nation can give them. That is why I rise today in support of the VA Accountability and Whistleblower Protection Act, which I believe will pass by a voice vote in the Senate later this afternoon.

This bipartisan bill will help improve the quality of care our veterans receive by reforming the Department of Veterans Affairs and making it easier for the Secretary of the VA to fire poorly performing employees. The legislation will allow the VA to hold its employees more accountable. It will also create new protections for whistleblowers—those who report wrongdoing. And it would ensure that any employee who is terminated has an adequate opportunity to appeal their dismissal.

For years, the VA has been plagued by reports of inefficiency and long wait times. I might say that often we find those reports are true, but that is completely separate from the quality of medical care that is given through the VA healthcare system. If you talk to almost any veteran, they are very pleased with the quality of that medical care. It is the administrative stuff getting in the way, and that is what there has been such an outrage about.

Well, this VA bill is going to help the VA get rid of the bad actors while protecting the good ones. I want to make it clear that the vast majority of VA employees perform their work admirably in an often thankless environment. These dedicated public servants work hard to provide the day-to-day care our veterans deserve, and they should be protected. That is why, while I believe it is important to hold poorly performing employees accountable, I also believe that it is important to protect the rights of the employees who may have been wrongly terminated, especially at the lower levels, by giving them the opportunity to appeal a supervisor's decision to fire them. This bill we are going pass does that. It is supported by dozens of veterans service organizations, the Office of Special Counsel, the Secretary himself. So I urge our colleagues to join me and join so many of us in voting in favor of the bill.

I would also say that on this very famous day, this anniversary, June 6, I have been to the beaches of Normandy, I have been to Omaha Beach. As a matter of fact, while there, it is impossible to walk into that cemetery on the cliff overlooking the beach—it is impossible to walk into that beautiful, beautiful American cemetery and not become very, very emotional, realizing what happened in 1944.

I felt so strongly about this that at one point I wanted to put on my jogging shoes and run the 4 miles of that Omaha Beach. I wanted to reach back into time, having been there where so many sacrificed so much.

Then, of course, the Battle of Midway, the time which turned the battle in the Pacific, where a young admiral

showed his courage and his superiority in planning. As a result, that battle turned around the course of the war in the Pacific with Japan. What a day to remember, June 6.

I yield the floor.

Mr. VAN HOLLEN. Madam President, we are all united in support of a strong and effective VA that is able to provide topnotch services and support to the veterans who have served our country nobly. None of us can be satisfied with the current state of the Department, and I share the frustration of constituent veterans who are unable to get the basic care and treatment they need, from widows and families who have lost loved ones while under the care of the VA, and from dedicated VA employees who are frustrated with the waste and inept management that prevent them from providing the care they believe our veterans deserve. The revelations about the continuing problems at the District of Columbia VA medical center should serve as a new wake-up call that immediate attention is needed to make the VA right.

I supported the nomination of Dr. David Shulkin to be VA Secretary and gave him my full support to make changes to the organization to address the management problems and lapses in care that plague the VA. There is no question that the VA needs reforms that will make it more responsive to the needs of our veterans, and more accountable when it does not adequately serve them.

The VA Accountability and Whistleblower Protection Act attempts to address these issues by making it easier for management to discipline and remove VA employees. It is essential that managers have this authority to remove employees who violate their duty to care for our veterans. It is also important that our removal process be implemented in a fair and impartial manner. The House bill failed to provide those protections, and I appreciate Senator TESTER's work on this issue and his efforts to improve the bill that the House passed. I am concerned, however, that some provisions in the bill weaken the worker protections that are necessary to avoid arbitrary or politically motivated disciplinary actions. Our Nation's civil service protections are intended to allow Federal workers to do their jobs free of intimidation or political interference. Employees can be disciplined or removed, but only with due process that exposes the full facts of the case. Reforms that rely on fear of arbitrary discipline or removal are not truly reforms, but will create a toxic environment within the agency. While I have concerns about some of the provisions of this bill, we must provide veterans the care and support they need from the VA.

I admire the dedication and commitment of our Federal workers at the VA, many of whom are veterans themselves. Most care deeply and go the extra mile to serve those who have served. I know that Secretary Shulkin

recognizes the enormous talent in our Federal workers, and I believe he should strive to create a stronger team by rapidly filling the 45,000 vacant civil service positions currently at the VA and by building on the strong sense of purpose that motivates our VA Federal workforce and cares for our veterans.

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

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

#### THE BUDGET PROCESS

Mr. PERDUE. Mr. President, we have 50 workdays in the Senate before the end of this fiscal year—50 days. That does not include the 5 weeks we will be gone during the August State work weeks. I rise tonight to talk about what happens September 30. September is the end of the fiscal year. That means we have to have the Federal Government funded for fiscal year 2018, which starts October 1 of this year.

Like most years—as a matter of fact, like every year since 1980—the Federal Government will probably not be funded by the end of this fiscal year in the manner it was supposed to be, according to the law that was done in 1974, the Budget Act of 1974. In the last 43 years, the Federal Government has only been funded four times, according to that bill. We have used 178 continuing resolutions, and therefore ongoing omnibuses and so forth, where six people get in a room, basically decide how we are going to spend \$1 trillion.

This is the only enterprise I can find anywhere in the world that funds its operations this way. The problem is, we have a system that is absolutely totally broken. It is a fraud that is being perpetrated on the American people. We have been asked, between now and September 30—this is the way the budget process works. By the way, we should have started this back in January, but we couldn't do it because we were working on the fiscal year 2017 budget to do reconciliation so we could work on healthcare.

Now we are going to, when that gets done, do a budget for 2018. We will do a reconciliation and hopefully do a tax package behind that, but wrapped up in all of that, here comes September 30 and 50 workdays from today to fund the Federal Government. Between now and then, in 50 days, we are asked to do a budget for fiscal year 2018, to do full authorizations for 16 different entities, committees, and then do appropriations for 12 committees.

By the way, over the last 43 years, you have to fund 12 appropriations bills to fund the Federal Government. It was 13 appropriations bills up until around 2000. Since then, it has been 12, but of those 12, the average number of appro-

priations bills this body has appropriated each year is 2½.

Now, by any measure, that is unacceptable, but we are now asked, between now and September 30, in a very truncated manner, to do the budget, do all 16 authorizations and all 12 appropriations. Now, I am not a betting man, but I will go to Vegas and short that idea right now. There is no way we are going to fund this government according to that policy—no way. It will not happen. It can't happen. It has not happened in 43 years that way except four times.

Every single year this process breaks down. Like I said, we have used 178 continuing resolutions. What does a CR do? It ties the hands of our military leaders, where they can't move money from one bucket to the other to help accommodate it. So what we have right now is a process that just has not worked. Yet, because of that, the Federal Government has exploded in size.

In 2000, the Federal Government spent \$2.4 trillion running the Federal Government. Last year, we spent \$3.9 trillion. Those are constant 2016 dollars. Over the next 10 years, we are going to spend \$53 trillion running the Federal Government. We are going to borrow a significant part of that—another \$10 trillion.

The irony is, the debate we are having between now and September 30 is to fund the government, not on the full \$4 trillion we are going to spend next year running the Federal Government, we are going to have this debate on only about \$1.1 trillion, the discretionary side of the budget.

If you do the math, in the last 8 years and, oh, by the way, in the next 10 years, according to the current CBO baseline budget, we borrow over 30 percent of what we spend as a Federal Government. Well, discretionary spending over the next 10 years is going to be less than that. So what that means is, over the last 8 years and over the next 10 years, every dime we have spent on discretionary spending has, by definition, been borrowed.

There is no other way to look at it. That means that every dime we have spent for our military, which is about \$600 billion today, every dime we spend on our VA, which is a little less than \$200 billion, and every dime we spend on all other domestic expenditures, including healthcare, by the way, comes to \$1.1 trillion. Every dime of that today is borrowed money. That means we have to go to China and the rest of the world to fund all of our discretionary spending.

Now, by anybody's estimate—conservative, liberal, whatever—that is not acceptable. Here is why it is not acceptable: It cannot be sustained over a long period of time. Yet we are sitting here with a budget today that goes for the next 10 years that says we are going to continue operating business as usual and add another \$10 trillion to this already burdensome debt of \$20 trillion.

The debt crisis and the budget problem are interlinked. There is no way that we can solve the debt crisis unless and until we solve the budget process. The difficulty comes in trying to align the prospects within the process itself of getting to a determination.

Right now, the budget process doesn't work for this very reason: The budget itself is not a law. It is a resolution, which means the majority party can cram down the throat of the minority its version of a political budget. That is all it is.

Then you go to an authorization process, and, in the authorization process today, we have over \$310 billion of Federal expenditures that are not authorized, including the State Department. Last year, we didn't even do an authorization for our military. Even then, after passing the appropriations bill in the Armed Services Committee 30 to 0, we could not get that bill on the floor of the Senate. We tried six times. So it was not authorized or appropriated last year, but it got wrapped up in an omnibus, and that same thing will more than likely happen this year.

This can be fixed. It is not that difficult. Several of us have been working behind the scenes, looking at other best practices around the world—other countries, companies, and even States. We have looked at best practices. What we found was that nobody else tries to fund their government or their enterprise the way we try to fund the Federal Government. This goes back to article I and article II of our Constitution.

Article I says that funding the Federal Government is the responsibility of Congress. Yet we have absconded with that. The 1921 act that created the Office of Management and Budget went well beyond what I think is called for in the original Constitution. So what we are looking at today is a legislative underreach and an executive overreach relative to funding government, out of necessity because of the dysfunction right here in the Senate relative to how we fund our government. There is no question that we will not fund this government without a continuing resolution and/or an omnibus come September 30.

The fix is not that unreasonable. All we need is a politically neutral platform that brings all expenses into the budget process—all \$4 trillion today. That would include discretionary and mandatory and that the budget become a law, which means that we have to get bipartisan support for the budget.

Then, lastly, if we don't get the budget done by a certain date and we don't fund the government by the end of the fiscal year, then, severe consequences are borne by the people who have the responsibility to fund the government, and that is the Senate, the House of Representatives, and the people in the administration who are responsible for their part of it.

It is not that complicated. Many other countries do it. Most other countries do it. In fact, in some countries, if

they don't fund the government by the end of their fiscal year, their constitutions actually say that the government gets disbanded and they have an election. Well, that is not what I am calling for here. I don't think we have to do anything that severe.

There are colleagues of mine right here in this body, on both sides, who have contributed—Senators WHITEHOUSE, ENZI, CORKER, LANKFORD, TILLIS, ERNST, ROUNDS, SULLIVAN, DAINES, and others—and who are weighing in on this. Governors, who have executive experience running large financial enterprises at the State level, have come into this body and bring enormous wealth of experience about how to get this done.

My argument is that right now, during this period of dysfunctionality when we see firsthand the reality of not being able to take care of domestic needs, military needs, or any other discretionary enterprises that we want to fund because of our own budgeting intransigence, I can find no other time better than what we have right now to raise the question on both sides of the aisle. This is not a partisan conversation. Both sides are guilty, but let's come up with a politically neutral platform that would allow both sides, during the budget process, to talk about tax increases, tax expenditures, spending cuts, all the spending that we have, and all the responsibility we have in the Federal Government or in the Congress of funding the Federal Government. Why not?

We have one suggestion that says: Pick a time in the future. Decide what percentage of your GDP should be covered by debt—no more than that—and have a limit on that, and then pick a roadmap back from that point in time to today with guardrails around that. That suggestion comes from the other side of the aisle, and I applaud that suggestion and I think it is very workable. I think we can find ways to make all of this work. This should not be a partisan conversation.

I sit on the Armed Services Committee, and I sat on Foreign Relations the last 2 years. Both of those committees are really very strong bipartisan efforts by every Member.

That is what is needed here, and yet the Budget Committee, ironically, is one of the most partisan committees. The reason it is so is because of the law itself, because the budget is not a law. It is a resolution. My contention is that this is the root of this problem. It is one of the causative factors that cause this debt to be uncontrollable and to cause a dysfunction in this body from even being able to attempt to bring that under control.

The solution is not just taxing more. It is not just spending more. The problem is much bigger than that. The debt problem will never be solved unless and until we solve this budgeting process.

As we close in on the next 50 days, as we check off every single day, I want

my colleagues in here to be reminded of what we are going to have to do to fund the government come October 1. Please, let's not get right up to September 30 with a gun to our head that says: Either do it this way, spend this money this way, or do not fund the government tomorrow. That is total irresponsibility, just like I believe this budget process is a fraud perpetrated by Washington on the people of America and it is not honest relative to what we have to face up to in terms of our responsibilities.

We cannot afford to do all that we are doing. That is just pure fact. The world is no longer going to be able to loan us the money that we need over the next 10 years—another \$10 trillion. There is some \$200 trillion of total debt in the world. Only \$60 trillion of the \$200 trillion is sovereign debt, and we have one-third of that sovereign debt today. Now, most other countries have curtailed their borrowing. We are one of the few that continue to just race along this path of borrowing money at this breakneck pace and adding another \$10 trillion. We could, potentially, have over half of the world's sovereign debt in the next 10 years. That cannot happen. The world bond risk and the bond markets will not, potentially, allow that to happen.

So today is the day. As we go through the next 50 days, I believe we need to look for opportunities on both sides of the aisle to find a bipartisan way to stop this nonsense and to get to where we can fund the government in a responsible way each year, not just 1 year, and to get away from the past 43 years of total failure in terms of funding the Federal Government, such that when we get to September 30 of each year, we have already approved the budget and we have the appropriations lined up and funded for the needs that we have all agreed here in Congress need to be met.

I can think of no other call on this body higher than this right now because it puts us at risk of doing the very things that we need to do; that is, to take care of our domestic needs, to take care of the people who need the safety net, to take care of these legacy programs of Social Security and Medicare, and yet defend our country. Because of this debt, we are limiting the opportunities that we have, and we will not solve that until we address this budget process.

I yield the floor.

The PRESIDING OFFICER (Mr. PAUL). The Senator from Washington.

TRUMP CARE

Mrs. MURRAY. Mr. President, I wish to take a few minutes this afternoon to talk about TrumpCare, specifically, about what families back in my home State of Washington are saying about the harm that this bill will do and why, despite how often Republicans say they are struggling to find a way to jam TrumpCare through the Senate, now is the time to keep the pressure on.

I have had to say this far too often: Right now people across the country

are scared, and they have a right to be. The policies in TrumpCare would turn our healthcare system into a minefield of higher costs and worse care for our families. If you are a young person who needs mental healthcare, you could pay thousands more a year on top of what you are already paying for insurance. If you are a senior, your premiums could increase by as much as 850 percent. If you need maternity care, the independent analysis by the Congressional Budget Office shows you could pay as much as \$1,000 more a month.

Under TrumpCare, 23 million people across the country would lose coverage, and, because insurance companies would have far more power to lower their standards and offer skimpy, snake-oil plans, we would go back to the days when a trip to the emergency room could result in a truly devastating financial hit.

I have just described some of the biggest impacts TrumpCare would have. None of them help patients and families. They instead do serious harm.

But you know who would benefit from TrumpCare? Special interests in the healthcare industry that would get a massive tax break and, of course, President Trump, who is desperate for a political win.

For these reasons and many more, people across our country are rejecting TrumpCare. They don't want the dramatically higher healthcare costs. They don't want this bill to create even more chaos in our healthcare system than Republicans already have, and they certainly don't think they should have to pay more, all to appease President Trump and those at the very top.

Senate Republican leaders have said they expect their final product will look a whole lot like the version of TrumpCare that passed in the House. In fact, some of them said they expect to keep as much as 80 percent of the House-passed version of TrumpCare. So it is no wonder that they are now having trouble figuring out how to cobble together enough votes to jam this disastrous bill through the Senate. If that is truly the case, then, I would again encourage them to drop this reckless repeal effort, to stop creating chaos in our healthcare system, which is driving up our premiums, and to work with Democrats on real solutions.

We are ready, like we have always been, to find ways to bring down families' healthcare costs while making sure they get the same quality of care and finding ways to get families more affordable coverage. Unfortunately, we have not heard from any Republicans who are willing to reverse course. That is why, despite how much trouble Republicans may be having with their disastrous policies, I am here today urging anyone who rejects TrumpCare and what it means for our families' health and financial security to fight as hard as they can against this bill. Keep making those calls, keep rallying, and keep sharing your stories.

Since the election, I have heard from family after family in Washington State about what the future holds for their healthcare. One of those is a constituent of mine named Marcy Jefferson. Her husband is a small business owner, and they purchase individual insurance.

Well, in 2014 Marcy was diagnosed with cancer. She has had to have not one but two stem cell transplants since then, and her chemotherapy costs are over \$3,000 each month.

Before the Affordable Care Act, Marcy's health insurance had no out-of-pocket limit. Without limits on how much insurance companies can charge patients—a protection that TrumpCare would take away—Marcy says she and her husband will most definitely face bankruptcy.

Marcy also says that the ACA “literally saved my life—and we could not afford the type of care I am receiving without it.”

There are stories like Marcy's in literally every community in our country—in red States, in blue States, in purple States. It is appalling that instead of working with us to make healthcare more affordable and with higher quality and expanding coverage, instead of listening to people like Marcy and joining us at the table, Republicans are trying to jam through the Senate a plan that would do the opposite—one that would threaten lives and devastate our families financially.

So I am going to do everything I can to fight back, and I will keep working hard against the deeply harmful TrumpCare plan that Republicans are determined to get signed into law. Families like Marcy's are bravely speaking up and making clear just how damaging TrumpCare would be, and that is exactly what Democrats here in the Senate are going to do as well.

#### THE PRESIDENT'S BUDGET

Before I close, Mr. President, I want to take a couple of minutes to talk about President Trump's latest budget proposal, because even after last week's stunning move by President Trump to obstruct our fight against climate change and seeing another confirmation the week before that that 23 million Americans would lose their healthcare coverage under TrumpCare, we cannot lose sight of the grand scope of President Trump's cruel attack against working families. Nowhere has the President's broken promises to working families been more evident than in his recent budget proposal.

President Trump spent his campaign promising workers he would stand with them, promising seniors he would protect their care, promising the middle class he would make the economy work for them. Then he came to Washington, DC, and crafted a budget that is a perfect summary of all the way those promises are broken.

In fact, the President's budget director came up to Capitol Hill just 2 weeks ago to try to defend the budget, to try to explain how it didn't break

promises, but he couldn't do it because it can't be done.

From his promises not to cut Medicaid or Social Security to his promise to provide “insurance for everybody” that was better and at lower cost, promise after promise was not just broken but shattered.

So I urge my colleagues, Democrats and Republicans, to reject President Trump's anti-worker, anti-student, anti-woman, anti-senior agenda. Thankfully, we are seeing signs that is happening. Democrats, Republicans, and Independents have been criticizing this budget here in DC and across the country. One senior Republican Senator called it “dead on arrival,” and he is exactly right.

The families we represent want us to work together, to invest in our workers and in our middle-class families, to protect patients, to stand with women, to grow our economy from the middle out, and not simply give more tax cuts to the wealthy or well connected. We were able to do this before. Recently, Democrats and Republicans came together to pass a spending bill that rejected President Trump's extreme agenda and worked for families and the middle class. We were able to come together on bipartisan budget deals that increased investments. So I am hopeful that Republicans will stand with us on the side of the people they represent, push aside this awful budget from the President, and work with us to do this again. I stand ready to do that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise today to speak in support of the VA Accountability and Whistleblower Protection Act—bipartisan legislation that will help ensure that our veterans receive the care they deserve.

We owe our veterans more than we can ever repay for their dedicated service. Part of this debt is providing our veterans with timely, high-quality healthcare.

In my home State of North Dakota, our VA medical center is located in Fargo. It not only serves the veterans in North Dakota, but it also serves the western half of Minnesota as well. If there is one thing that our veterans have made very clear about the health center in Fargo—from both North Dakota and Minnesota—our veterans have made clear that it is an outstanding healthcare center that provides high-quality service. Our veterans love the Fargo VA. They do a great job.

It is important to note that the vast majority of VA employees are dedicated to serving our veterans and are working diligently to provide services to veterans in their communities. However, as recent events have shown, there are a number of instances where poor performance or misconduct by a VA employee has had tragic consequences.

In cases like these, the VA needs to have the ability to address these situa-

tions and to do it in a fair but expeditious manner. This bipartisan legislation will provide the VA Secretary with the necessary tools to do just that and ensure that VA employees are putting our veterans first. Specifically, this legislation establishes in law the Office of Accountability and Whistleblower Protection within the VA, a post which was created earlier this year through Executive order. It authorizes the Secretary of VA to reprimand, suspend, demote, or remove VA employees at any level and hasten the appeal and review process. Additionally, it establishes protections for whistleblowers.

These reforms are important for our veterans. That is why the legislation has garnered the support of many veterans organizations. It has garnered the support of our North Dakota VA Commissioner, as well as the veterans service organizations, including the American Legion, AMVETS, Veterans of Foreign Wars, Iraq and Afghanistan Veterans of America, the Military Officers Association of America, and others. It has also garnered the support of cosponsors on both sides of the aisle in this Chamber.

Seventy-three years ago, over 160,000 brave Allied troops landed on the beaches of Normandy. I can think of no more an appropriate day to pass legislation that honors our commitment to our veterans and helps ensure they receive the care they have earned.

I thank the committee chair, Senator ISAKSON of Georgia, and also Senator TESTER of Montana for their outstanding bipartisan leadership on this important legislation.

I particularly also want to thank Senator MARCO RUBIO of Florida, who is the primary sponsor of this legislation and has been a champion for veterans issues. I know this accountability issue is one he has spoken about consistently, often, and passionately on behalf of our veterans. I thank him for his leadership on this very important legislation.

At this time, I yield to the prime sponsor of this bill, Senator MARCO RUBIO.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I want to thank the Senator for his kind comments. This issue is one that I think matters to all 100 Members of this Chamber and every American.

I, too, find it timely that here we are, 73 years to the day of the incredible sacrifices that were made on that beach in Normandy and that we have the opportunity to honor the men and women who have served for us, then and since then, particularly those who are now in need of services, with the passage of what is truly landmark legislation, and I will talk about that in a moment. It is the hope of all of us who are supporting this that it will help bring accountability for generations of those who have served and will serve to protect our great Nation.

We live in a time of an outrage culture, where in order to make the news every evening, you have to be involved in some controversy or say something over the top. That is just the way things are these days. So when something positive happens, it doesn't get a lot of coverage. It is my sense that while we are not doing this for purposes of getting coverage, many Americans tonight, as they watch the news or go on the internet, will have no idea that the Senate took this up. I think that is unfortunate because in addition to the importance of this piece of legislation, it is a testament that despite all of the important issues, noise, and arguments we hear every day on television, that our Republic still works and that men and women of good faith can come together across political ideology and partisan lines on an issue that wasn't easy to work with for a couple of years.

I hope there is an opportunity to point to this and say that on something that was important—this is not a symbolic resolution; this is a change in the laws of our country that will bring accountability to one of the most important functions that our government provides to the men and women who serve in uniform, and that is the Veterans' Administration. That is why I preference my comments on all this and the fact that this is not getting a lot of attention because this is not controversial. If there were a big fight on the floor about this and people were bickering or arguing, it would get more coverage, but the fact that we were able to come together across party lines on this issue and get it done should not be a reason not to recognize its importance. That is not why we are doing it. We are doing it to make a change.

I think it is important to preface my remarks by saying that it has been an honor and a pleasure to work with Chairman ISAKSON and with the ranking member, Senator TESTER, and all the members of the Senate Veterans' Affairs Committee on what is now truly bipartisan legislation that is before the Senate. I remain grateful to the committee for their efforts to help bring needed accountability reforms to the Department. This is an issue, as I said, that we have been working on for several years, and I am pleased that we are now on a path to enact real change.

This spring marks 3 years since light was shed on the veterans who died while they were stuck on secret waiting lists at the Department of Veterans Affairs. After it was revealed that the Phoenix, AZ, VA facility had widespread mismanagement and misconduct by employees, Congress came together and acted promptly. In the wake of that deplorable situation, this Chamber responded in a bipartisan way by passing the Veterans Access, Choice, and Accountability Act of 2014.

While many of those reforms have begun to make a difference, we knew even then that it would not be enough.

As reflected in the legislation that is now before us, in this law we are seeking to address those shortcomings and doing so in deference to what the courts have decided is consistent with the Constitution of the United States.

As virtually every Member of this Chamber—if not everyone—has done, over the years I have met with veterans throughout my home State of Florida, and I have found that many share a common frustration and disappointment and often express resignation that meaningful accountability has yet to come or occur at the VA. It is my hope that will begin to change with this vote today. These men and women, our veterans, have sacrificed much for our country, and it is our duty to take care of them when they come home after taking care of us. Sadly, for many, this solemn obligation and promise has not been kept.

Plain and simple, ineffective governance is unfair to our veterans and to the American taxpayer. The VA must be properly managed so that it can provide timely, quality care to veterans and be held accountable to all Americans.

Let me follow up what I just said by making it abundantly clear that the overwhelming majority of the people who work at the VA are good, hard-working employees who serve our veterans well. Many of them are veterans themselves. This is not a punitive measure, nor is it meant to degrade the work they are doing under very difficult circumstances. But it has become clear that under the current law, the VA often is unwilling or unable to hold individuals appropriately accountable for their actions and/or misdeeds—usually not because they don't want to but because under the law they just can't. Even in instances in which disciplinary action against an employee was attempted, the complexity and the lengthiness of the process prevented meaningful consequences.

The unfortunate reality is that those few but significant number of negligent employees often went unpunished. To shield such employees from the consequences brings down the entire Department, demoralizes the workforce, and undermines the core mission of the VA. That comes not from political talking points but from many of the men and women who themselves work at the VA.

We cannot and must not allow bureaucratic redtape to get in the way. Our VA is staffed by those who belong there and are willing to perform the important tasks of serving our heroes.

It is our hope and my belief that this law will change the VA, and it will change it for the better. Simply put, the law gives the VA Secretary the authority to reprimand, to suspend, to demote, or to remove any employee if their behavior or their performance warrants such an action.

Importantly, these reforms establish a period of adequate notice, response, and final decision on a disciplinary ac-

tion initiated by the Secretary and is under an enforceable and capped timeframe. So while the employee is getting due notice and the opportunity to defend themselves, it doesn't drag on forever.

It also provides a new avenue for whistleblowers so they can come forward without fear of retaliation through the establishment of an Office of Accountability and Whistleblower Protection. This is critical because, as we have seen, in order to uncover many of these abuses at the Department, we oftentimes need to rely on information directly from those who have seen it happen and are involved.

In summary, this bill will protect our veterans while also serving as a means to protect the countless well-performing, dedicated VA employees and whistleblowers in the Department who are frustrated that just a handful of bad apples are standing in the way of providing the service they signed up to provide. This bill will also ensure that VA employees' due process rights are respected and not infringed upon. This is not an anti-VA employee law; it is designed to reward those who work hard and perform and to identify and remove those who do not.

I am proud to say this bill would not have been possible without the support of our current VA Secretary. We worked closely with him and his office to ensure that the provisions would provide the tools they need now and for future Secretaries so they can carry out their important mission.

In addition to the Secretary, the bill has been endorsed by the Office of Special Counsel, Project On Government Oversight, and several veteran service organizations, including the Paralyzed Veterans of America, the American Legion, the Veterans of Foreign Wars, Concerned Veterans for America, the Reserve Officers Association, the Iraq and Afghanistan Veterans of America, American Veterans, and the Military Officers Association of America. These organizations serve our veterans admirably, have valuable knowledge of veterans' needs, and they agree that this legislation provides overdue reforms to the VA's current broken civil service system. We are all grateful for their help, for their support, and for helping and informing us in tweaking this law so that it actually solves problems.

There are two more points that I want to make.

I am proud that we were able to come together as a unified body—Republicans and Democrats—to show the Nation that the Republic can still work and that we can work together to solve problems. Hopefully, that spirit will carry over into other issues that confront our Nation.

With today's vote, I think we move one step closer to achieving the worthy goal of bringing accountability and, as a result, an improvement in the VA. I thank my colleagues for joining this fight to better serve our Nation's veterans.



I close by thanking the people who worked day in and day out on this, including the staffs for Chairman ISAKSON and Ranking Member TESTER. Adam Reece and Jorge Rueda worked tirelessly on the bill. I thank Hazen Marshall and Tom Hawkins with Senator MCCONNELL's office. I thank our cloakroom staff—Laura Dove, Chris Tuck, and Tony Hanagan—for their work in getting this bill here today.

On my own personal staff, I thank J.R. Sanchez, who has worked on this personally for 2½ to 3 years. I don't know what he is going to do with his time now because he has spent so much time and passion on this, and he knows many of these veterans personally.

This is a good day, and I look forward to eventually getting this bill over to the President's office so that accountability and improvement in performance can finally come to the VA and so that the men and women who have taken care of us will finally be taken care of the way they deserve.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT). The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank Senator RUBIO, who has been a steadfast leader on this issue for years.

People have heard the term "years" mentioned. It is plural. We have worked on this thing for a long time. It started coming together last year, but it fell apart at the last minute. Thanks to the Senator's work and the work of the committee and the staffs on both committees and the leadership on the Democratic side—Mr. TESTER's and mine—we found a way to do what, as I said in my opening remarks earlier—3 hours ago—is an act of Divine Providence. None of us really ever planned that this bill would come to the floor on the 73rd anniversary of the invasion of Normandy.

It was a great day in American history and world history when the evil German empire—Adolf Hitler—was destroyed by the Allied Forces and the United States of America. It is only appropriate that on the anniversary of that date 73 years later, we say to those who have worn the uniform and who wear the uniform, who represent us every day and fight for us and ask nothing in return: We will see to it that you get what you were promised in terms of healthcare and benefits, and we will be sure you have a mechanism to hold it accountable in order to give you the type of service as a veteran that you gave to us when you fought for our country.

I will repeat what has been said by the others in thanking the staff members who have worked so hard. This has not been an easy battle. It has appeared easy because nobody has been down here, arguing. All of the arguments are over. The veterans won. Doing the right thing won. It all would not have happened had it not been for a lot of hard-working staff.

I thank JON TESTER and his staff, on the Democratic side, for all of their

work on this. I want to particularly thank the Republican staffers who worked countless, tireless hours in order to make this take place: Staff Director Tom Bowman, Amanda Meredith, Adam Reece, Gretchan Blum, Kristen Hines, Maureen O'Neill, Leslie Campbell, David Shearman, Jillian Workman, Thomas Coleman, John Ashley, Mitchell Sylvest, and Heather Vachon.

We could not have done what we did nor would we have been here today without their help. Yet, as has always been true, we would not as a country have been here today nor would we have ever existed had it not been for the brave men and women who bore the battle—who fought the battle—who defended our country and made sure we had the opportunity to become what is now acknowledged around the world—the greatest government on the face of this Earth.

On this day, the anniversary of the invasion of Normandy on D-day, we are guaranteeing our veterans the type of service that they fought for and deserve. God bless America, and God bless the veterans who proudly serve America day in and day out in every uniform around the world.

In the absence of another speaker, I yield back the remaining time.

The PRESIDING OFFICER. All time is yielded back.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1094), as amended, was passed.

The PRESIDING OFFICER. The Senator from Georgia.

#### MORNING BUSINESS

Mr. ISAKSON. Madam 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 (Mrs. CAPITO). Without objection, it is so ordered.

The Senator from Rhode Island.

#### GASPEE DAYS

Mr. WHITEHOUSE. Madam President, I come to the Senate floor every year around this time to discuss an important incident in the history of Rhode Island largely overlooked in the history books, certainly overlooked in consequence to its importance.

We have to understand that we Rhode Islanders have always had a pretty fierce independent streak. The Colony of Rhode Island and Providence Plantations was founded by Roger Williams and others fleeing the harsh ideological conformity of the Massachusettsocracy. Our 1663 charter, describing the colony as a "lively experiment," is the first formal document in all of history

granting to a political entity the separation of church and state, along with unprecedented freedoms of speech.

Rhode Island was the first colony to declare its independence from Britain, on the Fourth of May, 1776—2 months before the rest of you did on the Fourth of July—and we were the last colony to join the Union, waiting for an independent Bill of Rights. Like I said, an independent streak.

Colonial Rhode Islanders chafed at the inequities of British rule, especially the disruption of our liberty at sea. We are the Ocean State. Living and working on the water has always been a Rhode Island way of life. As tensions with the American Colonies grew, however, King George III stationed revenue cutters, armed Customs patrol vessels, in the waters of Narragansett Bay to prevent smuggling, enforce the payment of taxes, and impose British sovereignty.

In 1764, after a British ship called the HMS *St. John* stole goods from Newport merchants, a group of Rhode Islanders seized control of Fort George on Goat Island in Newport Harbor and fired cannons on the vessel.

In 1769, the HMS *Liberty*, a sloop confiscated by the British from none other than John Hancock and repurposed as a Customs vessel, was boarded, scuttled, and burned by a mob of angry Rhode Islanders.

In 1772, on a dark night, a band of Rhode Islanders destroyed the HMS *Gaspee*, one of the most hated imperial ships, drawing what the Rhode Island abolitionist Frances Whipple McDougall called, in 1884, "The first blood in the Revolution."

The *Gaspee* and its captain, Lieutenant William Dudingston, were known for destroying Rhode Islanders' vessels, seizing their cargo, and flagging down ships to harass, humiliate, and interrogate the Colonials. As historian Steven Park describes in his new book, "The Burning of His Majesty's Schooner *Gaspee*: An Attack on Crown Rule Before the American Revolution," the *Gaspee* was an unwelcome, even hated, presence in Narragansett Bay. Rhode Island Deputy Gov. Darius Sessions complained to Gov. Joseph Wanton, in March 1772, that Lieutenant Dudingston had "no legal authority to justify his conduct, and his commission . . . [was] more of a fiction than anything else."

When British authorities assured Governor Wanton that Dudingston was there to protect the Rhode Island colony from pirates, the Governor replied that he didn't know whether Dudingston was protecting them from pirates or was the pirate himself.

On June 9, 1772, all this tension came to a head. On this day, Rhode Island Captain Benjamin Lindsey was en route to Providence from Newport in his ship the *Hannah*. He was ordered by the hated *Gaspee* to halt for inspection. Captain Lindsey refused, and he raced up Narragansett Bay—despite warning shots fired at the *Hannah*. The *Gaspee*