

MORNING BUSINESS

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

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

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TRIBUTE TO CAROLYN LERNER
AND MARK COHEN

Mr. VAN HOLLEN. Mr. President, today I wish to recognize the service of Special Counsel Carolyn Lerner. Ms. Lerner's term as the leader of the U.S. Office of Special Counsel, OSC, has expired. By many accounts, she has been the most successful leader of that office in the agency's 40 year history.

This office has a critical mission, one that is more important now than ever. It protects government whistleblowers and helps to eliminate government waste, fraud, and abuse. It is also responsible for the enforcement of the Hatch Act, which keeps the Federal workplace free from improper partisan politics.

Special Counsel Lerner was confirmed unanimously by the Senate in June 2011. During her tenure, she restored the integrity of the Office of Special Counsel after a difficult period. Moreover, she reestablished the OSC as a safe and effective office to defend government whistleblowers.

Moreover, I would also like to recognize the exemplary service of her principal deputy, Mark Cohen, who is leaving government service as well. The OSC played a critical role in protecting hundreds of whistleblowers at the Department of Veterans Affairs. They worked with these courageous employees to improve care for veterans at hospitals across the country, including efforts to improve conditions for veterans in the Baltimore VA.

Under Ms. Lerner and Mr. Cohen's leadership, the OSC worked with Homeland Security whistleblowers to end an improper overtime program, saving the taxpayers \$100 million a year according to the Congressional Budget Office.

These and many, many other victories for whistleblowers and taxpayers set a new standard in terms of effectiveness for this important office.

As my colleague and friend from Maryland, Congressman CUMMINGS, stated in a recent Washington Post article, "Ms. Lerner turned the Office of Special Counsel 'into a model agency and set the bar as the head of that office.'" I ask unanimous consent to have this article printed in the RECORD at the conclusion of my remarks.

As Senator GRASSLEY, a longtime champion of government whistleblowers, stated in the same article, "Her leadership should be a road map for future leaders of this office."

Given the office's important good government role, the OSC enjoyed broad, bipartisan support under Lerner

and Cohen's leadership. I concur with my colleagues and encourage the next leaders of that office to follow their lead as I pay tribute to their government service.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 7, 2017]

SPECIAL COUNSEL LERNER LEAVES OFFICE AS TRUMP REJECTS HIGHLY PRAISED WHISTLEBLOWER ADVOCATE

(By Joe Davidson)

The defining moment for the Office of Special Counsel (OSC) after Carolyn Lerner became head of the agency was a gruesome one about body parts and a dismembered Marine.

It's not the usual fare for the office on M Street NW that deals with Hatch Act violations and prohibited personnel practices. But protecting whistleblowers is where OSC makes its reputation—as in the 2011 case involving the Defense Department's Port Mortuary in Dover, Del.

Soon this little but powerful office will have a new special counsel. Rejecting the advice of Republicans and Democrats to keep Lerner, President Trump has nominated Henry Kerner to take her place. He is a former Republican congressional staffer and currently assistant vice president at the Cause of Action Institute, a small-government advocacy organization.

Lerner, who leaves office on June 14, had been on the job only a few months when she revealed reports by federal employees of grisly transgressions at the morgue operated by the Air Force. Body parts were lost in two cases, and in another, the office reported that the mangled body of a Marine "was dismembered with a saw in order to make the body fit inside a military uniform, without the consent or notification of the family."

With a staff that wouldn't begin to fill one Pentagon hallway, Lerner humbled and embarrassed the Defense Department, the government's largest agency. Lawmakers were appalled. The Air Force secretary at the time expressed his sincere "regret" for "lapses in our standards at Dover," a non-apologetic understatement.

The action of the Office of Special Counsel—no relation to a special prosecutor or to Robert S. Mueller III, the special counsel investigating Russian meddling in the 2016 presidential election—secured mortuary reforms and protected the employees who were targets of Air Force retaliation.

"I think that we have sent the federal community a message that whistleblowers should be valued," Lerner said Monday in her office overlooking St. Matthew's Cathedral. "Whistleblowers now feel comfortable coming forward, and that is helping our government."

The Port Mortuary case "really helped the federal community understand that OSC was robust enforcer of whistleblower laws," she added.

Considering the widespread retaliation against federal whistleblowers, her assessment of their comfort might be optimistic, but there is no doubt that the Office of Special Counsel is a more robust agency than the moribund place they found before she got there.

It moved "from last-resort option to first choice for getting relief for whistleblowers," said Tom Devine, legal director of the Government Accountability Project, a whistleblower advocacy organization.

Relief for individual whistleblowers also can mean systemic improvements for federal agencies and taxpayers. The Department of Veterans Affairs is the obvious example.

Congress approved VA improvements following a 2014 scandal over the coverup of long patient wait times, which was revealed by whistleblowers. Whistleblower disclosures also led to a new overtime pay system for Border Patrol agents. Lerner's office was instrumental in both.

Devine's strong praise for OSC is not unqualified. "The bad news is they operate at a molasses pace" in some instances, he said. He added that he would like Lerner to be more aggressive about taking legal action against federal agencies that violate whistleblower rights.

Despite the slow pace, agency statistics show impressive gains. There were "276 favorable actions for whistleblowers and other victims of PPPs [prohibited personnel practices] this past year, more than double the annual average," the office said in its budget justification to Congress. "In the last two years, OSC has achieved five times the number of favorable actions in whistleblower retaliation complaints than in any prior two-year period in agency history. . . . In FY 2016, for the second straight year, OSC received upwards of 6,000 new matters, a 25 percent increase over the prior two-year period."

The increased caseload leads to bigger backlogs, but it also demonstrates that employees are more willing to trust the office with sensitive cases.

Ironic criticism comes from James J. Wilson, the agency's chief human capital officer. He filed a whistleblower retaliation complaint against Lerner with the Merit Systems Protection Board after failing to find success before the Council of the Inspectors General on Integrity and Efficiency. Regarding his complaints to the council, Wilson, who previously filed grievances against former employers at two other agencies, signed an affidavit saying, "I received final decisions closing these four matters with no further action being taken."

Whatever the criticism of Lerner, it is outweighed by praise from whistleblowers and Members of Congress.

"She's fearless," Robert MacLean, an air marshal whistleblower, told me earlier this year. His was the first federal whistleblower case heard by the Supreme Court and MacLean credits his victory largely to work done by OSC.

Unusual in this era of hyper-polarization, she is lauded by both sides of the aisle.

"Leading the Office of Special Counsel requires a deep appreciation for the patriotic work that whistleblowers do to shine a light on fraud or misconduct in government. Carolyn Lerner has been a steadfast advocate for government whistleblowers, and I am grateful for her service at OSC," said Sen. Charles E. Grassley (R-Iowa), chairman of the Senate Judiciary Committee. "Her leadership should be a road map for future leaders of this office."

The Senate Whistleblower Protection Caucus, founded by Grassley and Sen. Ron Wyden (D-Ore.), had urged the Trump administration to retain Lerner.

"I am disappointed the president chose not to take Sen. Grassley's and my recommendation to renominate Carolyn Lerner, who is an experienced leader with bipartisan support," said Wyden.

It's also bicameral. Before Trump's decision, Rep. Rod Blum (Iowa), Republican chairman of the House Whistleblower Protection Caucus, led a bipartisan House letter saying Lerner deserved another term. Among those who signed was Rep. Elijah Cummings (Md.), the ranking Democrat on the House Oversight and Government Reform Committee.

Lerner turned the Office of Special Counsel "into a model agency and set the bar as the

head of that office." Cummings said by email Monday. "She served with independence and tenacity to hold agency officials accountable when they retaliated against whistleblowers."

TRIBUTE TO BETSY HUMPHREYS

Mr. VAN HOLLEN. Mr. President, as a Member of the Senate who supports efforts to build support for biomedical research and improved public health, I would like to pay tribute to a great public servant and the first woman and first librarian to lead the National Library of Medicine, NLM, the world's largest biomedical library and a part of the National Institutes of Health. Ms. Humphreys recently announced that she will retire at the end of June after 44 years of extraordinary leadership and distinguished public service.

On May 9, the board of regents of the National Library of Medicine approved and presented the following resolution to congratulate, commend, and thank Betsy Humphreys for her 44 years of service to the NLM. I would like to share that resolution with my colleagues and join the NLM board of regents in paying tribute to Betsy Humphreys, a public servant who has had a profound and lasting impact on the NLM, the United States, and the global community.

I ask unanimous consent to have the text of the resolution printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Ms. Betsy L. Humphreys has served NLM, the United States, and the global community with distinction since 1973, culminating in her appointment as the NLM Deputy Director in 2005, a post she continues to occupy today, and serving as NLM Acting Director from April 1, 2015 to August 14, 2016—the first woman and first librarian to lead the Library.

In a career that could be called one long highlight reel, she directed the groundbreaking Unified Medical Language System project, which produces knowledge sources to support advanced processing, retrieval, and integration of information from disparate electronic information sources, and which is used around the world. In the process, she developed unique knowledge and experience with the content and format of many biomedical terminologies, health vocabularies, and clinical classifications that would serve her well in all endeavors to follow.

She was a key contributor to interagency efforts to advance standardization of electronic health data, which resulted in the development, promotion, and implementation of mechanisms for designating US standards for health data exchange. She was also a major contributor to the Federal regulation setting the standards for use in electronic interchange of administrative health data.

Taking a broader view, she led US government efforts to remove major barriers to the use of standard clinical terminologies in electronic health records (EHRs). Before there was an Office of the National Coordinator (ONC) for Health Information Technology within HHS, she negotiated the world's first nationwide license for a clinical terminology, SNOMED CT, with usage terms favorable to the US. This became a model for

other countries and was adopted by the International Health Terminology Standards Development Organisation (IHTSDO) when it was formed to put ownership of SNOMED CT in an international entity. She was IHTSDO's founding Chair and has served with distinction as its US member.

With the establishment of the ONC, she led NLM's substantial and ongoing collaboration with that body to develop, support, and disseminate for free US use the key clinical terminologies required for certification of EHR products and use of EHRs by Medicare and Medicaid providers and hospitals. She also directed the development and dissemination of many tools, including mappings, subsets, browsers, etc., and innovative systems, including the NLM Value Set Authority Center and NIH Common Data Element Repository, to support the use of standards in health care, quality measurement, and in research.

She directed the legislatively mandated expansion of ClinicalTrials.gov to encompass registration of additional trials and submission of summary results information. This multi-year, multi-faceted process involved numerous partners and stakeholders, showcasing her ability to grasp and solve complex problems and her considerable skill at consensus building. ClinicalTrials.gov is the largest and most heavily used international clinical trials registry.

She worked tirelessly and creatively to expand and enhance access to research publications, data, and high quality health information for scientists, health professionals, system and product developers, information professionals, and the general public. This often involved building and maintaining strong partnerships across the Federal government to adapt and rebrand strategies to changes in Administrations and priorities and to capitalize on emerging opportunities.

She oversaw the expansion of PubMed Central to include direct deposits of articles from many publishers, manuscript submissions from investigators of publications resulting from NIH-funded research and research funded by other Federal agencies and private funders, including the Gates Foundation, and digitized articles from back issues of biomedical journals, through a partnership with the Wellcome Trust.

She led a collaboration with the Food and Drug Administration (FDA) to make drug information and device registrations submitted to the FDA by product manufacturers available to the public via NLM's heavily used DailyMed system. In addition, she guided the creation of the AccessGUDID database, which provides public access to registration data for medical devices.

Under her enthusiastic direction, NLM became an early implementer of application programming interfaces and download sites for its many heavily used data and information resources, flinging open the gates and allowing their use by other computer systems and by innovative product developers.

As NLM Acting Director, even in the face of hiring restrictions, she enhanced the quality and efficiency of NLM's high-volume operations, ensured reliable 24/7 availability of electronic information services that are essential to research, health care, and public health worldwide, and advanced major initiatives, including the re-competition of NLM's Informatics Research Training Grants and the re-competition and migration from contracts to cooperative agreement grants of the Regional Medical Libraries in the National Network of Libraries of Medicine.

Throughout her career, in an exemplary fashion, she demonstrated creativity, adaptability, and resilience in partnering with stakeholders inside and outside of NLM. She

leads by fostering employee development, diversity, teamwork, and making optimal use of human, financial, and information resources.

Throughout NLM, she is respected and indeed beloved for her kindness, her resourcefulness, and her can-do spirit. Truly a treasure as a human being and as a public servant, she demonstrated a career-long commitment to interagency collaboration and harnessing government resources for the public good.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Ridgway, one of his secretaries.

PRESIDENTIAL MESSAGES

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13405 OF JUNE 16, 2006, WITH RESPECT TO BELARUS—PM 9

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days of the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with that provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the actions and policies of certain members of the Government of Belarus and other persons to undermine democratic processes or institutions of Belarus that was declared in Executive Order 13405 of June 16, 2006, is to continue in effect beyond June 16, 2017.

The actions and policies of certain members of the Government of Belarus and other persons to undermine democratic processes or institutions of Belarus, to commit human rights abuses related to political repression, and to engage in public corruption continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared in Executive Order 13405 with respect to Belarus.

DONALD J. TRUMP.
THE WHITE HOUSE, June 13, 2017.

MESSAGES FROM THE HOUSE

At 10:27 a.m., a message from the House of Representatives, delivered by