

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 70 Ex.]

YEAS—53

Alexander Fischer Perdue
Barrasso Gardner Portman
Blackburn Graham Risch
Blunt Grassley Roberts
Boozman Hawley Romney
Braun Hoeven Rounds
Burr Hyde-Smith Rubio
Capito Inhofe Sasse
Cassidy Isakson Scott (FL)
Collins Johnson Scott (SC)
Cornyn Kennedy Shelby
Cotton Lankford Sullivan
Cramer Lee
Crapo McConnell Thune
Cruz McSally Tillis
Daines Moran Toomey
Enzi Murkowski Wicker
Ernst Paul Young

NAYS—45

Baldwin Hassan Rosen
Bennet Heinrich Sanders
Blumenthal Hirono Schatz
Brown Jones Schumer
Cantwell Kaine Shaheen
Cardin King Sinema
Carper Leahy Smith
Casey Manchin Stabenow
Coons Markey Tester
Cortez Masto Menendez Udall
Duckworth Merkley Van Hollen
Durbin Murphy Warner
Feinstein Murray Warren
Gillibrand Peters Whitehouse
Harris Reed Wyden

NOT VOTING—2

Booker Klobuchar

The nomination was confirmed.

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

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the Abizaid nomination.

The senior assistant legislative clerk read the nomination of John P. Abizaid, of Nevada, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Abizaid nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 7, as follows:

[Rollcall Vote No. 71 Ex.]

YEAS—92

Alexander Fischer Peters
Baldwin Gardner Portman
Barrasso Graham Reed
Blackburn Grassley Risch
Bennet Hassan Roberts
Blackburn Hawley Romney
Blumenthal Hawley Romney
Blunt Heinrich Rosen
Boozman Hirono Rounds
Braun Hoeven Rubio
Brown Hyde-Smith Sasse
Burr Inhofe Schatz
Cantwell Isakson Schumer
Capito Johnson Scott (FL)
Cardin Jones Scott (SC)
Carper Kaine Shaheen
Casey Kennedy Shelby
Cassidy King Sinema
Collins Klobuchar Smith
Coons Lankford Stabenow
Cornyn Leahy Sullivan
Cortez Masto Lee
Cotton Manchin Tester
Cramer McConnell Thune
Crapo McSally Tillis
Cruz Menendez Toomey
Daines Moran Van Hollen
Duckworth Murkowski Warner
Durbin Murphy Whitehouse
Enzi Murray Wicker
Ernst Paul Wyden
Feinstein Perdue Young

NAYS—7

Gillibrand Merkley Warren
Harris Sanders
Markey Udall

NOT VOTING—1

Booker

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.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Holly A. Brady, of Indiana, to be United States District Judge for the Northern District of Indiana.

Mitch McConnell, Johnny Isakson, Roger F. Wicker, John Boozman, John Cornyn, Mike Crapo, Shelley Moore Capito, Pat Roberts, Roy Blunt, Deb Fischer, David Perdue, Todd Young, John Thune, Mike Rounds, Steve Daines, John Hoeven, Thom Tillis.

The PRESIDING OFFICER. The mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Holly A. Brady, of Indiana, to be

United States District Judge for the Northern District of Indiana, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) is necessarily absent.

The PRESIDING OFFICER (Mr. ROMNEY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 43, as follows:

[Rollcall Vote No. 72 Ex.]

YEAS—56

Alexander Gardner Perdue
Barrasso Graham Portman
Blackburn Grassley Risch
Blunt Hawley Roberts
Boozman Hoeven Romney
Braun Hyde-Smith Rounds
Burr Inhofe Rubio
Capito Isakson Sasse
Cassidy Johnson Scott (FL)
Collins Jones Scott (SC)
Cornyn Kennedy Shelby
Cotton Lankford Sullivan
Cramer Lee Sinema
Crapo Manchin Tillis
Cruz McConnell Thune
Daines McSally Tillis
Enzi Moran Toomey
Ernst Murkowski Wicker
Fischer Paul Young

NAYS—43

Baldwin Hassan Sanders
Bennet Heinrich Schatz
Blumenthal Hirono Schumer
Brown Kaine Shaheen
Cantwell King Smith
Cardin Klobuchar Stabenow
Carper Leahy Tester
Casey Markey Udall
Coons Menendez Van Hollen
Cortez Masto Merkley Warner
Duckworth Murphy Warren
Durbin Murray Whitehouse
Feinstein Peters Wyden
Gillibrand Reed
Harris Rosen

NOT VOTING—1

Booker

The PRESIDING OFFICER. On this vote, the yeas are 56, and the nays are 43.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Holly A. Brady, of Indiana, to be United States District Judge for the Northern District of Indiana.

The PRESIDING OFFICER. The Senator from Iowa.

30TH ANNIVERSARY OF THE WHISTLEBLOWER PROTECTION ACT

Mr. GRASSLEY. Mr. President, today marks the 30th anniversary of a very important law—the Whistleblower Protection Act. It is very important because people in government ought to listen to whistleblowers. They are very patriotic people.

The law is a critical foundation for the whistleblower protections we have in place today. The Whistleblower Protection Act has helped to usher in a

new era at our Federal Agencies. Government employees who are aware of waste, fraud, and abuse can now step forward and do the right thing, and they can do it with the law on their side.

As one of the original cosponsors of the Whistleblower Protection Act, I remember what things were like before that law was passed. I will give some examples, and these examples aren't pretty.

Back in the 1980s, I used to say that the whistleblower's only hope was like the desperate Charge of the Light Brigade. There were rarely any survivors. At the time, the executive branch saw whistleblowers not as patriots but as threats. Agencies wouldn't even verbally acknowledge the importance of whistleblowers in making government accountable to the people. Our whistleblower laws had no teeth, so there was nothing to stop it from happening and nothing to provide any relief at all to the patriotic whistleblowers who were then experiencing retaliation.

To give an idea of just how bad things were, let's start in 1984. A study conducted by the Merit Systems Protection Board found that nearly 70 percent of government employees who knew of fraud and impropriety wouldn't even report it and wouldn't say what they knew about it. They believed that no corrections would result if they did, and their No. 1 reason for nonreporting was fear of reprisal.

The sitting special counsel from 1982 to 1986 said that if he were an attorney advising whistleblowers, he would tell them this: "Don't put your head up, because it will get blown off." At the time, the Office of Special Counsel was part of a bigger organization that we refer to as the Merit Systems Protection Board. Instead of protecting whistleblowers, it protected the merit system—not individual employees, and, let me emphasize, certainly not whistleblowers. The special counsel's office would pursue only those cases it thought it could win. If a whistleblower came to it with a retaliation case that was difficult to prove, the whistleblower was simply out of luck.

So the Whistleblower Protection Act, 30 years old, addressed all of these problems and then some. That law made the Office of Special Counsel into a separate body, and it firmly established that the Office of Special Counsel was there solely to protect employees, especially whistleblowers.

In doing so, it gave whistleblowers a new and important ally. The law also established that the Office of Special Counsel should act, not just when it had an open and shut case but whenever it was likely that a prohibited personnel practice had occurred against a whistleblower. It made the Office of Special Counsel a chief defender of employees subject to prohibited personnel practices. The law addressed other problems as well.

I remember back in the 1980s, the Office of Special Counsel had developed a

disturbing practice of providing information on whistleblowers to Federal Agencies conducting personnel inquiries; as an example, people like Elaine Mittleman. Elaine worked at the Treasury Department. She went to the Office of Special Counsel alleging reprisal against her whistleblowing. When her case was rejected, she learned that the Office of Special Counsel had leaked negative information about her to the Office of Personnel Management to do her damage. The old Office of Special Counsel effectively ensured that Elaine was blacklisted from any other Federal employment.

Thankfully, the Whistleblower Protection Act stopped that practice and stopped it cold. The act prohibited the Office of Special Counsel from responding to Agency personnel inquiries about Federal employees except in the most limited of circumstances. It also expanded the definition of a protected disclosure and made it easier for employees to show reprisal. Of course, the 1989 law wasn't perfect, and in the time since it was passed, Congress expanded it and strengthened the Whistleblower Protection Act in very important ways.

In 2012, I was proud to serve as one of the original cosponsors of the Whistleblower Protection Enhancement Act. That legislation plugged several holes in the original law and made it clear that the executive branch can't use nondisclosure agreements to prevent whistleblowers from making protected disclosures. If Federal employees are required to sign a nondisclosure agreement, specific language has to be included in that agreement making it clear that whistleblowers can still report waste, fraud, and abuse. Wouldn't the taxpayers expect a Federal employee who knows about waste, fraud, and abuse to report that as a responsibility to their office and then not to be reprisal against because they did?

It is safe to say that, taken together, the Whistleblower Protection Act and the 2012 amendments have had a transformative effect on our Federal Agencies. Things are still hard for our whistleblowers in too many instances, and we still have a long way to go, but we have come a very long way since I first started working on these issues. By the numbers, more whistleblowers now report waste, fraud, and abuse, and they have the ability to fight retaliation. I hate to say this, but too often whistleblowers are retaliated against, even with respect or even in consideration of the Whistleblower Protection Act.

In fiscal year 2017, to show progress and to show that the bill has made a difference, the Office of Special Counsel obtained 323 favorable actions, including stays, corrective actions, disciplinary actions, and systemic changes to Agency practices. That is an Agency record and a 16-percent increase over the previous year. Of those, 241 involved instances of whistleblower retaliation, and 44 involved stays with Agencies to protect employees from

premature or improper personnel actions against them.

One of those retaliation cases involved a Federal worker who reported an Agency official to her management and to the Office of Inspector General for suspected theft. In exchange for disclosure, the official who was reported demoted the worker to the lowest possible position she could.

That is just one example to show you how patriotic people in the Federal employment who are whistleblowers—who just want government to do what the law requires or spend the money accordingly—get shafted as a result of just doing what you ought to do as a Federal employee: report waste, fraud, and abuse and stealing.

This person had some help because, as I said, she was demoted to the lowest possible position that she could; that is, until the worker filed a complaint and the Office of Special Counsel investigated. Following the investigation of the Office of Special Counsel, the complainant was not only reinstated but given backpay and compensatory damages. Faced with punitive actions, including temporary suspension and a reassignment, the Agency official who had engaged in the retaliation decided to resign. That is just one example of how the Whistleblower Protection Act has made a difference. I could, of course, list many others.

The Whistleblower Protection Act and its amendments have also had an important effect on congressional oversight. Whistleblowers are the eyes and ears inside the executive branch. In fact, when people come to my office explaining why they ought to be confirmed by the Senate, there are a couple of things I always tell them: No. 1, either you run your Department or it runs you; No. 2, you ought to listen to the whistleblower. Whether you are a little Agency with a couple of thousand employees or whether you are the Veterans' Administration with 350,000-some employees, you can't know what is going on down underneath you. When people tell you something is wrong, you ought to listen. Like I said, I have found it very helpful with congressional oversight.

My own oversight efforts would not be possible without the courageous action taken by whistleblowers. For example, whistleblowers contacted my office during the Obama administration about criminals who should be ineligible for DACA but, due to an oversight by the Department, were still receiving benefits like work authorization. Scrutiny of the program led to more thorough recurrent vetting of the U.S. Citizenship and Immigration Services.

I worked with a number of whistleblowers at the Department of Veterans Affairs who had the courage—and it takes courage—to stand up and do what is right.

More recently, my office worked with Brandon Coleman after he was put on administrative leave for more than a

year and kept from running an addiction treatment program for veterans. It happens that Brandon's only "mistake" was to point out poor treatment of suicidal veterans. Eventually, after a concerted effort by my office, Senator JOHNSON's office, and the Office of Special Counsel, Brandon was provided a new position within the VA's Office of Accountability and Whistleblower Protection. That is how it should be done.

Without the protections established by the Whistleblower Protection Act, Brandon's story might have turned out very differently. Without these protections, who knows how many other instances of waste, fraud, and abuse that we have been able to find and repair thanks to whistleblowers would be continuing now unabated?

Now, make no mistake, we still have a ways to go to ensure that whistleblowers are valued as they should be valued and supported as they should be supported. I still hear from far too many whistleblowers who have done the right thing only to experience retaliation from their Agencies as a result.

We in Congress, including this Senator, shouldn't be hearing those things at all. That is why continued oversight by Congress is so very important. Whistleblowers depend on us—you and me. All of our colleagues in this body ought to be listening to them. We ought to be supporting them and honoring them by following up on their concerns and taking action to fix serious problems when they bring them to our attention.

I thank the whistleblowers who worked with my office over the years. They are truly patriots willing to put their job on the line, willing to put their profession on the line. We have come a long way since the Whistleblower Protection Act first passed in 1989. We owe it to them to build on the progress we made and to continue to improve upon our whistleblower laws for years to come.

You can rest assured that I will be part of those ongoing efforts on this important anniversary of the Whistleblower Protection Act. I encourage my colleagues to reflect on the important role whistleblowers play in our government and to renew their commitment to the same.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REMEMBERING FRITZ HOLLINGS

Mr. SHELBY. Mr. President, I rise this afternoon in honor of my good friend from South Carolina, the late Senator Fritz Hollings, who spent many, many years right here in this Chamber.

As we mourn his passing today, we remember the great impact Fritz Hollings had both in the Senate and in his home State of South Carolina, where he served as Governor, as Lieutenant Governor, as a member of the State legislature, and so forth. From 1966 to 2005, which was nearly four decades, he also represented South Carolina in Washington—right here in this body.

Born and raised in Charleston, SC, Fritz Hollings was a distinguished graduate of the Citadel and served as an Army artillery officer during World War II, for which he was awarded, among other things, the Bronze Star.

For 36 years, Fritz Hollings served alongside Strom Thurmond in the Senate, whom the Presiding Officer will remember. He was the junior Senator of his State for six terms, which made him the longest serving junior Senator in the history of the Senate. Throughout his tenure, Fritz served as a senior member of the Appropriations Committee, where I served with him. He was also the chairman of the Budget Committee and the chairman of the Commerce Committee. He was a skilled legislator and statesman.

In terms of influential policy, Fritz made quite a mark. He was instrumental in the creation of the National Oceanic and Atmospheric Administration, which we know as NOAA. When he was chairman of the Commerce Committee, he also helped to enact laws to alleviate childhood hunger and to expand competition in telecommunications during the early stages of the internet.

He may have spent nearly 39 years in the Senate, but his time in Washington was not all that made up his career.

Fritz Hollings served three terms in the South Carolina House of Representatives. He won his first election in 1948 at the age of 26. He went on to serve as South Carolina's Lieutenant Governor and then as its Governor at the age of 36. In 1984, while he was a sitting Senator here, he ran for President of the United States. He was a true public servant. He devoted his entire life to the betterment of his country, to his State, and to his people.

As we honor his lasting impact and achievements throughout his career, we are reminded that Fritz was what we would call a southern gentleman. With a distinguished Charlestonian southern drawl and a quick wit, Fritz was courteous and well mannered. He built his seniority with patience and respect.

I am grateful for his friendship and camaraderie over the last 40 years. Annette and I join his family as we mourn his passing and celebrate his life and the legacy he leaves behind in the U.S. Senate.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VENEZUELA

Mr. DURBIN. Mr. President, last year I made my first trip to Venezuela just 1 month before a Presidential election that by all accounts was about to be rigged by the incumbent, Maduro. His criminal regime was increasingly isolated by its neighbors in the world.

The Venezuelan people are suffering horribly—malnutrition, hyperinflation, levels of disease seen only in war zones around the world. As a result, 3 million Venezuelans have fled the country.

Neighbors in Colombia and Ecuador showed and continue to show incredible compassion to the hundreds of thousands of desperate Venezuelans who are pouring across their borders. In fact, my staff was just in Cucuta, Colombia, on the Venezuelan border, and my staff saw firsthand the humanity and patience of the Colombian people helping their Venezuelan brothers and sisters showing up desperate for food and safety, all amid the stark cruelty of barricaded bridges deliberately blocking aid trucks.

I might just add parenthetically—what a sharp contrast: the suffering in Venezuela and the people in Colombia, their neighbors who are trying to help, and what we are doing on our southern border when it comes to those who are suffering in Honduras and El Salvador and Guatemala. What a contrast.

During my visit to Venezuela last year, I told Maduro that if he went ahead with his stolen election, he would find himself isolated in the eyes of the world, and the Venezuelan people would suffer even greater hardship. I told him that in Washington both political parties don't agree on much, but they do on Venezuela.

Tragically, he ignored me and proceeded with this discredited election.

As a result, when the region's governments on both the left and the right decided to recognize the Venezuelan National Assembly President Juan Guaido as the country's interim President, as provided for under the country's Constitution, I promptly agreed. In fact, I called Guaido immediately, spoke to him personally, and came to the floor of the Senate to offer my support for his ascendancy as the leader of Venezuela.

I had met him in Caracas last year at a dinner that was kind of a secret dinner since he was in the opposition, and I remember at that dinner that five members of the National Assembly said: If you come back here in 2019 and look for the five of us, two of us will be exiled, two will be in prison, and one will disappear. That is what happened in Venezuela.

The courage they showed at that meeting and afterward should not be ignored by the American people.

As President Trump made his case that the world needed to act in Venezuela, in part because of the horrible situation and danger the Venezuelan people found themselves in, I joined in