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Senate

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Sustainer, silence everything in our Senators that would keep them from hearing Your wisdom. Control their minds this day that their focus may concentrate on You. Illuminate their path with the light of Your presence, providing them with the strength to walk with integrity.

Lord, give them a sense of duty that they will leave nothing that they ought to do undone. May they not be content to wait and see what will happen, but give them the wisdom and courage to make the right things happen.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 24, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will soon be considering the motion to proceed to S. 1925, the Violence Against Women Reauthorization Act.

At 10:30 this morning, the Senate will resume consideration of the motion to proceed to S.J. Res. 36, which is a resolution of disapproval regarding the NLRB election rule. The time until 12:30 today will be equally divided and controlled between the two leaders, or their designees.

The Senate will recess from 12:50 p.m. to 2:15 p.m. to allow for the weekly caucus meetings.

At 2:15 p.m., there will be a rollcall vote on the motion to proceed to S.J. Res. 36. If that motion is defeated, there will be several votes following it in order to complete action on the postal reform bill.

We are going to do our utmost to finish the postal reform bill today. I recognize that there is an important event with the Supreme Court today with the legislative branch, the Senate. Therefore, we might have to come back after that to complete work on this bill, unless there is a way forward.

I suggest to everyone, if their amendments can be accepted by voice vote, take that. If something can be worked out with the managers, do that; otherwise, we might be here until very late tonight. I would like to avoid that, if possible, for everyone's benefit.

VIOLENCE AGAINST WOMEN ACT

Mr. REID. Mr. President, in 1994, the Violence Against Women Act passed both Houses of Congress on strong bipartisan votes. In the 18 years since then, incidents of domestic violence have fallen by 53 percent.

Despite that progress, staggering rates of abuse make it clear that we still have a long way to go. More than a third of women and more than a quarter of men in this country have been victims of violent sexual assault or stalking by a partner. Because of the unique nature of the crime, combating domestic violence and protecting those affected also requires unique tools.

Victims have been abused by the very people who are supposed to love and care for them, so Congress must make certain law enforcement has the means to stop these heinous crimes, and we must ensure communities have the resources to support victims and help them heal. That is why the Senate must move quickly to reauthorize this legislation, which expired last year.

Many of the programs under the act have been funded for the last year by continuing resolutions, but a full reauthorization is necessary to ensure authorities have all the resources they need to fight domestic violence.

Women and families across the country are depending on us to act. Several from Nevada wrote to share their stories.

When I practiced law, this law was not in effect. The only good news during that period of time that developed as I began to do more work in the domestic relations field was as a result of some generous people establishing in Las Vegas a domestic crisis shelter. What is that? It is a place where women and children can go to stay away from husbands who were abusing them. It is so important. These are secret locations; you cannot find them in the phone book. It gives these women and their children—sometimes just a woman—a place to go.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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I had a leadership meeting this morning and spent some time talking to them about some examples of things that took place before this law passed. It was very difficult to find ways of helping these women. With this law, it is much easier. We must continue this extremely important legislation. The women who wrote to me had some very sad stories. Without this legislation, it would be even worse.

Coincidentally, I talked to Vice President BIDEN this morning and reminded him of what he had done. He has been watching what we do here. He said thanks for continuing this legislation. It was his idea, and it has been extremely valuable for this country.

Every day in America, three less fortunate women die at the hands of their abusers—by being abused by their spouses. In addition to those three who die, there are nine more who are abused very much. They have serious injuries. Some have been made paralyzed as a result of the beatings. It is hard to believe these beatings take place, but they do. It is in our power—the 100 of us—to protect them and help them.

Reauthorizing the Violence Against Women Act would help law enforcement continue to develop effective strategies to prosecute cases involving violent crimes against women. But also, in addition to the criminal aspect of it, it allows these women a place to go.

It would provide funding for shelters and transitional housing programs for victims of domestic violence and sexual assault, and it would help victims get back on their feet. It would make legal assistance available to victims of violence, and it would safeguard children victimized and affected by dating violence and stalking.

This reauthorization would also enact important improvements to the law, gleaned from 18 years of experience combating violence against women.

It would extend better protections for Native American women. The most significant spousal abuse and abuse to children takes place on Indian reservations. This legislation will enlarge the breadth of the bill to protect these people who are so badly in need of help.

This legislation also includes nondiscrimination protection for all victims, regardless of what they look like or where they are from.

It reduces bureaucracy and implements new accountability measures to ensure Federal investments are properly spent.

It places great emphasis on training police to respond to reports of sexual assault, which has among the lowest conviction rates for any violent crime. For police officers, it is one of the most dangerous things they can do. Last year, we had a peace officer in Las Vegas—a sergeant who had been in law enforcement many years—who went with another officer to respond to a domestic violence phone call. He was shot and killed as he walked in the door. So we do need to understand that we need to continue to help train police and also make them better trained to convict the people doing these bad things.

Many years ago, when I was a freshman in the Senate, I held a hearing, under the auspices of the Appropriations Committee, on spousal abuse. Maybe things have changed over the years—and I hope they have. There are better counseling programs. But one thing we learned during those hearings many decades ago was that the main thing that helped a man stop abusing his wife was to put him in jail. Maybe things are better now. At least we need to have better tools to make it so these people can be convicted of these brutal crimes.

We know the tools and training this legislation provides are effective. Consider this legislation's successful record of reducing domestic violence by 53 percent and helping police punish these abusers. We need to do better, but what we have done has been a big step forward from the time I was holding those hearings, before this legislation became effective.

That is why the Senate reauthorized this law unanimously in 2005, on a 95-to-0 vote. That is pretty good. Again, in 2005, we did it unanimously. And in 2000, we did it by a 95-to-0 vote. Both times it was unanimous. I hope we can do it again.

I look forward to a similar bipartisan vote this year, as Democrats and Republicans join together to renew our national commitment to ending domestic violence.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

VIOLENCE AGAINST WOMEN ACT

Mr. MCCONNELL. Mr. President, before the majority leader leaves the floor, with regard to the Violence Against Women Act, we would be very happy to enter into a short time agreement. He is entirely correct; this law has passed in the Senate on an overwhelming bipartisan basis, and there is very strong bipartisan support for it again this year. We are happy to work with him to expeditiously approve that bill in short order. Those discussions over some kind of a very short time agreement could begin as soon as now. We are happy to work with him to facilitate passage of that.

Mr. REID. Mr. President, I think that is a positive statement, as long as there are not efforts made to weaken this legislation. But if this moves forward quickly with a short time agreement, but in an effort to weaken the bill, we want no part of that.

I look forward to conversations to begin with staff and to bring in Senator LEAHY and others, and Senator MCCONNELL and I can work on this.

Mr. MCCONNELL. Mr. President, there is no reason to fight over something that nobody wants to have a fight over. We are happy to work on a reasonable time agreement and pass that in short order.

BROKEN PROMISES

Mr. MCCONNELL. Mr. President, it is no secret that most Americans are tired of candidates for political office who make promises they don't keep. And who can blame them? For years, politicians have been going to Washington promising to make government more effective, more efficient, to balance the books, make life more secure, and restore Americans' confidence in their country again. And time and time again, they have either failed to get it done or didn't even make an effort in the first place.

Frankly, it is hard to think of any politician who has promised more and delivered less than our current President. He was the one who would erase old divisions and bring people together. He was the one who would rise above politics as usual and usher in a new era of bipartisan harmony. A lot of people believed him. Naturally, a lot of them are even more jaded now than ever. They are jaded because a candidate who said he was different turned out to be just another politician who seems more concerned with reelection than reform. Not only has he failed to step up to the challenges we face, he has actually aggravated them. Social Security, for example, is now expected to go broke 3 years sooner than we expected. The Tax Code is more complicated than ever. The national debt is bigger than any of us could have imagined. Health care costs are higher. Gas prices are up. Millions cannot find work. And even most college graduates—those best equipped to step into the modern economy—either cannot find work to match their skills or can't find any work at all.

Instead of fixing problems, he has made them worse.

What is he doing now? Well, the President who was supposed to change the direction of the country now wants to change the subject. He spends his days running around the country blaming whatever doesn't happen to poll well that day for the consequences of his own policies. He spent 2 years expanding government and constricting free enterprise, and now that the results are in he spends his time pointing the finger at others for problems that originated right in his White House. It is the millionaires; it is the banks; it is big oil; it is the weather; it is Fox News; it is anything but him. And it's absurd. I mean, if you believe that a President who got everything he wanted for 2 years—2 whole years—has nothing to do with the problems we face, then I have a solar panel company to sell you.

The President spent 2 years reshaping America in the image of Western

Europe, and now he wants us to believe our economy is performing as if a Western European economy has nothing to do with it.

Nowhere is this more apparent than in the challenges facing the young people in America today. As we all know, one of the defining characteristics of Western European economies is the high unemployment rate, particularly among young people and recent college graduates. Sluggish growth and inflexible labor laws are two of the main reasons young people have been locked out of the labor market in those countries literally for years. Today unemployment is above 20 percent among young people in the European Union. In Spain the unemployment rate among people under the age of 25 is a staggering 50 percent.

Some of this is no doubt a result of the European debt crisis, but the more fundamental problem is decades of policies rooted in the same big government vision the President has been busy imposing right here in the United States. It is hardly a coincidence that as President Obama has tried to reshape the United States in the image of Western Europe, our own youth unemployment rate has been stubbornly high. That is what happens when you increase regulations on businesses that hire college graduates. That is what happens when you impose health care mandates on them. That is what happens when you impose new labor rules, such as the one Senator ENZI is leading the charge against this week that makes it even costlier for businesses to hire. We see the long-term effects of these things in Europe, and unless this President changes course we will see the same lack of opportunity for young people right here.

So today the President will bring his latest poll-tested message to the students at the University of North Carolina, and I am sure he will give a very rousing speech full of straw men and villains who stand in the way of their dreams. I am sure he will also express his strong support for things on which all of us already agree. But what he will not talk about is the extent to which the decisions he has made are limiting their opportunities in the years ahead.

Some of them already see this. I mean, you have to think most of these students are sharp enough to put this President's rhetoric up against his record and to conclude that it simply doesn't add up. As the promises of this President's campaign collide with real life, I think young people across the country will realize they got sold a bill of goods. The next time they are promised change, they will know enough to kick the tires first.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4348) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, all after the enacting clause is stricken and the text of S. 1813, as passed by the Senate, is inserted in lieu thereof.

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

The bill was read the third time.

The ACTING PRESIDENT pro tempore. Under the previous order, the bill (H.R. 4348), as amended, is passed and the motion to reconsider is considered made and laid upon the table.

Under the previous order, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints the following conferees on the part of the Senate.

The Acting President pro tempore appointed Mrs. BOXER, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. DURBIN, Mr. JOHNSON of South Dakota, Mr. SCHUMER, Mr. NELSON of Florida, Mr. MENENDEZ, Mr. INHOFE, Mr. VITTER, Mr. HATCH, Mr. SHELBY, Mrs. HUTCHISON, and Mr. HOEVEN conferees on the part of the Senate.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2011—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1925, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

The ACTING PRESIDENT pro tempore. The Senator from California.

SURFACE TRANSPORTATION ACT

Mrs. BOXER. Mr. President, I am very pleased with what just happened at the desk. For those who didn't follow it, the majority leader, Senator REID, and Senator MCCONNELL, just named the conferees so we can get moving with the House and settle our differences and move forward with a very important transportation bill.

We all know how hard it has been on the construction industry. We all know the housing crisis has made it very difficult for our construction workers to get work. We all know at the same moment we have had this real problem in the construction industry—where we have well over 1 million construction workers out of work and tens of thousands of businesses that want to do construction work—70,000 of our bridges are failing, half of our roads are in disrepair, and the American people expect an infrastructure that meets the needs of the strongest economy in the world, our economy.

So I am very pleased with what just happened. I am very pleased we see the continuation over here of bipartisan support for a transportation bill. We have Senator REID working together with Senator MCCONNELL to name the conferees, and we had a unanimous vote in our committee last year on this bill. It has been a very tortured path to get to where we are now because, for some inexplicable reason, the Republicans over in the House have insisted on just going to their own party to reach agreement rather than going to the Democrats so we can have bipartisanship over there. But I am very hopeful, with the naming of these conferees today, the House will now do its job and name conferees. I have been reading in the press that perhaps that will happen tomorrow. So I am very hopeful.

Mr. President, it is 10:20 in the morning on Tuesday, and I want to call attention to the fact we are now on the path we need to be on, starting at this moment, to get to conference. There is no reason we can't do that very soon when so much is at stake.

The Senate bill is a reform bill. There are no earmarks in that bill. That bill is fully paid for. It doesn't add to the deficit. It protects 2 million jobs and creates another 1 million jobs. What good news will it be for this economy to have this bill pass.

I know there are those who predicted this could never happen; that, A, we would never get a bipartisan bill out of our committee, but we did it; that, B, we would never get it to pass on the floor, but we did it with 74 votes; and, C, that the House will never act, and the House actually did act to move to conference. It took them a long time, but we are there. So there is no reason we cannot work together to get this done.

If Senator INHOFE and I can agree, then I think we should be able to get a very strong bill through both Houses. On my committee—the Environment and Public Works Committee, which I am so privileged to chair—we have very conservative members, such as Senators INHOFE and SESSIONS, and very progressive members, such as myself. We have Senator VITTER on the other side and Senator SESSIONS, and on this side we have Senators SANDERS and CARDIN. So we have members who reach the entire ideological spectrum, and if we can all vote for a bill, then this can happen and it will send a great signal to this country.

I thank all the groups that have worked so hard to bring pressure on all of us to keep this moving forward. It starts with a coalition that includes the AFL–CIO and the chamber of commerce. Good for them. They do not always agree, but they agree on this one.

Then we have all the business community that is behind us—the granite people and the cement people and the general contractors. The list goes on and on. There are many groups that have come together to push forward on this bill.

So I want to mark this moment. I am happy I was able to be on the Senate floor when the conferees were named. It is a great list of conferees.

We have in this bill the RESTORE Act, which will rebuild the gulf after the terrible BP spill, and we have people on this conference who were very instrumental in writing the RESTORE Act, including Senator BILL NELSON and Senator RICHARD SHELBY. Senator VITTER also was involved, and I want to take a moment to thank Senator LANDRIEU, who was a driving force on this bill. There is no question that without her insistence this wouldn't have happened. So what an opportunity we have.

Now, there are certain things I think we should keep out of this conference, and that is things that tear us apart. There is no reason to have controversy built into this conference. We can save those battles for another day. I think, with this conference, we should just all rally around the consensus of what has to be done. If it is something outside the scope of the conference, if it is unanimous and everybody thinks it is a good idea—such as the RESTORE Act—then let's do it.

There is a provision in the bill that helps our rural counties use the proceeds from timber sales for their schools—this is so critical—and for their local governments. One could argue it is not part of the transportation program, but it is a consensus. It is a coming together, and where we can do that it is very important we stick with those consensus items and stay away from the highly charged controversies. We have plenty of time for that. We don't have to put that into this conference. So I look forward to the House naming their conferees so we can get this done.

I also want to say how important it is that we pass the Violence Against Women Act. This bill, which has 61 cosponsors—it is my understanding that is the case—is a strong bill, and it makes sure people who are the victims of violence are taken care of, and it continues a great program that was put together by then-Senator JOE BIDEN.

I remember it well because I was in the House at the time and then-Senator BIDEN, now Vice President BIDEN, doing such a great job, spoke to me and said: Congresswoman BOXER, would you be willing to carry the House version of the Violence Against Women Act? This was in the early 1990s. I looked at the bill, read the bill, and said I would be honored to do so. I was so proud to work with JOE BIDEN on this issue. We had worked together on coastal issues and now we worked together, at that time, on violence against women.

I was able to get a couple of the provisions passed—a couple of, I would say, smaller provisions passed: safety on campuses, campus lighting, and some other things. But the heart of the bill did not pass until I actually was over here in the Senate, when Senator BIDEN really picked up steam and drove that bill through. My understanding is that Senator SCHUMER—at that time in the House—picked up the bill and did the same in the House.

This has been the law of the land—the Violence Against Women Act—since the 1990s, so we don't need to have any arguments about it. I was very glad to hear Senator MCCONNELL say he didn't intend to have any arguments about it because in this bill we cover even more people: people who were brutalized, women who were brutalized, and it is very key.

I see my colleague, Senator HARKIN, has come to discuss a very important matter, a labor matter, and I would tell him I will finish in about 3 minutes, if that is OK with him.

I want to conclude by saying that the Violence Against Women Act is what we call a no-brainer. It is a serious problem in our Nation. Senator REID said three women are killed every day because of violence against women.

The shelters in our States are doing incredible work. They take in women and children. They make sure there is protection and crack down on the violators and there is no reason to argue about that.

The last thing I wanted to talk about in the last couple minutes goes to the heart of what Senator MCCONNELL said in his leader time. I have noticed that almost every time Senator MCCONNELL has a chance on the Senate floor he comes and attacks President Obama and he goes after President Obama and blames him for everything under the sun. I have to say I support Senator MCCONNELL's right to say whatever he wants to say. He has every right to use his leadership powers to attack the President and do it as much as he wants. So I am not complaining about that. But I am just saying it is very unfortunate for this country that the Republican leader in the Senate said, and I quote—I am not quoting directly the words, but this is what he said—that his highest priority was making President Obama a one-term President, and he is carrying it out on the floor of this Senate.

The things he blames this President for are unbelievable. The way he attacks the President for being out around the country—he doesn't attack the Republican candidates for President for traveling around the country. Let's face it, it is a few months to the election. Does he expect the President to stay in the White House? I am glad the President is getting outside. I am glad the President is making speeches. I am glad the President is fighting for students. I am glad the President is fighting for senior citizens. I am glad the President is fighting for small business. I am glad he is fighting for fairness. Why should a billionaire pay a lower tax rate than a secretary? I am glad this President is doing all that. To hear him attacked day after day after day is absolutely discouraging when we have so much work we can do that we can talk about in our leader time. But I have decided I am going to follow this, and every time Senator MCCONNELL does this I am going to use my privileges as a Senator to come down.

Let's never forget, this President inherited the worst economy since the Great Depression from a Republican President who left us bleeding 800,000 jobs a month, who left us with an auto industry flat on its back, who left us with a credit system that was frozen. This President, through his leadership, stepped up and led us out of that mess. The other voices, the naysayers, said: Let Detroit go bankrupt. Stay out of everything. This President didn't listen because he is a fighter for change.

If this floor is going to be used to attack this President, count me in to stand and make sure the record is set straight. I hope we can go back to the work we need to do instead of using the floor of this great body to attack our President, the President of the United States of America. Everyone has a right to do it. Believe me, I don't argue that. But I also have the right as a Senator—and so do others—to come to clear the record on that, and I intend to do that.

I yield the floor.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF THE RULE SUBMITTED BY THE NLRB RELATING TO REPRESENTATION ELECTION PROCEDURES—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res. 36, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to S.J. Res. 36, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to representation election procedures.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate, equally divided, between the leaders or their designees on the motion to proceed.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield such time to the Senator from South Carolina as he may need.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I would like to thank the Senator from Wyoming for yielding but, more importantly, for his leadership on the subject that brings us all to the floor.

The National Labor Relations Board has gotten a lot of attention lately and

for reasons I don't think are too helpful to the cause. Obviously, being from South Carolina, their decision to entertain a complaint against the Boeing Company for moving to South Carolina, a complaint filed by the machinists union that sat on their desk for 1 year and then finally was brought forward by the NLRB to potentially close down the South Carolina site and move the facility back to Washington, thank God, is behind us now.

But at the end of the day, this organization, the National Labor Relations Board, seems to be hell bent on changing processes across the board more for political reason than a substantive reason.

What brings us here today is the rulemaking proposal to change the time for union elections for employees to vote on whether they want to be part of a union. It does away with the preelection consultation, the idea of the employer and the people wanting to represent the employees sitting down and seeing if they can work out a proposal or a compromise; it shortens the election time to as little as 10 days. So if you are in the company in question, you have a 10-day period before the election. The current mean average is 38 days.

I would argue this is being done not to make things more efficient but to change outcomes. Quite frankly, the outcome being desired is to make the union position stronger, not to make the system more efficient. That is what happens.

I expect a Republican President to nominate people to a board such as the NLRB with a business background. I expect a Democratic President to nominate people to the NLRB and like boards with maybe a more union background. But I expect the Board not to take the agency and turn it into a political organization and try to create by rulemaking what we can't create by legislating. That is what brings us here today.

The whole complaint filed by the machinists union in Washington, taking that complaint up that the move to South Carolina was somehow in retaliation against the union in Washington when no one lost their job in the State of Washington and no one's pay was reduced I think was taking the NLRB into an area it has never gone before.

This is just a continuation of that pattern and this is not good because the unelected aspect of our government, the NLRB and similar agencies, has a lot of sway over our economy. At a time when we are trying to make sure we create jobs in America and make it easier for people to locate their companies here, proposals such as this are undercutting what we need to be doing.

This is an unprecedented move. This kind of breathtaking change in the rules has only happened, I think, two or three times, and this was proposed as Mr. Becker was on the way out. Congress, under the Administrative Review Act, has an opportunity to stop this before it is too late. What this is being called on our side is sort of an ambush election.

The point we are trying to make is that by changing this rule to a 10-day period and doing away with preelection negotiations basically creates an environment where people are having to cast votes and not understanding who is going to be representing them or the nature of their decision. Why do we want to shorten an election? Why do we want to do away with the ability to negotiate between the employer and people who want to represent the employees?

I don't see this is addressing a problem that exists. I think this is more motivated by getting at an outcome rather than reforming a process. I hope some of our Democratic colleagues will say this is excessive and unnecessary.

If the Congress doesn't stand in the way between the American people and unelected bureaucrats, who will? This is your chance as a Member of Congress to do something about the unelected side of government that is growing more powerful by the day. We have a chance here to say no to a rule that makes no sense, that is going to skew the playing field and, quite frankly, I think represents the worst of special interest politics.

I hope Senators will take an opportunity to exercise their authority as a Member of Congress and say: Whoa. Time out. We don't need to go down this road. Let's let people understand who will be representing them, let the people who are going to vote in an election regarding unionization of the workplace to have a meaningful understanding of what they are about to vote on. There is no reason to shorten the process to 10 days. I doubt most of us would like our elections to be shortened to 10 days.

This is not about reforming an election process that is broken. It is about trying to change the outcome and skew it to the benefit of one side versus the other. Again, the rulemaking is not necessary. This is a chance for a Member of Congress to stand and say no to the unelected side of government at a time when somebody needs to say no to them.

I just hope and pray we can get some bipartisan support for this because Senator ENZI has done a very good job of trying to explain to the Senate and to our conference as a whole about what awaits the American workforce if this rule is changed, why it is unnecessary. It is not about reforming a broken process; it is trying to get an outcome where one side benefits versus the other.

I just hope my colleagues on the other side of the aisle will look at this as an opportunity for Congress to speak against the excessive rulemaking and what I think is an abuse of a process.

With that, I yield, and I appreciate very much the leadership of Senator ENZI.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from South Carolina, particularly for the insight on the way that this particular Board abused his State and found out they were wrong and got it all taken care of. But his comments are particularly valuable in dealing with this shortening of the time as well.

I thank him for speaking and I yield the floor.

Mr. HARKIN. Mr. President, I yield myself such time as I may consume.

For more than 1 year, I have been working on a series of hearings, both in Washington, DC, and in Iowa, focusing on the state of the American middle class.

We have learned that the American middle class is disappearing, falling into the widening gulf between the haves and the have-nots. The people who do the real work in this country are being squeezed to the breaking point. Their paychecks aren't rising. Their benefits are disappearing. Their pensions are disappearing. Their jobs are being shipped overseas.

When we looked into the causes of this crisis, we found that the middle class is not disappearing due to some inevitable effect of forces beyond our control such as globalization and technology. In fact, the decline of the middle class is primarily due to policy failures. We have failed to respond to our changing economy, while at the same time we have allowed many of the underpinnings of a strong middle class, such as a fair minimum wage, strong overtime laws, and defined benefit pensions to disappear.

One of the biggest factors in this downward spiral has been the decline of American unions. As former Secretary of Labor Robert Reich explained when he testified before the HELP Committee last year, when unions were strong, the middle class thrived and our country prospered. In the mid-1950s, more than one-third of all American workers in the private sector were unionized and the unions demanded and received a fair slice of the American pie. Nonunionized companies, fearing their workers would otherwise want a union, offered similar deals. As employers boosted wages, the higher wages kept the machinery of our economy going by giving average workers more money to buy what they produced. That is what the former Secretary of Labor Robert Reich said.

But now, unfortunately, that productive cycle has broken down. Workers have lost their unions, and they don't have money in their pockets to spend and help grow the economy. That is costing us the jobs and holding back our economy.

There are lots of reasons for the decline in unions, but I think again this chart which I showed yesterday is instructive. If we look at the chart, from 1973 to 2010, we will see, first of all, in the green line is the number of workers

covered by collective bargaining agreements. Look how unionization has declined. Here is the union membership. These are the ones covered by collective bargaining agreements. Here is union membership going down the same way. The red line is the middle class share of national income. Look how it tracks it. So as union membership and collective bargaining has decreased, the middle class share of national income has decreased also, almost parallel. Again, lots of reasons, but I think a big one is the broken union election process. It has become so riddled with abuses that people are giving up on it altogether. As I mentioned in my remarks yesterday, the number of union representation elections has declined by an astounding 60 percent between 1997 and 2009. When workers do file for an NLRB election, 35 percent give up in the face of extreme employer intimidation and withdraw from the election before a vote is even held, and that is after they have already signed the card to petition for the NLRB to have an election, one-third of them never get to an election.

The rule we are discussing today cannot solve all of these problems, but as I said yesterday, it is a step in the right direction. It addresses some of the most abusive situations where unscrupulous companies are manipulating the process and creating delays so they can buy more time to intimidate workers.

The primary way management can cause delay is to raise challenges at the preelection hearing. Some of these disputes, such as challenging the eligibility of an individual voter, can certainly wait until after the election to be decided. That is what we do in elections across the country. If a voter's eligibility cannot be confirmed, they vote a provisional ballot until their eligibility can be verified. We don't stop an election from happening until every voter's eligibility can be confirmed. We don't do that. If there is a challenge, they vote a provisional ballot and after the election they see whether they were qualified to vote. Some of these challenges are downright silly, but they have their intended effect, and that is to delay.

In 2002, one employer raised a preelection challenge arguing that the International Association of Machinists was not a ''labor organization'' within the meaning of the statute. The NLRB actually held a hearing on this question and, of course, found that the machinists who had been representing workers since 1888 are indeed a labor union. But the election was delayed by a month to address that one issue.

Some anti-union consultants bragged openly about their ability to abuse the process and create delays. One union-busting law boasted on its Web site how a 27-day hearing contributed to a 5-month delay between filing of a petition and the election at a Massachusetts hospital organizing drive.

Why is delay so important to management who do not want to bargain in good faith with workers? Well, by delaying an NLRB election, they give themselves more time to conduct an anti-union campaign and make it more likely they will win.

One former anti-union consultant wrote a book that is very instructive. Everyone should read it. It is called ''Confessions of a Union Buster.'' He described his strategy as ''[c]hallenge everything . . . then take every challenge to a full hearing . . . then prolong each hearing'' as long as possible, then ''appeal every unfavorable decision.'' The consultant explained that ''if you make the union fight drag on long enough, workers . . . lose faith, lose interest, lose hope.'' Let me repeat that. This is from an anti-union consultant who wrote this book called ''Confessions of a Union Buster,'' and he said, ''if you make the union fight drag on long enough, workers . . . lose faith, lose interest, lose hope.''

The impact on workers is clear. In 2000, workers at Dillard's distribution center in Little Rock, AR, began efforts to organize a union with the Union of Needletrades Industrial and Textile Employees, UNITE for short. The campaign involved a unit of between 500 and 600 workers employed as pickers, packers, forklift drivers, loaders, other warehouse workers, many making just over the minimum wage.

Dillard's management began talking with workers about the union almost immediately after workers began signing cards—before the petition was even filed. Aware that the company was likely to quickly escalate its campaign, UNITE, the union, filed an election petition in the spring of 2000, a couple of weeks after it began meeting with workers. At the time it filed for the election, UNITE had signed union authorization cards from 65 to 70 percent of the workers to join a union.

Well, what happened? Soon after the union filed the election petition, the company began holding mandatory captive audience meetings and one-on-one meetings with all workers. Basically threats were made that if the union were to succeed, the distribution center might lose its competitiveness and be forced to shut down.

The employer also launched legal challenges to the workers' petition. Get this. The management claimed that all professional and white collar workers should be in the election unit—even those at the corporate headquarters in a separate building adjacent to the distribution center.

Well, the company forced a dispute that took months to resolve. The company didn't want the white collar workers in the union, but by challenging it and saying they should be in it, forced the NLRB to have a hearing that took months to resolve.

The company took advantage of this delay to continue its anti-union campaigning. It isolated union supporters by excluding them from captive audience meetings and changing their shifts or job locations. It distributed and posted anti-union literature and continued one-on-one meetings.

Support for the union began to wane as workers' fears grew. Workers felt they were under surveillance at work and could not discuss the union at the worksite or even outside the distribution center before or after their shifts. Workers grew too scared even to accept union materials that their fellow workers handed out outside of the plant gates. Attendance at general meetings and organizing committee meetings fell sharply over the months leading up to the election. After facing 2½ months of intense anti-union campaigning, workers voted against union representation by a margin of two to one. About 3 months before that, over 65 percent to 70 percent of the workers had signed a petition to form a union, but less than 3 months later, they voted two to one not to have a union.

The NLRB has put in place reasonable rules to limit the kind of game playing that the workers from Dillard's experienced. The NLRB hasn't tried to advantage or disadvantage workers or stop employers from spreading their message. All the board has done is send a clear message to employers. They cannot abuse the process to buy themselves more time to intimidate their workers. They get a fair period of time to convey the message, and then the workers deserve their day at the ballot box.

This is not the radical act of an out-of-control board. It won't even affect most employers, union or nonunion, one bit. As I pointed out yesterday, 90 percent of all of the petitions that are filed succeed without having NLRB input anyway. Management and workers get together and work things out. But it is in those 10 percent of companies that go on this massive campaign to intimidate and frighten workers, that is what this rule is aimed at.

Preventing abuses of our laws that keep workers from having a union is a small step in the right direction to help putting the middle class back on track.

When I talk about this, a lot of people say, well, isn't it against the law for management to fire workers for union activities? And I say, yes, it is. But what is the penalty? The penalty is basically nothing.

I pointed this out yesterday, and I will say it again. There was a young man in Iowa who had been organizing a union and was fired. He filed a petition with the NLRB and it took him about 3 years to settle the case. He found out that he had been fired because of union activities and the penalty for the company was to give him all of his back pay minus whatever he earned in between.

How many people can go for 2 or 3 years and not take care of their family and pay their mortgage and pay to put food on the table without having a job? So, of course, that intervening time this person had to work, all the wages were subtracted from whatever the

company had to pay him, and it turned out basically it was nothing. So there is no penalty. As I said, all the employer has to do is pay back wages minus an offset of whatever the worker made in between the time he was fired and the time the decision was made by the NLRB, so there is no penalty for the employers to do that.

So, again, allowing our labor laws to be abused is a policy choice. As I said in the beginning, a lot of the reason for the decline of the middle class in America is because of policy choices that are made here. We have tolerated these policy choices for far too long, these abuses. Working families have suffered as a result; union membership has declined. As I pointed out, the number of workers covered by collective bargaining agreements has declined, and the middle class has declined right along with it. There is much more we need to do to move these trends back in the right direction.

I recently introduced a comprehensive bill, the Rebuild America Act, that I think presents a bold agenda for restoring the American middle class. That agenda—everything from investing in the infrastructure to job retraining, better educational benefits, better pensions, raising the minimum wage—also has restoring the right to form a union to workers who have been unfairly denied this basic freedom. It would provide real penalties for employers who abuse and fire workers to bust unions and would try to restore real voice for the people who do the real work in this country.

I hope that once we vote today and uphold the NLRB's eminently sensible actions, we can move on and have a real debate about some of these important ideas about restoring the middle class in this country and building an economy that works for everyone.

I was listening to the comments made by my good friend from South Carolina, and he alluded to the recent situation with a complaint filed with the NLRB by the attorney for the NLRB. A year or so ago the general counsel's office filed a complaint with the NLRB that the Boeing company in Seattle had retaliated against its workers for union activity, that type of thing. The fact is the NLRB—the body my colleagues are attacking today—never acted on that. The company and the workers settled it. Isn't that what we want? But somehow to listen to my friend from South Carolina, he is saying he is even opposed to letting the general counsel file a complaint. Well, that takes away the basic right of anyone to have their grievances heard. So I hope that is not what my friend from South Carolina meant. I want to point out that I think there was a lot of abuse of the NLRB during that process even though the NLRB was doing exactly what we told them to do: Take into account all of the factors, look at all the evidence before you make a decision. That is what they were doing when it erupted here on the floor and a lot of political pressure was put on the NLRB. There were a lot of threats on the NLRB. And as it turned out, it all worked out because the union and Boeing got together, settled their differences and we moved ahead. That is the way it ought to be in our country.

We should not cut off the right of people to actually file a complaint if they have a complaint. The duty of the NLRB is to investigate and to take into account all of the factors before they issue any findings. But that never happened in that Boeing case because Boeing is a good business. Boeing is one of our great businesses in this country and does a lot for America. So you get the good businesses, and the Machinist Union is a great union, and they worked it out. That is the way things ought to be done, and 9 times out of 10 that is the way it happens.

What we are talking about here is the rules for NLRB to take care of those bad actors who are out there, and to give people who want to form a union at least a level playing field without having all of these abuses and delays and intimidations and things like that.

That is what the issue is about, and hopefully this afternoon we will have a good, affirmative vote to uphold the ability of the National Labor Relations Board to issue this ruling.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself such time as I may consume.

I wish to continue the debate a little bit on the Boeing situation because the company was creating 2,000 additional jobs—reducing none but creating 2,000 additional jobs—in South Carolina at a new plant. The NLRB general counsel, who was not confirmed by this body, went ahead and decided to investigate and work on a complaint and created a lot of concern for 2,000 employees who didn't know whether they would be able to work. The case actually wasn't settled.

I think the National Labor Relations Board realized they had made a mistake and, because of the national controversy it created, actually withdrew the case even though it could have taken about 3 or 4 years through the courts to take care of it, and we covered that situation in one of the hearings Senator HARKIN asked for. I thought the company did an outstanding job.

What we are talking about today relates a little bit to that because the South Carolina folks decertified in the small window they had, which says they weren't pleased with what they had been handed.

So some of these discussions are extremely important, and the time to do those is extremely important. So today we are renewing this debate on S.J. Res. 36, the Congressional Review Act Resolution of Disapproval to stop the National Labor Relations Board's ambush elections rule. This rule is the second formal rulemaking the National Labor Relations Board has pushed through in the last year—their third in the past 75 years. There was only one before this Board decided they would take unusual action. As I mentioned, the first rule has been struck down already by Federal courts because it went far beyond the agency's authority. This ambush elections rule is also being challenged in the courts, but it is set to go into effect in less than a week—on Monday, April 30—and that is why the Senate must act today to stop the National Labor Relations Board from stacking the odds against America's employees and small businesses.

During yesterday's debate, both sides got to air their concerns. I wish to respond to some of what I heard.

There was much talk about the 90 percent of elections that go forward under mutual agreement. The argument was that because both sides were able to come to an agreement and because the wide majority of elections occur in a timely fashion, parties should not mind losing their rights to raise issues prior to the election. This argument is turning the concept of coming to agreement on its head. Yes, it is true that 90 percent of elections occur under mutual agreement and occur in 38 to 56 days, but that is precisely because both sides have the ability to raise issues of concern, such as which employees belong in the bargaining unit, and have them resolved. In other words, both sides have incentives to make fair requests because the other side has the leverage of exercising the right to contest. When all of these rights are taken away and an election is scheduled in as few as 10 days, the result will be that less mutual agreement occurs.

The National Labor Relations Board has taken a process that is working well and becoming swifter year after year and turning it into a contentious process where the small business employer side feels entirely ambushed. If the National Labor Relations Board were truly intending to address the small minority of cases where long delays do occur, they should have drafted a rule that addressed only those cases.

Yesterday both Chairman HARKIN and I quoted Presidents from each other's parties. I quoted John F. Kennedy's statement during labor law debates in 1959 when he was a Senator here saying:

> There should be at least a 30 day interval between the request for an election and the holding of the election.

He went on to say:

> The 30-day waiting period is an additional safeguard against rushing employees into an election where they are unfamiliar with the issues.

I agree that one of the most important reasons for a waiting period is for the employees to learn more about the union they may join. This is in fairness to the employee.

In many cases, the election petition is the first time some employees have ever heard about the union. They want to know what the union's reputation is for honesty, keeping their promises, treating members well, and working well with the employer to make sure the business stays in business. Once a union is certified, it is very difficult for employees to vote it out if they decide to. Employees are barred from petitioning for decertification for a full year after the election and barred as well throughout the term of the collective bargaining agreement.

Employees should have a chance to understand that once they unionize, they will no longer be able to negotiate a raise individually with their employer. Exceptional performance will not be rewarded, and grievances cannot be brought straight to the employer but will instead have to go through the filter of union officials.

Chairman HARKIN quoted former President Dwight Eisenhower. I haven't had a chance to look up the quote's context, but the gist of it was that only a fool would oppose the right of an employee to join a union. My comment on that is that a vote for this resolution does absolutely nothing to diminish the right of any employee to form a union. This resolution will not change the law one bit. If we are able to stop the ambush elections rule, union elections will still occur in a median of 38 days, with nearly 92 percent occurring in 56 days, just as it is now. And I would even venture to guess that the unions will continue to win the majority of elections. Last year they set a new record by winning 71 percent of elections. That is under the old rule. So a vote for this resolution may please both those former Presidents, whom we all admire, and forcing a fast election—an ambush election—may irritate employees into a negative vote.

Now, I know the President issued a policy on this that says that if it comes to his desk, he will veto it, and that is his right. I checked the Constitution. The Constitution says we are an equal branch of government with the President. We do not serve for the President, we serve with the President. That could be a quote from Senator Byrd, who used to sit at that desk and pull out his copy of the Constitution and point out that the President gets to do what he wants to do, but we have a responsibility to do what we need to do.

In this case, one of the administrative branches is overreacting—doing something it should not do—and we need to say no. If it gets to the President's desk and he vetoes it, that is his part of the process, although I think that when the law was written, it should have been that if Congress, which passes the law and grants rulemaking authority, disagrees in the Senate and the House, that ought to be the end of it. It ought to be the end of a rule or regulation. It shouldn't be the beginning of the process where the President can veto it, because he is in charge of the side that created the rule. But our job should be to take a look at these things, decide if they are right or wrong, and if they are wrong, to vote against them as part of the process.

So I think many will be joining me on this resolution of disapproval—at least I hope they will. That is our job and our right.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield whatever time he may consume to my good friend the Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I join the distinguished leader of the committee on Health, Education, Labor, and Pensions in opposing S.J. Res. 36 and supporting the National Labor Relations Board rule that would very simply modernize the process that workers use to decide whether they want to form a union.

Right from the start, let's be very clear about what is at stake. It is a rule that the National Labor Relations Board has formulated pursuant to the Administrative Procedure Act set by the Congress of the United States after comment that was solicited from all of the relevant stakeholders and people who would be affected by it, and they are rules that are long overdue because of the inconsistency and delays that are endemic to the current process.

As I travel around the State of Connecticut and I hear from people around the country, I consistently hear about problems that exist under the present process for choosing a union. This rule does not determine the outcome; rather, it simply modernizes and improves the process, and it does it by a rulemaking process that is consistent with and pursuant to the Administrative Procedure Act, which is the way the Congress has said it should be done. In fact, it adopts the rulemaking procedure rather than doing it by individual cases, which is the way the U.S. Supreme Court and the courts of appeal have said to the Board it should do more often. So, far from raising constitutional questions or issues of procedural lack of process, the NLRB has acted in accordance with the will of the Congress and the Constitution in formulating this rule.

Why is it necessary? Well, for one thing, there are 34 regional offices of the National Labor Relations Board, and each of them has different policies and practices for processing election petitions. We are talking about petitions that are submitted by workers who want to form a union and can do so by election when at least 30 percent of those employees send the petition to the NLRB. The gap in time is an opportunity for intimidation by unscrupulous employers. Fortunately, they are a small minority of employers—but they exist—who wish to discourage or deter workers from forming a union. That intimidation is unacceptable. We should do everything we can to stop it.

Second, the delays themselves are intolerable. Some of those delays are years—as long as 13 years in some instances—and the gap in time discourages or deters the exercise of rights that are guaranteed under the law.

So this new rule is simply to modernize the process, end intimidation, and make sure that rights are made real, in real time, so that employees can exercise those rights without any discouragement from employers.

Are the employers free to communicate with workers? Of course they are. The rights of communication on the part of the employers are not eliminated by any means. Are they still part of the process? Yes, indeed, employers remain a part of the process if they wish to be. The effort here—in fact, as one of the employers who submitted comments to the NLRB said quite pointedly—from Catholic Healthcare West, a health care company with 31,000 employees, in its comments: ''Reforms proposed by the NLRB are not pro union or pro business, they are pro modernization'' and will ''modernize the representation election process by improving the board's current representation election procedures that result in unnecessary delays, allow unnecessary litigation, and fail to take advantage of modern communication technologies.''

That quote from an employer really says it all.

Some of the litigation is not only against the interests of employees, it also is costly to the employers, especially when it fails to succeed. It creates uncertainties for other employers, and it can block representation and lead again to unnecessary delays.

This rule has an impact on real people in Connecticut and around the country. To give you a couple of examples, registered nurses who are at a number of the hospitals in Connecticut have come to me about the need to reform this process. Members of the employee workforce at T-Mobile, for example—Chris Cozza, a technician at T-Mobile USA in Connecticut, joined with 14 colleagues, came to me to recount his experience. He filed for union representation with the support of the Communications Workers of America, the CWA. He experienced problems of exactly this kind because his rights were delayed and thereby almost denied. When T-Mobile USA filed a claim that officially challenged the status of the CWA as a labor organization, he could see—Chris Cozza and all of us could see—that clearly CWA is a labor organization. This tactic was simply a delaying one, and the NLRB rule would prevent the kind of frivolous challenges and frivolous litigation that occurred there.

Let me conclude by saying, as has been said already, this rule is neither prounion or proemployer. It is simply profairness. It is antidelay,

antifrivolous litigation, and it is profairness in the workplace.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself such time as I might consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENZI. Mr. President, one of the things I have been checking on here is the statement that was made earlier that one in five people get fired for working on organizing. That statement is based on a phone survey of union activists for their estimate if an employee is terminated during an organizing drive. It is not based on fact. The fact is, unions only filed objections in approximately 1.5 percent of the elections, and that number includes objections based on many issues other than employee terminations.

Under the current law, it is illegal to terminate or discriminate in any way against an employee for their union activities. If this occurs during an organizing campaign, the National Labor Relations Board is required to rerun the election since it created an unfair election. This occurs in about 1 percent of all elections and has been decreasing in recent years. I would expect that to increase in succeeding years if this rule passes because this is an attack on small businesses and the small businesses will not have the necessary information to know what is legal and illegal, especially if they only have 10 days to get their act together.

The National Labor Relations Board can go even further if they believe a fair election is not possible. They can certify the union, regardless of the vote, and order the employer to bargain.

I have information on some of the studies that have been done on this, and the number does not come out nearly that high. Of course it is terrible if there is even one person who is fired for organizing activities but there is recourse that can be done.

I want to raise an important privacy issue that has come up as part of the National Labor Relations Board's ambush elections rule. One section of the initial proposed regulation concerned the private information of employees. It raised so much concern that it was dropped from the final rule. However, the National Labor Relations Board Chairman has publicly stated that he plans to push this and other dropped provisions into law later this year, now that President Obama's so-called recess appointments have created a full board.

Under the current law, employers are required to provide employees' names and addresses within 7 days once an election is set. The proposed rule would not only expand the type of personal information that an employer must turn over, but would require that information to be turned over within 2 days of an election being set. Of course, if we are moving it from 38 days down to 10 days, I can see where they would want it in 2 days instead of the 7 that has been normal. The expanded information that the National Labor Relations Board wants employers to give to unions includes all personal home phone numbers, cell phone numbers, e-mail addresses that the employer has for each employee. It also would demand work location, shift information, and employment classification.

Let's consider this for a moment. The National Labor Relations Board wants to give employers 48 hours to turn over information of employees who are eligible to vote, despite the fact that the employee's eligibility may not even be determined at that point because of the ambush elections rule, the elimination of this preelection hearing so those sorts of things can be worked out as to who is exactly going to be covered. In essence, an employer will be forced to turn over personal information of employees who may not even be in the bargaining unit. The rule even would have required that the employer alphabetize the lists.

The threat of this new invasion of privacy is very alarming to most people. The purpose of the information is so the union organizers can come to your home, call you, e-mail you, find you outside your work location and catch you before and after shifts. There is no prohibition on how many times the organizers can contact you or at what times. There is no ''opt out'' for those employees who simply do not want to be contacted. And there are no protections in place to ensure that the information does not go astray.

While a large part of this debate circles around the shortened election time and what that means for employers, with good reason, I do not want us to forget what this new rule could mean to the privacy of employees. Supporters of expanding the information provided to the unions claim the National Labor Relations Board is merely modernizing this standard. In this time of Internet scams, identity theft, online security breaches, and cyber bullying, protecting personal information is not something to be taken lightly. Union elections can be a very intense and emotional experience for employees and employers alike. The last thing we want is for an individual's personal information, such as an e-mail address, to be used as a harassment or bullying tool by an angered party.

I want my colleagues to know what is at stake in this debate. A successful Congressional Review Act petition also prohibits an agency from proposing any ''substantially similar'' regulation unless authorized by Congress. Therefore, by supporting my joint resolution, we could put a stop to the Board's future attempt to force employers to hand over more personal employee information.

I urge all my colleagues to support this resolution of disapproval. This is one of the most important votes we will have on labor issues this Congress. We need to let the National Labor Relations Board know that their duty as a Federal agency is to be the referee and decide what is fair for the parties involved based on the clear facts of the case. Their job is not to tip the scale in favor of one party or another. Tipping the scale is exactly what the National Labor Relations Board is doing with the ambush elections rule. Congress needs to step up and say ''no'' to the overbearing and burdensome nature of these regulations coming out of so-called independent agencies. You can do that by voting for my joint resolution, S.J. Res. 36.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, a couple things.

I keep hearing it stated that: ambush elections. I want to point out, there is no timetable set in these rules—none whatsoever. I keep hearing: 10 days and 7 days and all that. That is not set. There are no timetables at all. As I pointed out, 90 percent of NLRB elections are conducted under voluntary agreements between the parties, and those procedures are unchanged.

The current median time right now between when a petition is filed and when an election occurs is 37 to 38 days. Jackson Lewis, the Nation's biggest management-side law firm, said that—their attorney Michael Lotito told the Wall Street Journal he thinks the time under these rules would be shaved to between 19 and 23 days. Joe Trauger, vice president of the National Association of Manufacturers, says the elections would be held in 20 to 25 days under the new rules—hardly an ambush election.

The other issue I want to briefly mention has to do with the contacts—contacting and the right of privacy I heard here. Right now, the only way a union can contact people is at their homes—at their homes. The only information the union is allowed to get after the petition is filed is the addresses of the workers, their home addresses. What the Board is considering—but has not implemented—is allowing unions to have access to e-mail addresses and/or phone numbers. Well, it seems to me that is a lot less intrusive than going to someone's home.

Now, again, it is much harder, obviously, for a union organizer to go to a home. People go to their homes. They are with their families. They have their children. They are busy. That is more intrusive than e-mailing them, it seems to me. So I would hope we would look upon the possibility that they might say that having their e-mail addresses and phone numbers is less intrusive than going to their homes.

But that is not part of these rules whatsoever. They would still have to contact them at their home, and the only information the employer would have to give would be their home addresses.

Again, keeping in mind what these rules are—they are very modest rules. I keep hearing that: Well, there have only been three rules since the Board was comprised in 1938. Quite frankly, the Supreme Court and appeals courts have said, time and time again, they should do rulemaking because it is open, it is transparent, parties get to be heard. So I think this Board is being more open and more transparent than any Board before it.

This is not anything overwhelming, but it is a step in the right direction to make sure we level the playing field and we do not have these undue delays where the management can intimidate—intimidate—and I gave some examples of it, and I have a whole ream of examples of where management has delayed and delayed and delayed in order to intimidate workers so they would eventually vote not to form a union.

Again, an employer has the right to communicate to their employees all day long—in captive audiences, one-on-one meetings with supervisors. The union can only contact the worker at that worker's house, in the evening or on a weekend. So already the employer has much more opportunity to converse with and to get its views known to its workers than the union has—much more, all day long, at the job, on the job, through supervisors, one-on-one contacts, group meetings, over the loudspeaker, whatever it might be. So already there is much more ability for the management to weigh in on this than it is for the union.

The one thing we are trying to do with these rules is to say: Fine, you can continue to do that. There will still be that disparity between the ability of management to communicate to the workers and the union to communicate, but what these rules are saying is, fine, you can do that, but you cannot continue to do it month after month after month and wear the workers down and intimidate them, make them afraid of losing their jobs. And if you fire one person for union organizing, that sends a chill across everybody else. You say: Well, but that is illegal. Well, it may be illegal, but as I have pointed out, time and time again, there are no penalties for that. It may be illegal, but there are not much penalties for that. Management can always find some excuse—that they may have fired someone for something other than union activity, but everyone would know that person was fired because that person was trying to organize a union.

We are saying you cannot just continue to drag these things out month after month after month. The proposed rules simply say we will have elections, and if there are challenges, if there are challenges by the management as to who can vote in that election, then those challenges would be held until after the election and then see whether those individuals so challenged were really part of that unit and could vote or whether they could not and whether that would even make a difference.

Again, if there were 100, let's say, who signed a petition to form a union, and that was 50 percent of the workers out of 200, and the employer was challenging 5 of those, well, as it is now they could challenge those 5, have a hearing, appeal the hearing, appeal that, and just keep appealing it.

Well, the rules would say, OK, they can say those 5 are not part of it, their ballots would be set aside, and they would have the election. If the election was, let's say, 150 to 20 that they wanted to form a union, those 5 would not make a difference one way or the other. If, however, the election was very close and those 5 would make a difference, then the results would be held in abeyance until such time as it is determined whether those 5 so challenged were part of that bargaining unit or not.

To me, this is a much more fair and decisive way of moving ahead rather than these constant delays and intimidations that go on right now in some of the places—not all, not all, but in some of the places. It is like a lot of times we pass laws not because there are, let's say, broad-based incursions on a person's freedoms or certain things we want to address, but a lot of times we pass laws because there are a few bad actors out there one way or the other and we want to make sure those bad actors are not able to act unreasonably, kind of in violation of what was intended by the National Labor Relations Act.

So that is what they are all about. They are very modest and, I think, lend themselves to a much more reasonable path forward in union organizing and voting.

I ask unanimous consent if there is a quorum call that both sides be charged equally on the time.

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

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself such time as I may use.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. ENZI. Mr. President, I do want to talk about this open and fair, transparent process that was just referred to. Much has been said about the flawed policy behind ambush elections we are discussing on the Senate floor. But I want to spend a few minutes discussing the rulemaking process that was followed or not followed for that matter by the National Labor Relations Board.

While the other side portrays the changes as moderate, make no mistake about it, this new rule greatly alters the election system, especially should Chairman Pearce be able to finalize the more controversial provisions that were previously proposed. This entire rule took under 1 year to complete. The National Labor Relations Board introduced the proposed rule on June 22, 2011, and published the final rule only 6 months later on December 22, 2011.

Considering the scope of the rule and how much attention it garnered from stakeholders, it is absurd to think that a Federal agency could promulgate a rule that would have such a major effect on all employers, in only 6 months. As evidence of how critical this rule's impact will be on stakeholders, the Board received 65,957 comments. Let me repeat that. The Board received 65,957 comments during the 60-day comment period. That is an astounding number.

To compare, the Board's previous rulemaking on its notice posting requirements garnered a little more than 6,000 comments. On November 30, 2011, the Board voted to move toward finalizing a new amended proposed rule. The reason for this new amended rule was clear: The Board was going to lose its quorum at the end of the congressional session in late December 2011.

What continues to astonish me is that the Chairman claimed his staff read each of the 65,957 comments, twice, in such a short period of time. In rushing to finalize the ambush elections rule, the Board discarded several well-established internal procedural precedents as well. For example, until the ambush election rule, the Board did not advance a major policy change without three affirmative votes. This was a major policy change.

They never did it without three affirmative votes, whether through rulemaking or a case decision. This was not the case in the ambush elections rule where only two members voted in favor of finalizing the rule. Further, the Board rejected the tradition of providing any dissenting member at least 90 days to produce an opinion. Instead, Chairman Pearce offered to publish a dissent after the final rule was published. The process the Board used to promulgate the ambush elections rule was rushed through for no good reason. Yet in the process it decided to discard years of Board precedent.

I should also mention one of these people, one of the two who voted for it, not three—one of the two who voted for the rule, and there were two who voted for it—was a recess appointment because they knew this body would not stand for that person with the radical views he held, actually claiming before his appointment that he would cause this sort of a thing to happen; that he would even be able to institute, through Board procedures, card check.

Now, that is a pretty radical statement, and that alone was keeping him opposed by both sides of the aisle. There were people on both sides of the aisle who opposed card check.

So two people voted for it; one person voted against it. That person was not allowed the right to put in a dissent opinion. That is wrong. That is not open and transparent.

Now I would like to talk a little bit about the targeting of small business

this regulation does as well. All of our States have a lot of small business. Small business is the backbone of job creation in this country. We need to make sure that process can still follow. Once a petition for representation is submitted, the current median timeframe for a union election to be held is 38 days. That is the median time. The ambush election rule would shorten that timeframe to as few as 10 days.

For small business owners, with the range of company responsibilities and limited resources, this puts them at a severe disadvantage. Most small business owners are not familiar with complex labor laws they have to adhere to during the representation election process. For example, they may not be aware that certain statements and actions could result in the National Labor Relations Board imposing a bargaining obligation without a secret ballot election. They can declare the election over. Furthermore, most small businesses do not have the resources to employ in-house counsel or human resource professionals familiar with these laws.

So holding an ambush election in as few as 10 days does not provide small business owners with enough time to retain a competent labor attorney, consult with them, and then adequately prepare for an election. I have given the reasons before why it is unfair to the employees. But it is also very unfair to a small business owner because their day-to-day responsibilities range from sustaining a competitive product, to managing personnel, to balancing the books at the end of the day. I know. I have been there. I had a shoe store. They have to do all of those things.

The definition by the Federal Government for a small business is 500 or less employees. In Wyoming that would be a big business. My definition of a small business is where the owner of the business has to sweep the sidewalks, clean the toilets, do the accounting, and wait on customers—and definitely not in that order. So those day-to-day responsibilities to keep the business competitive take a lot of time, and given such a demanding schedule, it takes time for a small business owner to fully understand the pros and cons of unionization. It takes even longer for a small business owner to communicate these points to their employees.

Ambush elections make it logistically impossible for small business owners to fully discuss the effects of unionization with their employees, partly because they will not even know what those effects are, and neither will their employees.

A union organizing campaign does not begin on the day an employer receives a petition for representation. It typically starts months or even years before, when professional union organizers start conveying their side of the story to targeted small business employees. They work on it for months. By unjustly curtailing an employer's ability to convey their point of view, ambush elections deny employees the opportunity to hear both sides of the argument on unionization.

The small business employer is also at a disadvantage because the union organizer will be in a position to set up the election to his best advantage, essentially cherry-picking union supporters before the election process begins. The organizers will have had limitless amounts of time to analyze which employees could be argued to belong in the bargaining unit, which may qualify as supervisors, and who is most likely to support a union.

With ambush elections, the National Labor Relations Board will impose the election before the employer has an opportunity to even question those assumptions, especially since we have significantly restricted the one tool—the preelection hearing—that the small businessman would have to question who is in and who is out.

According to a recent Bloomberg study, unions win 87 percent of secret ballot elections held 11 to 15 days, compared to a 58-percent rate when elections are held 36 to 40 days. By shortening the election timeframe, labor unions will undoubtedly win more representation elections—perhaps. The perhaps is that they may really irritate the employees and win less of them. The way that it is held in 11 to 15 days is when the employer and the employees agree on all of the issues and get the election to move forward. So it can happen in a short period of time right now. Otherwise, the median time would not be 38 days.

But I think this rule will alienate those people who have been getting together and arriving at these agreements. So for small business owners, the surge of union bargaining obligations means a less flexible workforce, increased labor costs, and fewer opportunities for job creation. And they are the job creators.

The National Labor Relations Board is only creating more uncertainty for small business at a time when the country needs them to focus on creating jobs. Small businesses account for over half of the jobs in the private sector and produce roughly one-half of the privately generated GDP in the country. In 2010, small businesses outpaced gross job gains of large businesses by 3 to 1.

As the National Labor Relations Board has publicly indicated, ambush elections are only the beginning of a round of regulations aimed at making it easier for unions to win representation elections in American workplaces. Proposed regulations, such as requiring small businesses to compile a list of employee phone numbers and e-mails and then handing them over to union organizers before an election are time consuming. They are costly. They are extremely invasive. Furthermore, they are indicative of how this administration is more concerned about boosting labor union membership than creating jobs.

We have to create jobs. We cannot continue to pick on the small businessman and put him at a disadvantage. This is a rule that is looking for a place to act. It is not one that was needed or requested other than by labor organizers. I think it will have repercussions. So I would ask everyone to vote for the resolution of disapproval so this does not go into effect, although we have been promised, of course, a Presidential veto if it makes it to his desk.

But that is Congress. We have the right to say we do not think the rule is right. The President has the right to say his administration is right and veto the law. But we have to make that statement, and we have to make it on behalf of small businesses and employees.

A lot of this has to do with employee fairness and giving them the time to figure out what the union will do with them and for them and to them.

I yield 3 minutes to the Senator from Alabama for morning business, as I understand it.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

POSTAL REFORM

Mr. SESSIONS. Mr. President, I thank the Senator from Wyoming for his thoughtful remarks on this important subject. I hope our colleagues are listening.

Later today, I will offer a budget point of order on the postal bill. It adds $34 billion to the debt. It violates the agreement we reached last August, in which we said there would be limits to how much debt we would increase and how much spending we would increase.

The first big bill coming down the pike adds $34 billion. Every penny of the new spending is added to the debt. There is no offset to it. Those of us who supported the concept of a limitation on spending—and I didn't think it limited it enough last summer, but many thought it did, but agreed to that limit—have to know this. When I raise that budget point of order, somebody will probably rise and ask for a vote to waive the budget, waive the limitations on spending and debt that we just passed last August.

We need not kill reform of the Postal Service. We need to send this bill back to the committee and let them produce legislation that either spends not so much or doesn't spend money or, if they do spend money, pay for it through cuts in spending that are perfectly available.

GAO has said there is over $400 billion spent each year in duplicative and wasteful programs. We have GSA off in Las Vegas in hot tubs on taxpayers' money. We could pay for this bill if it is so important that we have to do it; if we don't, that is what the vote would be.

I urge my colleagues to understand the importance of it. Our Members who believed it was important to have a

limit on spending in order to gain a debt increase last summer, increase the debt ceiling, should vote against the motion to waive because to do so—to vote for waiving the budget would undermine, in the first real opportunity, the agreement we reached.

I thank the Chair and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to have printed in the RECORD three additional letters of support from the Motor and Equipment Manufacturers Association and National Council of Textile Organizers and the Building Owners and Managers Association International.

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

The Motor & Equipment Manufacturers Association (MEMA) represents over 700 companies that manufacture motor vehicle parts for use in the light vehicle and heavy-duty original equipment and aftermarket industries. Motor vehicle parts suppliers are the nation's largest manufacturing sector, directly employing over 685,000 U.S. workers and contributing to over 3.2 million jobs across the country.

MEMA urges your boss to support S.J. Res. 36 and help overturn the ''ambush election'' rule, which is part of the NLRB's aggressive and unchecked regulatory agenda. Parts manufacturers are very concerned by recent unnecessary and unwarranted actions by the NLRB that threaten employer-employee relations as well as job growth and productivity. MEMA members strongly oppose the NLRB's ambush election rule which would shorten the time frame during which union elections may be held, limiting an employer's ability to prepare for an election and an employee's opportunity to make an informed decision about joining a union.

Please contact Ann McCulloch at amcculloch@mema.org or 202–312–9241 with any questions. Thank you for your consideration.

Sincerely,

ANN WILSON,
Senior Vice President, Government Affairs, Motor & Equipment Manufacturers Association.

BUILDING OWNERS AND MANAGERS ASSOCIATION INTERNATIONAL,
Washington, DC, April 24, 2012.

Hon. MIKE ENZI,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR RANKING MEMBER ENZI: The Building Owners and Managers Association (BOMA) International urges you to support S.J. Res. 36, which will prevent the National Labor Relations Board (NLRB) from moving forward with its ''ambush'' election rule. The rule is an attempt by the NLRB to enact the Employee Free Choice Act through regulation. The NLRB's actions are detrimental to workers, businesses and our economy and must be stopped.

Under the rule, building owners and managers and the companies they do business with could face an election held to determine whether or not the employees want union representation in as few as 14 days after the union files a petition. This would leave little or no opportunity to talk to employees about union representation or respond to any promises by union organizers—no matter how unrealistic. Union organizers lobby employees for months outside the workplace without an employer's knowledge, so these ''ambush'' elections would result in employees receiving only half the story. In an effort to rush the election, the rule also robs employers of free speech and due process rights. In fact, under the rule, the NLRB could even conduct elections before it settles which employees would be in the union. How is a worker supposed to make an informed choice about unions in these circumstances?

The median time from petition to election without this rule is a far more reasonable 31 days. The legislative record shows Congress intended an election period of at least 30 days in order to ''safeguard against rushing employees into an election where they are unfamiliar with the issues.''

The Building Owners and Managers Association (BOMA) International is an international federation of more than 100 local associations and affiliated organizations. Founded in 1907, its 16,500-plus members own or manage more than nine billion square feet of commercial properties. BOMA International's mission is to enhance the human, intellectual and physical assets of the commercial real estate industry through advocacy, education, research, standards and information. On the Web at www.boma.org.

Again, on behalf of building owners and managers across the country, I urge you to support S.J. Res. 36 and help rein in this out-of-control agency.

Regards,

KAREN W. PENAFIEL,
Vice President, Advocacy.

NATIONAL COUNCIL OF TEXTILE ORGANIZATIONS,
Washington, DC, April 24, 2012.

DEAR SENATOR: I am writing on behalf of the U.S. textile industry and the nearly 400,000 workers the industry employs. I am the president of the National Council of Textile Organizations and I urge you to support S.J. Res. 36 when it comes to a vote today. S.J. Res. 36 provides for congressional disapproval and nullification of the National Labor Relations Board's (NLRB or Board) rule related to representation election procedures. This ''ambush'' election rule is nothing more than the Board's attempt to enact the Employee Free Choice Act through the regulatory process and to deny employees and workers access to critical information about unions. In addition, the ''ambush'' election rule strips employers of their rights to free speech and due process. The rule poses a threat to employers and workers alike and needlessly interrupts an employer's day to day business operation.

The National Council of Textile Organizations (NCTO) is a unique association representing the entire spectrum of the textile industry. From fibers to finished products, machinery manufacturers to power suppliers, NCTO is the voice of the U.S. textile industry. There are four separate councils that comprise the NCTO leadership structure, and each council represents a segment of the textile industry and elects its own officers who make up NCTO's Board of Directors.

NLRB statistics note that the average time from petition to election is 31 days, noting that over 90 percent of elections take place within 56 days. NCTO strongly believes that the current election time frames are reasonable, and permit workers time to hear from the union and the employer. The ability to take into account the perspectives of management and the unions allows workers to make informed decisions, which would not be possible under the new ambush election rule if allowed to go into effect. NCTO is particularly concerned about how our small and medium manufacturers would be affected by the rule's time frames; employers will not have the appropriate time to retain legal counsel, or to speak with workers about union representation. The reality is that union organizers are persuading workers for months outside the workplace without an employer's knowledge; these ''ambush'' elections would often result in workers'' hearing only one perspective on union membership. Workers would be made unrealistic promises that can't be kept and be offered guarantees of benefits that unions have no way of attaining. If the employer does not have an opportunity to explain their position and any possible inaccuracies that could be levied by the union, how can a worker make an informed and objective decision regarding representation?

For these reasons, NCTO urges you to vote yes on S.J. Res. 36 when the Senate votes today. If left unchecked, the actions of the NLRB will fuel economic uncertainty and have serious negative ramifications for millions of employers, U.S. workers, and consumers.

Sincerely,

CASS JOHNSON,
President.

Mr. ENZI. Also, there will be key vote alerts from the Associated Builders and Contractors, Associated General Contractors, Brick Industry Association, Competitive Enterprise Institute, Heritage Action for America, International Franchise Association, International Warehouse Logistics Association, National Grocers Association, National Association of Manufacturers, National Federation of Independent Business, National Restaurant Association, National Roofing Contractors Association, National Taxpayers Union, the Retail Industry Leaders Association, and the U.S. Chamber of Commerce.

I yield the floor and reserve the remainder of my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. 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. ENZI. Mr. President, I yield up to 10 minutes to the Senator from Georgia, Mr. ISAKSON.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I haven't been able to hear all the speeches, but I commend Senator ENZI on his detailed and eloquent explanation on how we arrived where we are today.

I wish to add a history lesson of my own to tell you my journey in terms of where we are. As a student in college in the 1960s, in business management, I learned a lot about the Industrial Revolution, the labor revolution, the development of labor unions and labor/management practices as they developed from the 1920s until the 1960s and now up until today.

It is absolutely correct that the playing field was unlevel in the 1920s and

1930s. It is absolutely true that we had poor working conditions, safety risks were high, and wage-an-hour issues were debated. There was a place and an appropriate nature for us to level the playing field so management and labor could go together, head-to-head, and negotiate and arbitrate and have binding agreements upon themselves to protect the safety of workers and also improve the environment of the workers in the United States.

For 75 years those laws served us well. All of a sudden, it seems there is a perfect storm. From every corner, the NLRB seems to be making proposals to try to tilt the playing field away from fairness and equity and it is not right.

Last year, 70 percent of the elections for unionization in the United States of America were successful. There is not a problem in terms of people being able to organize and negotiate collectively. The problem is that the regulatory bodies are attempting to circumvent the legislative branch of government and to rule and regulate what they cannot pass on the floor of the Senate.

When Mr. Becker was appointed to the NLRB last year by the President, over the objection of the Senate and during the recess—it was an example of where the President used a recess appointment to go around the lack of approval, and advice and consent of the Senate.

This particular legislation we are talking about is similar to the specialty health care decision. The specialty health care decision allowed unions to create micro unions within the same working body, where there could be a plethora of unions in one store, all to fracture and fragment the ability of a business to cross-train and compete effectively. It is an attack on the free enterprise system and circumvents what our Founding Fathers intended us to do.

We have a legislative branch with the House and Senate; an executive branch with the President, the Vice President, the Cabinet and his appointees; and we have a court system. The President makes initiatives that go through the legislature. The legislative body takes initiatives and passes laws. Ultimately, the courts are the arbiters if either one or both ever challenges the ruling of one or the executive order of another. That is the way it should be. But right now we have a two-legged stool in America. Instead of legislative, executive, and judicial branches, we have a judicial and executive branch trying to run the country. We all know what happens to a two-legged stool. It falls over.

I talked with some businesspeople this morning who talked about the uncertainty of doing business in America. It didn't all have to do with ambush elections or specialty health care movements or special posters to promote unionization in the workplace, but they were part of it. The regulations that come from the administration through the Department of Labor, the National Labor Relations Board, the National Mediation Board, and a plethora of other organizations, are making it difficult for America to do business in a time where it is essential that we do business.

When the stimulus passed 18 to 24 months ago—maybe 30 now—it was designed to bring unemployment down to 6 percent. Unemployment remains above 8 percent, and one of the reasons it does is that the deployment of capital by businesses is not taking place because of the uncertainty of the workplace and what lies ahead, whether it is health care, whether it is ambush elections, card check, or whatever it might be.

So I come to the floor to commend the Senator from Wyoming for taking an initiative that is available to the Senate to bring a resolution of disapproval forward for a resolution of an executive branch body that circumvents the legislature itself. I hope he is successful in sending the message that it is time for us to take American politics and American justice and American legislation back to what our Founding Fathers intended.

Let's stop trying to take a playing field—one that has been level for 75 years, where we have had the greatest labor-management relations in the history of any country in the world—and tear it up or put us into a situation where we are adversaries, as we were 75 years ago. Let's stop the ambush election. Let's stop the arbitrary posting. Let's stop the specialized unionization. Let's stop all of this and return to the laws that have worked for three-quarters of a century. Three-quarters of a century is a great test of time. There is no reason now, through appointments to a regulatory body, to change the history of the Senate and the history of the court system.

I will end by quoting a President of the United States—a Democratic President of the United States—who, on April 21, 1959, was U.S. Senator John Fitzgerald Kennedy. In his campaign for the Presidency, he declared that elections should have at least 30 days between their call and the vote so employees can be fully informed on their choices from both sides of the issue. If it was right for John F. Kennedy on April 21, 1959, it is right for the Senate today, on April 24, 2012.

I commend the Senator from Wyoming on his presentation, his intensity, and his ability to bring this issue before the American people and to the floor of the Senate.

I yield the floor.

Mr. HARKIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Iowa has 20 minutes, and the Senator from Wyoming has 12 minutes.

Mr. HARKIN. Mr. President, there are just a couple of things I wish to bring up in response to some of the statements that have been made on the floor.

First of all, I wish to make it very clear that the NLRB has scrupulously followed all legal and procedural requirements for rulemaking under the Administrative Procedure Act, and by increasing the use of rulemaking, it has been the most inclusive and transparent Board in history—in history. This process has given all sides abundant opportunity to provide input to the NLRB. There was opportunity for written comments, written responses to other comments, and even a public hearing.

I would like to point out again that there is no requirement in the Administrative Procedure Act to facilitate a dissent. Even though there isn't, the NLRB's traditional practice has given Member Hayes an opportunity to dissent. He was given that chance. But these practices do not allow him to filibuster or run out the clock to thwart the actions of his colleagues.

The Board filed a notice of proposed rulemaking on June 22, 2011, provided 60 days for filing public comments, and received over 65,000 comments, of which, I might note, all but around 200 were form letters. There were 65,000 comments, and all but around 200 were form letters. But still there were 200 comments, ensuring a wide range of views and stakeholder input. The Board arranged an opportunity for staff from Member Hayes's office to brief congressional staff on his dissent from the notice of proposed rulemaking, and, although not required to do so, the Board also provided an opportunity for oral public comments at a hearing conducted on July 18 and 19, 2011, in which over 60 labor and management lawyers, public interest groups, employer and labor organizations, workers, and other related constituents participated. The Board provided an additional 14 days following the 60-day comment period in which to file written reply comments. Again, this is not required by the APA—the Administrative Procedure Act—or any other law. Then the NLRB held a public vote on a final rule on November 30 and published the final rule in late December. So quite frankly, under the Administrative Procedure Act, which all other agencies follow, the NLRB bent over backward to be transparent and to allow dissent.

I have heard it said that Member Hayes was not allowed enough time. Well, he had his first dissent. But from June 22 until November, Mr. Hayes had all that time to file a dissent if he wanted to—to write a dissent. I mean, is that not enough time to write a dissent? It seems to me that is more than enough time. But that was not done. So I just want to make it clear that I think Mr. Hayes was given more than enough time to write his dissent if he wanted to. He did write one dissent over the proposed rules, but he had the additional opportunity from June 22 until November. Again, the APA, under rulemaking, doesn't entitle him to dissent, but the Board allowed him to

have a dissent if he wanted to. They had access to public comments on the proposed rules. They were given summaries and copies of specific comments the other members found informative. His office had months to incorporate those comments and write a second dissent but chose not to. That was his own choice. That was his own choice. He was not prevented from doing so. That was his own choice.

There are a lot of little items like that which I think are kind of being misinterpreted, but here is the essence of it, right here. Here is the essence of what this is all about. Stripped of all the falderal and all of this and all of that and which Board member was for card check and who wasn't and on and on and on, this is what it is about, right here, this statement. This is Martin Jay Levitt, who was an anti-union consultant who wrote a book called ''Confessions of a Union Buster,'' published in 1993. ''Confessions of a Union Buster.'' Here is what he said:

> Challenge everything . . . then take every challenge to a full hearing . . . then prolong each hearing . . . appeal every unfavorable decision . . . if you make the union fight drag on long enough, workers lose faith, lose interest, lose hope.

That is what it is about. It is about denying people their right under the National Labor Relations Act to fairly and expeditiously have a vote on whether to form a union. This is not new. This has been going on since the 1940s and 1950s, since Taft-Hartley. There have been forces at work in this country since the adoption of the National Labor Relations Act in 1935 to break unions. They do not want to give workers a right to have a voice in collective bargaining. They will go to extreme limits to deny union members their rights. They will do everything they can to try to break up unions. Taft-Hartley was the first of that, and we have had several things since that time.

Our job is to try to make it a level playing field—as level as possible, anyway—and to give workers a right that is not just a right in name only or in words but a real, factual right to form a union and have the election without challenging everything, taking every challenge to a full hearing, prolonging each hearing, appealing every unfavorable decision. As I quoted earlier, if you make the union fight drag on long enough, workers lose faith, lose interest, and lose hope. And I might add, if you drag it on long enough, it gives the employer every opportunity to intimidate workers so they won't join a union or maybe fire people who were active in the union organization drive—to find some reason why they should be fired, anyway. That is what this is about.

What the NLRB has finally done, through an open process, through a rulemaking process, through perhaps one of the most open and transparent processes in the history of the NLRB, is to say: Let's have a system whereby certification votes can be held within a reasonable amount of time. There was no time limit put in there. There is no 7 or 10 days. That is what Mr. Hayes said in his dissent. He just plucked that out of thin air. But that is not in the ruling. That is not in the ruling at all. Most people who have looked at it have said: Well, it may shorten it to 20 to 30 days, somewhere in there. It seems to me that is fair enough. That is fair enough.

But that is really what this is all about, and I hope Senators, when they vote, will recognize that what the Board has done is to take the unfair process we have had for so long and made it more fair for everyone.

I will point out one last time that the procedures the NLRB has come up with, which are under fire right now from the other side, apply to certification votes as well as to decertification votes. If a company wants to decertify a union, then the union can't drag that out days and months at a time. They can't drag that out for decertification either. So it seems to me that on both sides—certification and decertification—we have a level playing field, and neither side can drag it out interminably to try to frustrate the real desires and wishes of the workers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield 8 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I wish to commend the Senator from Wyoming for his great work on the subject.

As Americans know firsthand, we continue to struggle with an economy that is not performing well or meeting the needs of workers. The unemployment rate remains at about 8 percent, as has been the case for the last 28 months. Much of this can be attributed to a lack of certainty on the part of employers.

One need look no further than the regulatory policies being pushed by this administration to understand why job creators are not creating jobs. Back on December 22 of 2011, the technically independent National Labor Relations Board published the final rule on representation-case procedures, better known as the ''ambush elections'' rule. This new rule could allow a union to organize an election in as little as 10 days. This new rule is the most drastic and sweeping modification to the union election process in more than 60 years.

According to the National Labor Relations Board, the median time in which an election is held is 38 days, and 92 percent of all elections occur within 56 days. In fiscal year 2011 the NLRB reports that 71.4 percent of unions won their elections, which is up 3½ percent from fiscal year 2010. It is hard for one to claim that union elections are being held up unnecessarily with these sorts of track records.

The changes put forth by the NLRB will radically change the process of union organizations and will limit an employer's ability to respond to union claims before an election, thereby stifling debate and ambushing an employer and employees. Employers use the time after an election petition has been received to ensure compliance with the National Labor Relations Act, to consult with human resource professionals, and to inform—to inform—their employees about the benefits and shortcomings of unionizing. It is nearly impossible for a small business owner to navigate the regulations of the National Labor Relations Act without the assistance of outside counsel, which will be hard to find in 10 days or less.

On April 21, 1959, then-Senator John F. Kennedy stated, and I quote:

> The 30-day waiting period is an additional safeguard against rushing employees into an election where they are unfamiliar with the issues.

It appears that rushing elections is exactly what the NLRB and big labor are hoping for. After all, unions win 87 percent of elections held 11 to 15 days after an election request is made. The rate falls to 58 percent when the vote take place after 36 to 40 days.

On a decision as important as whether to form a union, workers should have the opportunity to hear from both sides, free from any pressure one way or the other, an opportunity that the NLRB's recent decision would take away.

In addition to ambushing employers with union elections, the NLRB has now decided to recognize micro-unions. The NLRB ruled that so long as a union's petitioned-for unit consists of an identifiable group of employees, the NLRB will presume it is appropriate.

What does this mean for America's small businesses? This means that at your local grocery store there could be a cashiers union, a produce union, a bakers union, the list goes on and on. Micro-unions, coupled with ambush elections, can cause one small business to deal with several bargaining units in the workplace and little time to no time to raise concerns against such actions.

The Supreme Court has expressly stated:

> An employer's free speech rights to communicate his views to his employees is firmly established and cannot be infringed by a union or the NLRB.

The recent actions of the NLRB have all but silenced any freedom of speech once enjoyed by employers. For the State of South Dakota, increased unionization will mean higher costs for the health care industry, driving up health costs for hospitals and consumers. It will also mean higher costs for hotels, tourism, small businesses, and other service industries. The Federal Government should not be acting to slow or hinder job growth in our current economy but should instead be looking for ways to foster job growth.

In addition to radically changing the way in which union elections are organized, the NLRB promulgated a rule requiring most private sector employers to post a notice informing employees of their rights under the National Labor Relations Act. I believe this is yet another example of Federal overreach by this administration that benefits their special interest allies at the expense of American businesses that are currently struggling to create jobs, which is why I introduced the Employer Free Speech Act last year.

If enacted, this legislation would prohibit the NLRB from requiring employers to post a notice about how to establish a union. I am happy to report that on April 17, 2012, the DC Circuit Court of Appeals agreed with me and has stopped the NLRB from enforcing this unnecessary and burdensome rule.

This administration is making a habit of using regulatory policies to strengthen unions and harm the economy. In these difficult times, the last thing government should be doing is putting roadblocks in front of American businesses as they attempt to do their part to turn our economy around and to create jobs.

In the 74 years of the NLRB's existence prior to 2009, the Board had promulgated just one substantive rule. It is time that the NLRB return to its main function, which is to act as a quasi-judicial agency. These actions by the NLRB further push our government down a dangerous path, one in which decisions no longer lie in the hands of those elected by the people but by unaccountable bureaucrats sitting in Washington disconnected from people.

For these reasons and many others, I am supporting S.J. Res. 36, and I want to encourage my colleagues on both sides of the aisle to stand with American employees and employers and to vote to stop the NLRB from moving forward with what is a misguided and deeply flawed ambush election rule.

I congratulate the Senator from Wyoming for getting this matter on the Senate floor and giving us an opportunity to debate it. This is yet another example of an administration that seems to be bent upon creating more excessive overreaching regulations, making it more difficult and more expensive for American small businesses to create jobs and to get the economy growing again. I hope my colleagues will join me in voting to stop this from happening.

NLRB RESOLUTION OF DISAPPROVAL

• Mr. KIRK. Mr. President, I am in support of S.J. Res. 36 and thank the Senator from Wyoming for introducing it.

I worry that the recent direction of the National Labor Relations Board is killing American jobs, not creating them. This resolution concerns a new rule regarding ambush or quickie union elections. But this action is just the latest in a number of other anti-job creation activities at the NLRB.

The case last year against the Boeing Corporation is a perfect example of where the NLRB actions threatened to kill thousands of new U.S. jobs. By threatening to shut down a new plant producing the new 787 Dreamliner in South Carolina, the NLRB's actions would have cost Boeing billions of dollars. This case has made U.S. companies reconsider building new plants at home, costing high-quality American jobs.

I am particularly worried about a proposed rule by the NLRB that would require employers to turn over employee personal contact information to unions, including personal e-mail addresses and cell phone numbers. This is a blatant violation of an individual's privacy. No one should have access to that type of information, unless you want to provide it. As a Congressman, I fought for easy access to opt into the Do Not Call List, so that you will not be disturbed by unwanted telephone calls. This rule would allow unions to have access to that very same information that the overwhelming majority of Americans do not want to be public. The NLRB is completely out of touch with what is important to Americans.

The resolution on the floor of the Senate specifically addresses the new NLRB rule that would shorten the time frame for a union election to as little as 10 days. The new rule is set to go into effect on April 30. These ambush elections rush workers into making quick decisions, which are often uninformed ones, on an issue that directly affects their every day life in the workplace. Forcing workers to make this quick decision runs against the heart of our democratic system, based on the principles of fairness and justice.

Quickie elections will be particularly harmful to small businesses. Small businesses are the engine of our economy and our greatest job creators. Small business owners have a range of responsibilities and fewer resources than larger corporations. They will struggle to respond to the new, accelerated timeframe for elections. Their compliance costs will almost certainly rise; taking money that could have been put into enhancing their business, growing the economy, and creating jobs.

The NLRB continues to find ways to prevent job growth and inhibit our economy instead of enhancing it. This new rule on ambush elections is no different. I thank the Senator from Wyoming, my ranking member on the HELP Committee, for this resolution and I urge its passage.•

Mr. FRANKEN. Mr. President, today I would like to discuss my strong opposition to the resolution before us, the resolution disapproving of the National Labor Relations Board's final rule governing election procedures. This rule seeks to modernize and streamline a process that is currently costly, inefficient, and promotes unnecessary delay.

Let's be clear about what the rule does and does not actually do. This rule does not fundamentally change how workers are permitted to organize. This rule does not prevent employers from talking to their workers about unionization. This rule is not the Employee Free Choice Act by fiat. This rule does not require that an election take place in a set number of days. These are all of the claims that have been levied against this rule, and, factually, none of them are true.

The rule's modifications are purely procedural. Here is one example. Under the current rules, companies often spend weeks litigating the eligibility of a handful of workers even though the election is ultimately decided by 50 or 100 votes. Those disputed votes couldn't have determined the outcome of the election—the only consequence was delay. So under the new rules, disputes about small numbers of voter eligibility can be decided after the election. The workers in question can cast provisional ballots, just as they do in political elections.

These exact circumstances played out in Minnesota. On April 8, 2008, office clerical workers in Virginia, MN, filed a petition for a union election. But because the parties litigated the status of a single employee, the unit was not certified until June 10th of that year—64 days after the petition was filed. Under the new rule, the issue concerning that single employee could have been resolved after the election, and the election would have been conducted with less delay and uncertainty.

These rules don't favor either unions or companies. They favor efficiency and modernization. They are narrowly tailored—targeting only those elections that face the longest delays. A vast majority of election schedules are agreed to by the parties—90 percent. This rule would only affect the other 10 percent. These rules favor better use of resources. These are the types of government reforms that we should be promoting—cutting down on bureaucracy and redtape.

Unnecessary delays hurt workers seeking to exercise their rights in the workplace—whether they are seeking to certify or decertify a union. These rules simply give workers a chance to vote yes or no.

Working families in Minnesota and across this country are still struggling. The middle class—has been ailing for decades. Without a strong middle class folks who can afford to buy a home and a car and send their kids to college—our country's economic future is tenuous. Protecting the ability of working people to have a voice—to vote yes or no—will bring more middle-class jobs with good wages and benefits that can drive our recovery forward.

The NLRB's rules are modest and reasonable. They uphold the principles of democracy and fairness that have shaped our Nation's workplace laws. I urge my colleagues to vote against this resolution.

Mrs. BOXER. Mr. President, I rise in opposition to the Enzi resolution. If enacted, this resolution would prohibit the National Labor Relations Board, NLRB, from implementing commonsense, straightforward changes to the union representation process that will ensure union elections are conducted in a more fair and efficient manner.

The new rules, which will go into effect on April 30, will make it easier and less burdensome for workers and employers to navigate the union election process.

Workers and employers will now be able to electronically file election petitions and other documents. Timely information essential to both sides being able to fully engage in the election process will be shared more quickly. Timeframes for parties to resolve issues before and after elections will be standardized. Duplicative appeals processes that cause unnecessary delays will be eliminated. Both sides will be required to identify points of disagreement and provide evidence at the outset of the election process, helping to eliminate unnecessary litigation.

The modest reforms proposed by the NLRB do not mandate timetables for elections to occur, as some of my colleagues will allege; rather, the new rules simply eliminate existing barriers that get in the way of providing employees and employers with access to an open and fair election process. As Catholic Healthcare West, which employs most of its 31,000 workers in my State of California, wrote during the public comment period: ''[the] reforms proposed by the NLRB are not pro-union or pro-business, they are pro-modernization.''

I urge my colleagues to support modernization and oppose the Enzi resolution.

NLRB ELECTION RULES

Mr. LEVIN. Mr. President, we find ourselves debating yet another effort in the campaign against working men and women in this country. Over and over again in this body, and in State legislatures across the country, some have sought to undermine the ability of their constituents—dedicated teachers, electricians, assembly-line workers, and civil servants, just to name a few—to come together to bargain for fair wages and benefits. The resolution of disapproval before us is just another attempt to weaken unionized labor in this country, and I will not support it.

The representation process we are debating, which is overseen and administered by the National Labor Relations Board—NLRB—is used when a group of workers want to hold a union representation vote or when an employer wants to hold a similar vote to decertify a union.

Now let me be clear. What we are considering is a resolution that would effectively nullify a number of worthwhile rule changes intended to streamline and modernize the process for administering a union representation election. And, if adopted, it would essentially bar the NLRB from promulgating any similar rules in the future.

These changes will help cut down on needless delays that can occur at preelection hearings, eliminate the arbitrary minimum 25 day waiting period following a decision to hold an election, and will clarify the election appeals process. And, the new rules will allow for the use of modern technologies, including email and other forms of digital communication.

The NLRB proposed these amendments last summer, allowed for ample time to consider public comments, and finalized the changes this past December. These are reasonable updates meant to accommodate modern forms of communication and discourage delay tactics that can unfairly stall a representation vote for months on end. The finalized rules will help ensure that the unionization process is fair and timely for employees, employers, and unions. And despite what some of my colleagues have stated, the rules are not encouraging an ''ambush.'' They are encouraging an election. I urge my colleagues to join me in voting against this disapproval resolution.

I yield the floor.

Mr. HARKIN. Mr. President, over the past 2 days my Republican colleagues have raised several arguments about what the NLRB rule will do. I now want to respond to their points and to clarify once again: this is a modest rule that simplifies preelection litigation in the small number of cases where the parties don't reach agreement and must resort to litigation.

First, my colleagues across the aisle have pointed out that unions have recently won about 71 percent of elections, and so, they argue, the current system is completely fair to unions. This is an incredibly deceptive statistic. Unions have filed far fewer petitions in recent years—down from over 4,100 in 2001 to just over 2,000 in 2011. And in almost a third of cases where petitions are filed, the petition is withdrawn before an election. In other words, the process of getting to an election can be so slow, and employer anti-union attacks so potent, that unions are discouraged from going through the entire election process. For the most part, only in the rare cases where support is truly overwhelming or the employer does not oppose the union do unions win.

In a related vein, Republicans have argued that elections are currently held promptly—on average, between 30 and 40 days after a petition is filed—and therefore no change in the rule is needed. But this argument misses the point of the rule. Currently, in the 10 percent of cases that are litigated, it takes around 124 days to get to an election. It takes around 198 days when parties exhaust their appeal rights. This rule addresses those situations where employers engage in excessive—and often frivolous—litigation to slow down the process. Without question, in those cases, it takes far too long and these new NLRB procedures are a desperately needed fix to shorten that time period for the 10 percent of cases that are litigated.

I have also heard the argument that if employers engage in misconduct that interferes with workers' choice during a long election campaign, the NLRB can rerun the election. But the time it takes to get to a second election only compounds the frustration and loss of hope workers suffer when their opportunity to make a choice is delayed for too long. Many unions won't bother to seek a second election, even if there was employer misconduct, if workers are too discouraged.

One of the major improvements in this bill—deferring challenges to voter eligibility until after the election when they are small in number—has also been mischaracterized. Opponents of the rule claim that workers will be confused about who is in the bargaining unit with them. The reality is, challenged voters will be deferred only when they are small in number relative to the size of the bargaining unit. So there will be little or no confusion about the exact individuals in the unit. Moreover, workers will know full well the essential identity of the group they are a part of; individual employees may come and go over time as workers retire or find new jobs, but the identity of the unit is what remains constant. The unit identity is what workers need to know to be able to make an informed choice about whether to vote for a union.

I hear a lot from the other side how this rule will dramatically shorten the time to an election and how it will lead to so-called ambush elections. There is no basis for this prediction. Opponents of the rule can't even agree among themselves how much time the rule will shave off an election. Senator ENZI suggested that this rule will lead to an election in 10 days; Senator BARRASSO suggested it will almost halve the current median time of 38 days. An attorney from the management-side labor law firm Jackson Lewis told the Wall Street Journal that he thinks the time would be between 19 and 23 days. The vice president of the National Association of Manufacturers predicted a hearing 20 to 25 days after the petition is filed.

The reason there are so many different numbers floating around is because the rule simply does not say anything about a timeframe for elections. Certainly it is true that in the 10 percent of cases that are litigated—where the process is abused and delays are rampant—the rule likely will shorten the time period by instituting more efficient procedures. But as to the 90 percent of cases where there is voluntary agreement, the NLRB will continue to work with parties as it always has to arrive at a reasonable election date.

In connection with their undue speculation about timing of elections, supporters of this resolution have also argued that employers will not have enough time to communicate with workers under the rule. Because the rule does not actually address timing of an election in the great majority of cases, this is pure speculation as well. Moreover, it is well-known that election campaigns begin long before a petition is filed. If employers wish to mount an anti-union campaign, they will almost certainly do so when they learn a drive is happening. They will not wait until a petition is filed.

Similarly, my colleagues have argued that workers will only hear the union's side of the story under this rule. I must point out that it is employers who continue to have the right to hold ''captive audience'' meetings. They can hold meetings on work time where they can require workers' attendance, and they can browbeat workers about why they think unions are bad. Unions have no such access to a workplace. The playing field for communicating with workers is currently dramatically skewed in favor of employers. It will remain skewed in favor of employers after this rule goes into effect. All this rule does is to put some limits on those employers who would drag out elections to better exploit their communications advantage.

My colleagues on the other side argue that small businesses will have to confront election issues and familiarize themselves with the law in a very short timeframe. As I have said repeatedly, there is no reason to expect an election will occur any more quickly in the great majority of cases. Employers would have ample time to review the law. What the new rules do is to put small businesses on the same footing with large employers that can afford excessive, all-out litigation of preelection issues. The process is simplified so that all employers have to deal with straightforward and presumably cheaper procedures that give them all a fair and equal chance to address preelection issues.

My colleagues have argued that this rule creates an uncertain business climate. In fact, the rule does just the opposite. It creates a very predictable process because it applies uniform procedures designed to cut down on pointless litigation.

My Republican colleagues also suggest that this rule will cause more litigation because unions will have less incentive to reach voluntary agreements. But, in fact, unions will continue to have every incentive to have an agreement on election issues. Hearings still take time and resources even though they are now more streamlined than before. Unions would not want to undergo the expense, uncertainty, and delay of a hearing even though the process will be much improved under this rule. I am confident the great majority of cases will continue to be resolved by voluntary agreement.

Let me stress that this rule treats both sides the same way—the rule applies to elections to decertify a union as well as elections to certify one. Although it has been pointed out that there are certain times, such as the first year after a certification vote, when workers are not permitted to petition to decertify a union, the NLRB does provide adequate, defined time periods when workers are permitted to file a decertification petition. Workers' right to file such a petition during those time periods is well-established, and workers who don't want a union have a clear method to vote the union out.

Finally, it has been pointed out that the NLRB recently lost a court battle over its rule requiring a notice posting. But the reality is, the NLRB won this court battle in one district court and lost in another. One court upheld the core of the rule—that the NLRB can require a posting of workers' right to form a union. The DC Circuit Court of Appeals has now blocked the rule to avoid confusion over who has to implement the rule and who doesn't. That court likely won't issue a decision resolving this matter until the fall, but it has absolutely no bearing on the legality or legitimacy of the rule we are debating today. Indeed, the furor over notifying employees of their rights is a perfect example of the extremity of Republican opposition to worker rights. My colleagues have all spoken about the importance of workers being informed about the pros and cons of unionization, but they object to a simple poster that explains workers' rights under the law.

To conclude, this rule will cause no real change for the vast majority of businesses that approach the NLRB election process in good faith. It imposes no new requirements at all for parties who come to the process in good faith and negotiate an agreement. The rule simply addresses the small number of employers that abuse the NLRB election process and deliberately cause delay to buy themselves more time to bombard workers with an anti-union message. The rule also makes NLRB preelection litigation more efficient, saving government resources. It is a commonsense reform that deserves our full support. I strongly urge my colleagues to vote down the resolution disapproving of this NLRB rule.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, 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. HARKIN. 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. HARKIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There is 5 minutes for the majority and 3 minutes for the minority.

Mr. HARKIN. Mr. President, I will, obviously, yield to my good friend, Senator ENZI, for his closing remarks, but I again just want to point out that this ruling by the NLRB is imminently reasonable.

They went through rulemaking, as I have said before, one of the most transparent boards we have ever had in history. Rather than going through the adjudicative process, they went through rulemaking and a comment period. People were allowed to come in, and they even had an oral hearing which is not even required by the Administrative Procedure Act. Mr. Hayes was allowed due time for filing dissents. He chose not to do so for whatever reason. So everything was complied with. In fact, they bent over backwards to even do more than what the Administrative Procedure Act requires under rulemaking. So that is No. 1.

No. 2, the essence of the rule is eminently fair. It applies both to certification and decertification. There is no 10 days. I keep hearing about this 10 days. Mr. Hayes put that in his dissent, but there is nothing in the rule that requires a 10-day election. Nothing.

Lastly, again, what is this all about? I will say it one more time. This is what it is about, this is it: This is Mr. Martin Jay Levitt who wrote a book, ''Confessions of a Union Buster.'' He was a consultant to businesses that didn't want to have unions formed, and here is what he said in his book. Here is the way they should do things if they don't want to have a union:

> [C]hallenge everything . . . then take everything challenged to a full hearing . . . then prolong each hearing . . . appeal every unfavorable decision. If you make the union fight drag on long enough, workers . . . lose faith, lose interest, lose hope.

That is what it is about. It is about establishing a level playing field now so workers do indeed have their full rights—not a paper right but a full viable right to form a union and to have an election within a reasonable period of time.

Mr. President, I yield the floor. If my friend needs some more time, I yield him whatever time I have remaining.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the chairman for the gift of time. There is nothing that is a greater gift than that.

Of course, I would like everyone to vote for my resolution of disapproval. This did not go through a process that was open and transparent. In fact, there was only one person who voted for this who was confirmed by the Senate. There were two people who voted for it. The other one lost, in a bipartisan way, the ability to be on that committee, so he was recess-appointed. So one person confirmed by the Senate is making this rule, and there was also

one person confirmed by the Senate who was against it. So it was a 1-to-1 tie. That would normally defeat anything.

The biggest thing that is being taken away in this, the biggest thing that collapsed the time down to a potential 10 days, the biggest thing is eliminating the preelection hearing. That is when the employees—the employees—get their fairness of finding out exactly who is going to be represented, who is going to be part of their unit, and get any of their questions answered about this organization that is about to receive their dues. It seems like the employees, for fairness, ought to have that right. It also ought to be for the employers to have that right, especially small businesspeople to have the time to get it together so they are not violating any of the National Labor Relations Board's rules that they can easily step into and be in big trouble during one of these elections.

I urge all of my colleagues to support this resolution of disapproval and stop the National Labor Relations Board's ambush election rule. This vote will send a message to the National Labor Relations Board that their job is not to stack the odds in favor of one party or another—under this administration or another—but to fairly resolve disputes and conduct secret ballot elections.

We have heard from several speakers on the other side of the aisle that this debate and vote are a waste of time. Debating the merits of this regulation is not a waste of time for the millions of small businesspeople and millions of employees who are going to be negatively impacted by it. In fact, once it goes into effect next week, I believe all of us will be hearing from unhappy constituents and asked what we did to stop this legislation, and we will be asked. The contention that we should not be able to raise concerns about the National Labor Relations Board's ambush election regulation before it goes into effect sounds a lot like what the National Labor Relations Board is trying to do to small businesses and employees who have questions about a certification election.

This regulation will take away the right to question whether the appropriate employees are in the bargaining unit or whether it includes supervisors and managers who should not be in the union or whether it leaves out a group of employees who should be in the union because they have similar jobs, and if they are excluded, they will lose ground against the newly unionized employees. This regulation takes away the right to present evidence and testimony at a preelection hearing and to file briefs supporting a position.

Because of the Congressional Review Act, we Senators have had the opportunity to present evidence and have debate. That is a privilege the NLRB is taking away from many small employers and employees, and that will lead to some suffering of the employees.

I urge my colleagues to vote for the motion to proceed to S.J. Res. 36. Again, it is a congressional privilege and we should take advantage of it. It is a chance to send a message that we want all of our boards to be fair and equal.

I yield back any remaining time.

The PRESIDING OFFICER. Time was yielded back.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2011—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1925.

The Senator from Arizona.

POSTAL REFORM

Mr. McCAIN. Mr. President, I want to discuss one of the amendments that I believe we will be voting on later, and basically what it does is it establishes a BRAC-like process in order to consolidate redundant, underutilized, and costly post offices and mail processing facilities.

We found over the years that Congress was politically unable to close a base or a facility that had to do with the military, so we adopted a process where a commission was appointed, those recommendations to consolidate excess and underutilized military bases were developed, and Congress was given an up-or-down vote. This is sort of based on that precedent.

The bill before us clearly doesn't offer any solutions. According to the Washington Post editorial:

> The 21st Century Postal Service Act of 2011, proposed by Senators Joseph Lieberman and Susan Collins and passed last week by the Senate Committee on Homeland Security Government Affairs, is not a bill to save the U.S. Postal Service. It is a bill to postpone saving the Postal Service.

I agree with the Washington Post. I usually do. The Service's announcement that they lost $5.1 billion in the most recent fiscal year was billed as good news. That is how dire the situation is, the fact that they only lost $5.1 billion.

> The Collins-Lieberman bill, which transfers $7 billion from the Federal Employee Retirement System to the USPS—to be used to offer buyouts to its workers and paying down debts—can stave off collapse for a short time at best.
>
> Nor do the other measures in the bill offer much hope. The bill extends the payment schedule for the Postal Service to prefund its employee retirement benefits from 10 to 40 years. Yes, the funding requirement is onerous, but if the USPS cannot afford to pay for these benefits now, what makes it likely that it will be able to pay later, when mail volume has most likely plummeted further?
>
> The bill also requires two more years of studies to determine whether a switch to five-day delivery would be viable. These studies would be performed by a regulatory body that has already completed a laborious inquiry into the subject, a process that required almost a year.

The Washington Post goes on to say:

> This seems a pointless delay, especially given a majority of Americans support the switch to five-day delivery.

And finally they go on and say:

> There is an alternative—a bill proposed by Rep. Darrell Issa that would create a supervisory body to oversee the Postal Service's finances and, if necessary, negotiate new labor contracts. The bill . . . is not perfect, but offers a serious solution that does not leave taxpayers on the hook.

So we now have legislation before us that makes it harder, if not impossible, for the Postal Service to close post offices and mail processing plants by placing new regulations and limitations on processes for closing or consolidating mail processing facilities, a move in the wrong direction. It puts in place significant and absolutely unprecedented new process steps and procedural hurdles designed to restrict USPS's ability to manage its mail processing network.

Additionally, the requirement to redo completed but not implemented mail processing consolidation studies will ultimately prevent any consolidations from occurring this calendar year.

What we have to realize in the context of this legislation is that we now have a dramatic shift, technologically speaking, as to how Americans communicate with each other. That is what this is all about. We now have the ability to communicate with each other without sitting down with pen and paper, just as we had the ability to transfer information and knowledge by means of the railroad rather than the Pony Express.

We now have facilities that are way oversized and unnecessary, and we are facing a fiscal crisis. According to the Postal Service:

> The current mail processing network has a capacity of over 250 billion pieces of mail per year when mail volume is now 160 billion pieces of mail.

So now we have overcapacity that is nearly double what is actually going to be the work the Postal Service does, and all trends indicate down. More and more Americans now acquire the ability to communicate by text message, Twitter, and many other means of communications. So to somehow get mired into while we cannot close this post office, we have to keep this one open, we have to do this—we have to realize it in the context that a large portion of the U.S. Postal Service's business is conducted by sending what we call ''junk mail'' rather than the vital ways of communicating that it was able to carry out for so many years.

In addition, the Postal Service has a massive retail network of more than 32,000 post offices, branches, and stations that has remained largely unchanged despite declining mail volume and population shifts. The Postal Service has more full-time retail facilities in the United States of America than Starbucks, McDonald's, UPS, and FedEx combined. And according to the Government Accountability Office, approximately 80 percent of these retail facilities do not generate sufficient

revenue to cover their costs. That is what this debate is all about. I hope my colleagues understand that we are looking at basically a dying part of America's economy because of technological advances, and in this legislation we are basically not recognizing that problem.

When 80 percent of their facilities don't generate sufficient revenue to cover their costs, then any business in the world—in the United States of America—would right-size that business to accommodate for changed situations. This bill does not do that. It continues to put up political roadblocks that prevent tough but essential closings and consolidations.

I grieve for the individuals who took care of the horses when the Pony Express went out of business. I grieve for the bridle and saddle and buggymakers when the automobile came in. But this is a technological change which is good for America in the long run because we can communicate with each other instantaneously. So we have a Postal Service—and thank God for all they did all those years, in fact, to the point where they were even mentioned in our Constitution. But it is now time to accommodate to the realities of the 21st century, and the taxpayers cannot continue to pick up the tab of billions and billions of dollars. Again, last year it lost only $5.1 billion, which they suggested was good news.

All this bill does is place significant and absolutely unprecedented and new process steps and procedural hurdles designed to restrict USPS's ability manage its mail processing network. Additionally, the requirement to redo completed but not implemented mail consolidation studies will ultimately prevent any consolidations from occurring this year.

So what do we need to do? We obviously need a BRAC. We need a group to come together to look at this whole situation, find out where efficiencies need to be made—as any business in America does—and come up with proposals, because Congress does have a special obligation, and have the Congress vote up or down. This bill will continue the failing business model of the Postal Service by locking in mail service standards for 3 years which are nearly identical to those that have been in place for a number of years.

The clear intent of this provision is to prevent many of the mail processing plant closures that the Postal Service itself has proposed as part of its restructuring plan. It also prohibits the Postal Service from moving to 5-day mail delivery for at least 2 years with significant hurdles that must be cleared before approval, even though the Postmaster General has been coming to Congress since 2009 and asking for this flexibility.

One of the largest single steps available to restore USPS's financial solvency would save the Postal Service at least $2 billion annually. If you told Americans that we would save the taxpayers' money—because they are on the hook for $2 billion a year—if you went from 6-day to 5-day mail delivery, I guarantee you that the overwhelming majority of Americans do support a 5-day delivery schedule rather than 6-day delivery schedule.

This, of course, kicks the can down the road. The bill also has at least five budget points of order against it about which the ranking member of the Budget Committee came to the floor yesterday and spoke.

So the BRAC-like amendment is essential, in my view, to moving this process forward. I don't know how many more billions of dollars of taxpayers' money is going to have to be spent to adjust to the 21st century. There is no business, no company, no private business in America that when faced with these kinds of losses wouldn't restructure. And they would restructure quickly because they would have an obligation to the owners and the stockholders. We are the stockholders. We are the ones who should be acting as quickly as possible to bring this fiscal calamity under control.

The GAO, the Government Accountability Office, states:

> The proposed Commission on Postal Reorganization could broaden the current focus on individual facility closures—which are often contentious, time consuming, and inefficient—to a broader network-wide restructuring, similar to the BRAC approach. In other restructuring efforts where this approach has been used, expert panels successfully informed and permitted difficult restructuring decisions, helping to provide consensus on intractable decisions. As previously noted, the 2003 Report of the President's Commission on the USPS also recommended such an approach relating to the consolidation and rationalization of USPS's mail processing and distribution infrastructure.

We pay a lot of attention to the Government Accountability Office around here and this is something the Government Accountability Office recommends as well.

In addition:

> [GAO] reviewed numerous comments from members of Congress, affected communities, and employee organizations that have expressed opposition to closing facilities. Such concerns are particularly heightened for postal facilities identified for closure that may consolidate functions to another state causing political leaders to oppose and potentially prevent such consolidations.

We should listen to the Government Accountability Office, take politics out of this delicate process, and move forward with their recommendations.

Our proposal would be composed of five members appointed by the President, with input from the House and Senate and the Comptroller General, with no more than three members being of the same political party.

The Postal Service, in consultation with the Postal Regulatory Commission, will be required to submit a plan to the BRAC-like Commission on closures and consolidations, which will include a list of closures and consolidations, a proposed schedule, estimated annual cost savings, criteria and process used to develop the plan, methodology and assumptions used to derive the estimates and any changes to processing, transportation, delivery or other postal operations anticipated as a result of the proposed closures and consolidations.

The Commission will be required to publish in the Federal Register the definition of ''excess mail processing capacity'' with a period of public comment.

After receiving the plans, the BRAC-like Commission will be required to hold at least five public hearings.

Finally, the Commission will be required to vote on the recommendations, with the concurrence of at least four of the members, and submit the recommendations to Congress. Any recommendation will be the subject of a congressional vote of approval or disapproval.

The amendment recognizes the fact that the current business model for the Postal Service is no longer viable. If we continue to act in an irresponsible way by putting up political roadblocks, the American taxpayer will be the one who ultimately suffers in the form of higher postage prices and bailouts. We should make hard choices now so future generations of Americans will have a viable Postal Service.

I ask unanimous consent the Washington Post editorial, ''A Failure to Deliver Solutions to Postal Service's problems,'' be printed in the RECORD.

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

[From the Washington Post, Nov. 18, 2011]

A FAILURE TO DELIVER SOLUTIONS TO POSTAL SERVICE'S PROBLEMS

The 21st Century Postal Service Act of 2011, proposed by Sens. Joseph I. Lieberman (I–Conn.) and Susan Collins (R–Maine) and passed last week by the Senate Committee on Homeland Security and Governmental Affairs, is not a bill to save the U.S. Postal Service (USPS).

It is a bill to postpone saving the Postal Service.

The service's announcement that it lost $5.1 billion in the most recent fiscal year was billed as good news, which suggests how dire its situation is. The only reason the loss was not greater is that Congress postponed USPS's payment of $5.5 billion to prefund retiree health benefits. According to the Government Accountability Office, even $50 billion would not be enough to repay all of the Postal Service's debt and address current and future operating deficits that are caused by its inability to cut costs quickly enough to match declining mail volume and revenue.

The Collins-Lieberman bill, which transfers $7 billion from the Federal Employee Retirement System to the USPS—to be used for offering buyouts to its workers and paying down debts—can stave off collapse for a short time at best.

Nor do the other measures in the bill offer much hope. The bill extends the payment schedule for the Postal Service to prefund its employee retirement benefits from 10 to 40 years. Yes, the funding requirement is onerous, but if the USPS cannot afford to pay for these benefits now, what makes it likely that it will be able to pay later, when mail volumes most likely will have plummeted further?

The bill also requires two more years of studies to determine whether a switch to five-day delivery would be viable. These studies would be performed by a regulatory body that has already completed a laborious inquiry into the subject, a process that required almost a year. This seems a pointless delay, especially given that a majority of Americans support the switch to five-day delivery.

We are sympathetic to Congress's wish to avoid killing jobs. And the bill does include provisions we have supported—such as requiring arbitrators to take the Postal Service's financial situation into account during collective bargaining and demanding a plan for providing mail services at retail outlets.

But this plan hits the snooze button on many of the postal service's underlying problems. Eighty percent of the USPS's budget goes toward its workforce; many of its workers are protected by no-layoff clauses. Seven billion dollars' worth of buyouts may help to shrink the workforce, but this so-called overpayment will come from taxpayers' pockets, and it is a hefty price to pay for further delay.

There is an alternative—a bill proposed by Rep. Darrell Issa (R–Calif.) that would create a supervisory body to oversee the Postal Service's finances and, if necessary, negotiate new labor contracts. The bill, which just emerged from committee, is not perfect, but it offers a serious solution that does not leave taxpayers on the hook.

Mr. MCCAIN. I don't know what the ultimate result of the votes in the Senate will be. I do know that if it passes, it will be strongly opposed in the other body, the House of Representatives. If it is passed and signed into law, we will be back on the floor within 2 years addressing this issue again because this is not a solution. This isn't even a mandate. It is a proposal that will do business as usual and an abject failure to recognize there are technological changes that make certain practices obsolete, and that is what this is all about. Is it painful? Yes. Is it difficult? Yes. But the overall taxpayer obviously wants us to act in a fiscally responsible manner.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, knowing we are scheduled to go out at 12:50, I ask unanimous consent to stay in session for no longer than 10 minutes more, so we will break at 1 p.m., for Senator COLLINS and I to respond to Senator MCCAIN—hopefully, sooner than that.

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

Mr. LIEBERMAN. I thank the Chair, particularly since the Chair will be occupied by the distinguished Senator from Montana between now and then.

I wish to respond very briefly to the statement of my friend from Arizona, with a couple big points. The first is that Senator MCCAIN has declared the Postal Service of the United States dead much too prematurely. He compares it to the Pony Express. Of course, electronic mail and other changes have occurred but, today, every day, the Postal Service delivers 563 million pieces of mail—every day. There are businesses and individuals all over our country who depend on the mail. The estimate is there are approximately 8 million jobs in our country, most of them, of course—almost all of them—in the private sector, that depend in one way or another on the functioning of the U.S. Postal Service.

It is not fair and it is not realistic to speak as if the Postal Service is dead and gone and it is time to essentially bury it with the McCain substitute. I cannot resist saying that Senator COLLINS and I come not to bury the U.S. Postal Service; we come to change it but to keep it alive and well forever because it is that important to our country.

Secondly, Senator MCCAIN speaks as if the substitute legislation, S. 1789, that we are proposing—bipartisan legislation—does nothing; that it is a status quo piece of legislation; it is not even a bandaid on the problem. We all know, because we have talked about it incessantly since we went on this bill, that the Postal Service is in financial difficulty. Incidentally, I wish to say there is not a dime of taxpayer money in the Postal Service. Ever since the Postal Service reforms occurred, it has been totally supported by ratepayers, basically by people who buy the services of the Postal Service, with two small exceptions which are small—one to pay for overseas ballots for members of the military so they can vote and another special program to facilitate the use of the mail by blind Americans. But it has a problem: $13 billion lost over the last 2 years.

This proposal of ours—Senator COLLINS and I, Senator CARPER and Senator SCOTT BROWN—is not a status quo proposal. It makes significant changes. There are going to be about 100,000 fewer people working for the Postal Service as a result of this bill being passed. There will be mail processing facilities that close. There will be post offices that will be closed and/or consolidated. There will be new sources of revenue for the Postal Service. The bottom line: The U.S. Postal Service itself estimates that our legislation, if enacted as it is now, as it is phased in over the next 3 to 4 years, by 2016, will save the Postal Service $19 billion a year. This isn't a bandaid. This is a real reform, a real transformation of the Postal Service to keep it alive—$19 billion.

Let me put it another way. This is a bipartisan proposal. We have worked on it very hard to keep it bipartisan. We think it can pass the Senate and it can ultimately be enacted. If Senator MCCAIN's substitute were to pass the Senate, nobody thinks it is going to get enacted into law. It would not. Certainly, the President of the United States would not sign it, and that will mean nothing will be done. What will be the effect of that? The effect will be that the post office will go further and further into debt and deficit. Also, the Postmaster General will be faced with a choice of either enormous debts and deficits or taking steps that will make the situation worse—which our bill, through a reasonable process, is trying to avoid—which is a kind of shock therapy whose effect will be, as the McCain substitute would be, to actually drop the revenues of the post office and accelerate its downward spiral.

I think the two numbers to think about—the ones that come from the Postal Service itself—are these: By 2016, if we do nothing, the Postal Service will run somewhere between a $20 billion and $21 billion annual deficit. If we pass this bill and it is enacted into law, that deficit will be down to around $1 billion—a little more—and heading toward balance in the years that follow.

So I urge my colleagues to vote against the McCain substitute and the BRAC amendment. The BRAC-like Commission amendment I think is not necessary. It is not necessary for us in Congress to give up and give in. We have a good resolution to the problem. Incidentally, if we get this enacted, I think we will send a message to the American people that we can face a tough problem that exists in a public service, deal with it in a reasonable way, and ask people to sacrifice but keep a venerable and critically important American institution alive and well.

I thank the Chair and I yield the floor for my distinguished ranking member.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am only going to speak very briefly. I wish to shine a spotlight on a provision of Senator MCCAIN's substitute that has not yet been discussed that actually raises constitutional issues.

All of us believe the labor force of the Postal Service is too large and unfortunately will have to be reduced, and we do that through a system of buyouts and retirement incentives through a compassionate means very similar to the way a large corporation would handle the downsizing of its employees. But Senator MCCAIN's alternative takes a very different approach. It would have this new control board that would be created to impose on the Postal Service an obligation to renegotiate existing contracts to get rid of the no-layoff provision.

I will say I was very surprised when the Postmaster General signed the kinds of contracts he did this spring. The fact is Senator MCCAIN's amendment—section 304 of which amends section 1206 of existing law—requires existing contracts to be renegotiated. That creates constitutional questions. The potential constitutional issue derives from the contracts clause of article I, which prohibits States from passing laws impairing the obligation of contracts. Of course, this provision does not apply to the Federal Government. The Congressional Research Service has explained in a memorandum to me on this topic in July of 2011 that the due process clause of the

fifth amendment has been held to provide some measure of protection against the Federal Government impairing its own contracts. I ask unanimous consent that the CRS memorandum I just referred to be printed in the RECORD.

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

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, July 7, 2011.

MEMORANDUM

To: Senate Committee on Homeland Security and Governmental Affairs Attention: Lisa Nieman.

From: Thomas J. Nicola, Legislative Attorney, 7–5004.

Subject: Congressional Authority to Alter Postal Service Employee-Management Relations, Including Collective Bargaining Agreements.

This memorandum responds to your inquiry regarding the authority of Congress to alter Postal Service employee-management relations, including collective bargaining agreements. The employee-management authority that Congress has granted to the United States Postal Service in the Postal Service Reorganization Act of 1970, P.L. 91–375, is broader than authority that it has granted to most federal entities. Congress enacted the 1970 Act, codified in title 39 of the United States Code, to enable the U.S. Postal Service to operate more like a business than a government agency. Before this statute became law, postal services were operated by the Post Office Department, a cabinet level government agency.

The Act established the Postal Service as an independent establishment in the executive branch of the United States Government. While Congress applied to the Postal Service some statutes including those relating to veterans' preference and retirement that apply to federal agencies, it provided in 39 U.S.C. section 1209(a) that, ''Employee-management relations shall, to the extent not inconsistent with the provisions of this title [title 39 of the U.S. Code], be subject to the provisions of subchapter II of chapter 7 of title 29[,]'' i.e., the National Labor Relations Act, which governs private sector employee-management relations. By contrast, provisions relating to those relations for federal agencies are codified in chapter 71 of title 5 of the United States Code.

In section 1005 of title 39, Congress identified subjects of Postal Service collective bargaining—compensation, benefits, and other terms and conditions of employment. This scope of subjects differs from the scope for federal agencies identified in chapter 71 of title 5, which is limited to ''conditions of employment.''

Addressing the transition from the Post Office Department to the businesslike U.S. Postal Service, Congress in 39 U.S.C. section 1005(f), as amended, stated, in relevant part, that:

No variation, addition, or substitution with respect to fringe benefits shall result in a program of fringe benefits which on the whole is less favorable to the officers and employees in effect on the effective date of this section [enacted on August 12, 1970], and as to officers and employees/or whom there is a collective-bargaining representative, no such variation, addition, or substitution shall be made except by agreement between the collective bargaining representative and the Postal Service.'' (Emphasis supplied.)

In section 1207 of title 39, Congress provided procedures for terminating or modifying collective bargaining agreements. It stated that a party wishing to terminate or modify an agreement must serve timely written notice on the other party. If parties cannot agree on a resolution or adopt a procedure for a binding resolution of a dispute, the Director of the Federal Mediation and Conciliation Service must appoint a mediator. This section also provided authority to establish an arbitration board under certain circumstances and said that board decisions are conclusive and binding on the parties.

A collective bargaining agreement is a contract between the Postal Service and a recognized bargaining unit. Can Congress affect a collective bargaining agreement through legislative action? The power of Congress over employee-management relations at the Postal Service, including these agreements, may be divided into prospective authority versus authority over existing agreements. Congress has authority to modify the scope of bargaining prospectively. In the Postal Reorganization Act of 1970, Congress granted the Postal Service authority to bargain over compensation, benefits (such as health insurance and life insurance, for example), and other conditions of employment, but it could amend that statute to limit the scope of bargaining subjects in the future. It could, for example, provide that health insurance no longer will be the subject of collective bargaining after collective bargaining agreements that address that subject expire.

A more difficult question is whether Congress could modify agreement terms that the Postal Service and recognized bargaining representatives have bargained collectively and included in collective bargaining agreements before they expire. Article I, section 10, clause 1 of the United States Constitution, the Contract Clause, provides that laws impairing the obligation of contracts shall not be passed, but this prohibition applies to the states, not to the federal government. Nevertheless, the jurisprudence under this clause may help inform an inquiry regarding the power of Congress to modify terms of collective bargaining agreements while they are in effect.

In United States Trust Co. v. New Jersey, the Supreme Court said that, ''Although the Contract Clause appears literally to proscribe 'any' impairment, this Court has observed that 'the prohibition is not an absolute one and is not to be read with literal exactness like a mathematical formula.'''' It added that:

The Contract Clause is not an absolute bar to subsequent modification of a state's own financial obligations. As with laws impairing the obligation of private contracts, an impairment [of those obligations] may be reasonable and necessary to serve an important public purpose. In applying this standard, however, complete [judicial] deference to a legislative assessment of reasonableness and necessity is not appropriate because the state's self interest is at stake. A governmental entity can always find a use for extra money, especially when taxes do not have to be raised. If a state could reduce its financial obligations whenever it wanted to spend the money for what it regarded as an important public purpose, the Contract Clause would provide no protection at all.

Based on the United States Trust Co. case, courts subsequently developed a three-part test when assessing the constitutionality of state action challenged as an impairment of contracts—(1) whether the state action in fact impairs a contractual obligation; (2) whether the impairment is substantial; and (3) whether the impairment nevertheless is reasonable and necessary to serve a public purpose.

Although the Contract Clause does not apply to the federal government, the Due Process Clause of the Fifth Amendment has been held to provide some measure of protection against the federal government impairing its own contracts, but the limitations imposed on federal economic legislation by the latter clause have been held to be ''less searching'' than those involving the state legislation under the Contract Clause. In two Depression-era cases, however, the Supreme Court held that some statutes which impaired obligations to pay purchasers of federally issued war risk insurance and bondholders that Congress had enacted as economy measures exceeded constitutional limits.

If a court should be influenced by the reasoning expressed in these cases, it may strike down as a Due Process Clause violation a statute it finds to impair a term of a Postal Service collective bargaining agreement before that agreement expires. If a court should wish to avoid deciding a case involving whether such a statute violates the Due Process Clause, a constitutional ground, it may uphold the statute, but require the United States to pay damages for breaching a term of the agreement. Alternatively, because the limitations on federal impairment of contracts have been held to be ''less searching'' than those that apply to state impairments under the Contract Clause of the Constitution, which are permitted if found to be ''reasonable and necessary,'' a court may uphold a statute that impairs a term of a current Postal Service collective bargaining agreement and not assess damages against the United States.

Ms. COLLINS. There is also a Supreme Court case, Lynch v. The United States, which makes clear that the due process clause prohibits the Federal Government from annulling its contracts and the United States is as much bound by its contracts as are private individuals.

In the landmark case of U.S. v. Winstar decided in 1996, the Supreme Court cited Lynch for the proposition that the Federal Government ''has some capacity to make agreements binding future Congresses by creating vested rights,'' even though the Contract Clause does not directly apply.

Obviously, one Congress cannot bind another, and no Federal agency can bargain away the right of Congress to legislate in the name of the people. But no one would ever sign a contract with an instrumentality of the Federal Government if that contract could be rewritten by Congress at will.

Recognizing this, the courts have distinguished between acts which affect contracts in general, where the Federal Government is exercising its sovereign powers, and acts directly altering the obligations of contracts to which the Federal Government is itself a party.

The Winstar case I mentioned before illustrates this distinction. Winstar was brought by a financially healthy Savings & Loan institution that was asked by Federal regulators to take over failing thrifts during the S&L crisis of the 1980s. After Winstar entered into a contract with the Federal Savings & Loan Insurance Corporation stipulating that it could count the ''goodwill'' of the thrifts it took over to offset the liabilities it was assuming, Congress changed the underlying

law. Based on that change, the regulators reneged, declared Winstar ''inadequately capitalized,'' and seized its assets.

In that case, the Supreme Court held that even though Congress had the right to change the law in general, the Federal Government could still be liable for breach of contract it had entered into with Winstar, and for damages.

I am concerned that if the Postal Service reopens and renegotiates its collective bargaining agreements to comply with the McCain amendment, courts could find the Postal Service in breach of those agreements, and force it to pay damages.

At a minimum, it strikes me that Senator MCCAIN'S language could tie up the Postal Service in litigation for years, which would defeat our efforts to reduce the workforce costs faced by the Postal Service.

Bottom line: I am very concerned that if the Postal Service is forced by the McCain substitute to reopen and renegotiate current collective bargaining agreements, the courts would find the Postal Service in breach of those agreements and force it to pay damages and also that it would be found to be unconstitutional. The approach we have taken does not raise those constitutional concerns. It does not have Congress stepping in to abrogate contracts, which is a very serious and potentially unconstitutional step for us to take.

Finally, I would say I agree with everything my chairman has said. Senator MCCAIN's amendment does not address the true problems of the Postal Service. Instead, it assumes that the Postal Service is obsolete, that they cannot be saved, and that we should just preside over its demise. I reject that approach.

Thank you, Mr. President.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:01 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. WEBB).

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF THE RULE SUBMITTED BY THE NLRB RELATING TO REPRESENTATION ELECTION PROCEDURES—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res. 36.

The question is on agreeing to the motion.

The majority leader.

Mr. REID. Mr. President, we are going to have a bunch of votes today, and we are going to have to do them quickly. I say this to Democrats; I say it to Republicans: We are going to have—after this first vote, I ask unanimous consent that we have 10-minute votes.

The PRESIDING OFFICER. That is the order.

Mr. REID. And we are going to enforce that. So if people are not here, they are going to miss a vote. Unless there is a situation where we have a close vote, then we will extend it a little bit because that is what the tradition has been. So I repeat, everybody be here or you are going to miss a vote if you are not here at the end of the time.

Mr. President, I ask for the yeas and nays on this matter.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—45

Alexander	DeMint	McCain
Ayotte	Enzi	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Heller	Risch
Burr	Hoeven	Roberts
Chambliss	Hutchison	Rubio
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Snowe
Collins	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker

NAYS—54

Akaka	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Inouye	Nelson (FL)
Bennet	Johnson (SD)	Pryor
Bingaman	Kerry	Reed
Blumenthal	Klobuchar	Reid
Boxer	Kohl	Rockefeller
Brown (OH)	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Conrad	Manchin	Udall (CO)
Coons	McCaskill	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Webb
Franken	Mikulski	Whitehouse
Gillibrand	Murkowski	Wyden

NOT VOTING—1

Kirk

The motion was rejected.

21ST CENTURY POSTAL SERVICE ACT

The PRESIDING OFFICER. Under the previous order, the clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1789) to improve, sustain, and transform the United States Postal Service.

Pending:

Reid (for Lieberman) modified amendment No. 2000, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate the good work of our colleagues on this legislation. Unfortunately, the legislation spends $34 billion, all of which would be borrowed, all of which adds to the debt of the United States and is contrary to the Budget Control Act limitations that were passed just last August. It is really a grievous problem, not one that can be avoided lightly.

Just last August we agreed to certain debt limits—the amount of debt we would incur and add to the U.S. Treasury. It was a fought-over agreement, but we reached it and we stood by it. I believe we have a moral obligation to not mislead the people who elected us when we said we intend to stand by the limits on increasing debt. This bill increases debt above that limit. The Congressional Budget Office scores it as adding $34 billion in debt to the United States.

Chairman CONRAD has certified that a budget point of order is legitimately placed against it. I would expect we would have a motion to waive the budget point of order. I would expect there might be a motion to say, well, we do not agree with CBO or that somehow this is so important we need to add to the debt anyway. But, colleagues, if we mean what we say, if at this time in history we begin to at least stay within the limits we agreed and we don't do that, then I think we will lose further credibility with the American people.

I respect the work of my colleagues on the bill, but I think we are setting a great precedent. It is a matter of importance for our own integrity and the fiscal stability of America. I believe it is important that we adhere to that limit.

The spending measure, amendment No. 2000 to S. 1789, the 21st Century Postal Service Act, would violate Senate pay-go rules and increase the deficit; therefore, I raise a point of order against this measure pursuant to section 201(a) of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of the act and budget resolutions for purposes of the pending amendment for reasons that we described in the debate we had here on the floor yesterday. The U.S. Postal Service says this bill will, in fact, save $19 billion a year.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. LIEBERMAN. I ask unanimous consent that the vote on this motion to

waive be placed at the end of the list of amendments that are in order to vote on now.

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LIEBERMAN. If I may, if we are going to vote now—and Senator COLLINS and I spoke to this at great length yesterday. The CBO score my friend from Alabama cites is a real misreading of the effect of this legislation. It is a kind of form of accounting over the reality of budgeting. The bottom line is that the U.S. Postal Service itself says that if this bill—the substitute to S. 1789—is adopted—and it would be phased in over 3 years—the Postal Service will save $19 billion annually. To me, that is what this is all about—no deficit, a saving.

I ask my colleagues to support the motion to waive the point of the order.

I would yield to my ranking member.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the score for the substitute is incredibly misleading. As the Postal Service has told us, this bill would save the Postal Service $19 billion, and that would return it to profitability. The problem is the unique status of the Postal Service in that it is off-budget for operations but on-budget for workers' benefits accounts. This is true despite the fact that these accounts the Postal Service pays into are not funded with tax dollars.

The postal employees are contributing. The Postal Service, from its revenue, is contributing.

For the retirement accounts, we are not talking about tax dollars from the Postal Service. These are contributions from the postal employees and by the Postal Service from its revenues. But because of the unified budget, it is considered to be an on-budget status for these benefit accounts—most likely because they are shared with other Federal agencies that are using tax dollars.

I urge my colleagues to vote for the motions to waive. If they do not and this bill falls, it will spell the end of the Postal Service.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, very briefly, I join my colleague in saying that if this point of order by our friend from Alabama is sustained and this bipartisan bill therefore is not able to be brought up, the effect will be that the Postal Service will continue to run ever-greater losses to a point where they, in fact, will have to turn to the Treasury, which they are not doing now, to bail them out. This is a responsible answer to a problem and a bipartisan one.

I urge my colleagues to vote to support the motion to waive the Senator's point of order.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I hope my colleagues listened to what Senator COLLINS said with respect to the way this has been scored. It is a very important point. As much as anybody in this Chamber, I am interested in reducing the budget deficit. I want Senators to keep in mind these three points: One, for a number of years, the Postal Service has overpaid its obligation into the Federal Employees Retirement System—$12 billion to $13 billion in overpayment. They are owed that money. They should be given that money. They are going to use it to help 100,000 postal employees who are eligible to retire to retire. They will use that money to pay down their debt—$13 billion—and almost wipe it out. They will use it for that purpose. CBO scores that as something that makes the budget deficit bigger. If they overpaid the money into the Federal Employees Retirement System, they ought to get it back. They should get people who are eligible to retire and want to retire to retire. They should use it to pay down a $12 billion line of credit to the Federal Government.

The second point I wish to make is the one offered by Senator LIEBERMAN. If we do nothing and we get to May 15, the Postal Service is free to close post offices across the country—3,700 of them. They are free to close as many as 200 to 300 mail processing centers. There is a smarter way to do this, which is in this legislation.

Lastly, we are going to have the opportunity today and tomorrow for all of us to better understand the amendments that have been agreed to and offered by both sides, what has been agreed to and put into the managers' amendment, which we will, frankly, have a lot more confidence in.

The Postal Service tells us today they are going to lose $23 million. They lost that much yesterday. They are going to lose that much again tomorrow, the next day, and the next day. They owe $13 billion to the Treasury. What I think is more important to keep in mind is when we finish our work today and tomorrow, and we look to see what that means for the Postal Service, in terms of their operation on a daily basis and where will they be in terms of paying their obligation by 2016, we need to keep our eye on the ball. I urge Senators not to vote for this. Give us a day for the body to work its will and then make your decision. If we have not made any more progress, vote against it.

Lastly, several of our colleagues have well-intentioned amendments that will literally drive up the cost and make it harder for the Postal Service to move toward a balanced situation, to a sovereign situation. I urge Senators—and some of these amendments are offered by people we love and it is hard to say no to them. But in this case, maybe the greater devotion should be to the taxpayers of our country, to the people who work for the Postal Service, and to their customers.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate the Senators who have expressed their disagreement on the budget point of order. Even if one disagrees over the $11 billion, there is $23 billion in additional spending that will be borrowed over the decade, according to CBO. With regard to the $11 billion, that money will be borrowed and given to the Postal Service. It increases the debt of the United States.

Therefore, CBO scores it as a violation of the debt limit in the pay-go provision. It clearly is. So we are not saying we should not have a postal bill. Let's vote, stand firm with the debt limit agreement we had in August. Let's ask our good committee to produce a bill that is paid for in some fashion. We spend $3,700 billion in the United States. We need to find about $3 billion a year to fund their proposal to solve this problem. That is what we should do. We are at a defining moment. There is no middle ground. I say vote to sustain the point of order.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, for a very long time, in a bipartisan way, a number of people have come together to save the U.S. Postal Service. Senator LIEBERMAN and Senator CARPER and Senator COLLINS and Senator BROWN have worked very hard, as have many others, because if the Postal Service goes under or is dismembered, we are talking about 8 million jobs in this country—small businesspeople who are dependent on a strong Postal Service.

The Postmaster General originally was talking about shutting down 3,700 rural post offices in every State in this country. I hope Members understand that a post office in a rural town is more than just a post office. If that post office disappears, in many cases that town disappears. The Postmaster General was talking about specifically slowing mail delivery standards, shutting down half the processing plants in this country—over a short period of time, eliminating 200,000 jobs in this country.

I hope we can proceed, have a serious debate on these issues, hear all the amendments, but at the end of the day, I hope we will go forward and save the U.S. Postal Service.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I too thank the chairman and ranking member of the committee and Senator CARPER for bringing something to the floor that is bipartisan. I applaud that and the fact that the committee process is working.

But the fact is we did set a top line number when the country almost shut down last August 2. On one of the very first pieces of legislation we passed, the highway bill, we violated that budget cap. It wasn't by much, but we violated it. Now we have a bill that violates it by $11 billion.

What I say is that if the Postal Service is that important to this Nation, if

it has bipartisan support, should we not figure out a way to deal with the Postal Service in such a way to stay within the budget constraints we have laid out? It seems to me things that are very popular in this Nation are the very things we ought to make choices about and eliminate something else if we want to spend money in this way. I would like to see a bill that is far more reformed, and I think if we did that, the tab on this would not be $11 billion above the budget.

What I say to everybody here is, please, our credibility is going out the window. Sixty-four of us signed a letter to the leader and to the President asking that we deal in a real way with deficit reduction. The country almost shut down. The world watched. We established a top line number, and here we are, for something we like, violating that. We are losing all credibility with our citizens—the citizens we represent. We are losing credibility in the world.

To me, if we are going to produce a bipartisan piece of legislation, it ought to be one that lives within the bipartisan agreement we had regarding what we are going to spend in this Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I add my strong voice to support the position of Senators LIEBERMAN, COLLINS, CARPER, and BROWN, who has also been a great leader in this bipartisan effort to save the Postal Service and put it on a more sound financial footing, not at the expense of taxpayers generally but the users of the Postal Service.

This is about rural towns in America. This is about small businesses everywhere that rely on the Postal Service to get basic business done. Don't vote wrong today. Give the Postal Service a chance to save itself. That is what we are doing. We are giving rural communities a chance to fight and to be part of a growing economy. We are giving small businesses the opportunity to stay in business. Don't cut them off today. Let this debate go forward because we are trying to do the right thing and go in the fiscally responsible direction.

I see my colleague from Massachusetts who has been a very able leader in our effort.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I thank the Senator for speaking on this important issue. This is something that is ratepayer costs, not taxpayer dollars. It is something we have worked on for a couple months. All of a sudden we are here at the end now and everybody is saying, by the way, we cannot do it.

Bottom line: If we don't do this and pass it, we will not have a Postal Service. This is something we recognize—there is a new business environment that the Postal Service operates under but one focused on sustainment. If we don't give them the tools to do that, we are going to be losing the Postal Service.

There is a misconception somehow out there that there is a bailout going on. These are dollars that are ratepayer dollars, not taxpayer dollars. Our bill doesn't prevent the Postal Service from making changes or streamlining operations, but it ensures that it rolls out changes in a deliberate and responsible manner. It is fair to the employees and gives postal customers the ability to continue to use the service, provide short-term relief without taxpayer funding—that FERS overpayment of between $7 billion and $10 billion, part of which we can use to help reduce the workforce without even blinking. It is a no-brainer.

It provides long-term relief as well, curbside delivery, administrative efficiencies and other reforms, retiree health care restructuring. It focuses its primary attention on the primary costs, the controversial Postal Service closures, going from 5-day service to 6-day service. Listen, both sides are highly charged on these issues. Had they been involved in the conversations of upward of 400 hours between staff and Members working on these things, we could have worked through those, instead of waiting until, once again, the end hour to get on these issues.

Once again, I am with Senators LIEBERMAN, CARPER, and COLLINS, obviously, in my effort to continue to move this bill forward so we can have a good conversation about how to reestablish that trust between the American ratepayer, taxpayer, and the Postal Service. We need to do this.

It is very important for us to do it. We need to move on and focus on the things that matter. This matters. I want to make sure I can send my mom a card. I want to make sure we can continue to keep our people employed. I want to make sure we have an institution that will be viable into the next century. I hope we will move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, very briefly, I thank Senator BROWN from Massachusetts for his statement and his work on the bill.

This point of order puts the whole bill in jeopardy. Right at the beginning of the debate and the vote, it forces Members to decide whether they want to deal with this crisis of the Postal Service. I think it tests Congress again—in this case the Senate. Are we going to face a real problem in one of the iconic areas of American public service, the Postal Service, which cannot continue to do business as it is now—and this bill will force it to change in ways that are significant but will still keep it alive—or are we going to turn away from the problem, which would be the effect of sustaining this point of order. It would also cut off the debate.

We have 39 amendments pending. This bill may change as the debate goes on. The final vote on passage of the bill will require 60 votes. So don't cut it off now.

Let's have this debate and prove to the American people that we can take on a problem and, on a bipartisan basis, fix it. I urge my colleagues to vote for the motion to waive the point of order.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I think there is merit in the discussion about whether we vote now or vote later. The important thing is that we vote on this budget point of order. It is not as if the entire process of trying to fix the post office is going to collapse if we take this vote and it succeeds. All we are asking is that we find a way to pay for it. This Senate agreed last August to the Budget Control Act; that we were not going to exceed these limits, and that we would find, if there was something essential that needed to be done—if that is the case to be made here—we would at least find a way to stay within what we agreed to do. This is the second time now, I believe—maybe more—that we have violated that agreement. So what do we go home and tell our people? Well, this was so important—to save some post offices—that we had to violate an agreement which was agreed to by a strong majority here to save the country from default.

There are priorities. It is impossible for me to understand why we can't, in this government that spends over $3.7 trillion, find a way to scare up $34 billion over a 10-year period of time to cover the cost this bill is going to lay on us. So I would urge, whether we vote now or vote later on the point of order made by the Senator from Alabama, that we consider this. We have a recess week coming up. Staff can get together and dig out $34 billion in cost savings we can apply to this so we don't have to worry about going home and telling people we didn't keep our word, that we lied to them last August.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I sit on this committee. I voted on the last postal reform bill. I am not unfamiliar with the issues. I think the question before us is why can't we do both? Why can't we fix the post office and pay for it at the same time, if in fact the CBO says that? Our answer, always, up here is that we want to fix the post office but we don't want to make the hard choices on how to do that.

My colleagues have done great work. There are parts of this bill I don't agree with. I am trying to amend parts of it. But I think we should try to move forward with it. The ultimate question is, will we do what is best for the post office and the American people. And doing what is best for the post office and the American people is any cost where the CBO says we will violate the budget agreement we should pay for.

I will offer right now to come up with easy ways to pay for this bill just through the duplication reports we have gotten from the Government Accountability Office. We all know it is out there. We all know there is $100 billion, at least, that we could come up with by consolidating programs or mandating they be consolidated. So it is not a matter of finding the money, it is a matter of whether we have the will.

We are on a collision course with history that says we are not going to succeed if we don't get our budgets in order. So I agree it is hard to stomach sometimes what the CBO tells us. It doesn't fit with common sense. When it works for us, we use it. When it works against us, we say it doesn't matter. This is a budget point of order, and I think we can do both, and I think we ought to do both.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, let me repeat for my colleagues one more time: There are no taxpayer dollars authorized by this bill or appropriated by this bill. The score is caused by the unique status the postal service accounts have within the unified budget. The operational accounts are off budget. The employee health benefits and retiree accounts are on budget because those accounts are also used by Federal agencies.

Let me again quote from the inspector general who explains the system very well. He says the source of the Federal employee retirement funding comes from two streams of revenue. First, the U.S. Postal Service contributes 11.9 percent of the employees' salaries to the fund and the employees contribute .8 percent. The postal service's contribution comes from revenue paid for postage, and this money comes from ratepayers. The employee contribution is made in exchange for a defined benefit.

There are no tax dollars authorized or appropriated by this bill. It is a quirk of the way the unified budget works. And that is why we should vote to waive this point of order. We are not talking about taxpayer dollars here.

I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the point of order raised by the Senator from Alabama.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The yeas and nays resulted—yeas 62, nays 37, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—62

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hoeven	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Blunt	Kerry	Roberts
Boxer	Klobuchar	Rockefeller
Brown (MA)	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Snowe
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Cochran	Manchin	Udall (CO)
Collins	McCaskill	Udall (NM)
Conrad	Menendez	Warner
Coons	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Moran	Wyden
Franken	Murkowski	

NAYS—37

Alexander	Graham	McConnell
Ayotte	Grassley	Paul
Barrasso	Hatch	Portman
Boozman	Heller	Risch
Burr	Hutchison	Rubio
Chambliss	Inhofe	Sessions
Coats	Isakson	Shelby
Coburn	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Kyl	Vitter
Crapo	Lee	Wicker
DeMint	Lugar	
Enzi	McCain	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. On this vote the yeas are 62, the nays are 37. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. I thank my colleagues.

We had kind of an existential vote at the beginning which we didn't expect. It is always good to survive terminal action, and now we can proceed. We have 39 amendments pending. I hope we can proceed expeditiously. I hope some of our colleagues will agree to voice votes. On several of these, Senators COLLINS, CARPER, SCOTT BROWN, and I agreed on and we are prepared to accept them. So I hope our colleagues will allow us to do that by consent. But now we can proceed with the first amendment.

AMENDMENT NO. 2056, AS MODIFIED

Mr. TESTER. Mr. President, I call up my amendment No. 2056 and ask unanimous consent that it be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. TESTER] for himself and others, proposes an amendment numbered 2056, as modified.

Mr. TESTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the process for closing or consolidating post offices and postal facilities)

On page 27, strike lines 24 and 25 and insert the following:

(a) CLOSING OR CONSOLIDATING CERTAIN POSTAL FACILITIES.—Section 404 of title 39, United States Code, is amended by adding after subsection (e) the following:

On page 35, between lines 16 and 17 insert the following:

(b) COMPLAINTS RELATING TO CLOSING OR CONSOLIDATION OF POSTAL FACILITIES.—Section 3662 of title 39, United States Code, is amended—

(1) in subsection (b), by adding at the end the following:

''(3) SUSPENSION OF EFFECTIVENESS OF DETERMINATION TO CLOSE OR CONSOLIDATE POSTAL FACILITIES.—The Postal Regulatory Commission shall suspend the effectiveness of a determination by the Postal Service to close or consolidate a postal facility until the disposition of any complaint challenging the closing or consolidation on the basis that the closing or consolidation is—

''(A) not in conformance with service standards issued under section 3691, including the service standards required to be maintained under section 201 of the 21st Century Postal Service Act of 2012; or

''(B) unsupported by evidence on the record that substantial economic savings are likely to be achieved as a result of the closing or consolidation.''; and

(2) in subsection (c), by inserting ''ordering the Postal Service to keep a postal facility open,'' after ''loss-making products,''.

On page 39, strike line 21 and all that follows through page 45, line 2 and insert the following:

(a) CLOSING POST OFFICES.—Section 404(d) of title 39, United States Code, is amended to read as follows:

''(d)(1) The Postal Service, prior to making a determination under subsection (a)(3) of this section as to the necessity for the closing or consolidation of any post office, shall—

''(A) consider whether—

''(i) to close the post office or consolidate the post office and another post office located within a reasonable distance;

''(ii) instead of closing or consolidating the post office—

''(I) to reduce the number of hours a day that the post office operates; or

''(II) to continue operating the post office for the same number of hours a day;

''(iii) to procure a contract providing full, or less than full, retail services in the community served by the post office; or

''(iv) to provide postal services to the community served by the post office through a rural carrier;

''(B) provide postal customers served by the post office an opportunity to participate in a nonbinding survey conducted by mail on a preference for an option described in subparagraph (A); and

''(C) if the Postal Service determines to close or consolidate the post office, provide adequate notice of its intention to close or consolidate such post office at least 60 days prior to the proposed date of such closing or consolidation to persons served by such post office to ensure that such persons will have an opportunity to present their views.

''(2) The Postal Service, in making a determination whether or not to close or consolidate a post office—

''(A) shall consider—

''(i) the effect of such closing or consolidation on the community served by such post office;

''(ii) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

''(iii) whether such closing or consolidation is consistent with—

''(I) the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining; and

''(II) the retail service standards established under section 203 of the 21st Century Postal Service Act of 2012;

''(iv) the extent to which the community served by the post office lacks access to Internet, broadband and cellular phone service;

''(v) whether substantial economic savings to the Postal Service would result from such closing or consolidation; and

''(vi) such other factors as the Postal Service determines are necessary; and

''(B) may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

''(3) Any determination of the Postal Service to close or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (2) of this subsection. Such determination and findings shall be made available to persons served by such post office.

''(4) The Postal Service shall take no action to close or consolidate a post office until 60 days after its written determination is made available to persons served by such post office.

''(5) A determination of the Postal Service to close or consolidate any post office, station, or branch may be appealed by any person served by such office, station, or branch to the Postal Regulatory Commission within 30 days after such determination is made available to such person. The Commission shall review such determination on the basis of the record before the Postal Service in the making of such determination. The Commission shall make a determination based upon such review no later than 120 days after receiving any appeal under this paragraph. The Commission shall set aside any determination, findings, and conclusions found to be—

''(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

''(B) without observance of procedure required by law;

''(C) inconsistent with the delivery service standards required to be maintained under section 201 of the 21st Century Postal Service Act of 2012 or not in conformance with the retail service standards established under section 203 of the 21st Century Postal Service Act of 2012; or

''(D) unsupported by substantial evidence on the record, including that substantial economic savings are likely to be achieved as a result of the closing or consolidation.

The Commission may affirm or reverse the determination of the Postal Service or order that the entire matter be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The determination of the Postal Service shall be suspended until the final disposition of the appeal. The provisions of section 556, section 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

''(6) For purposes of paragraph (5), any appeal received by the Commission shall—

''(A) if sent to the Commission through the mails, be considered to have been received on the date of the Postal Service postmark on the envelope or other cover in which such appeal is mailed; or

''(B) if otherwise lawfully delivered to the Commission, be considered to have been received on the date determined based on any appropriate documentation or other indicia (as determined under regulations of the Commission).

''(7) Nothing in this subsection shall be construed to limit the right under section 3662—

''(A) of an interested person to lodge a complaint with the Postal Regulatory Commission under section 3662 concerning nonconformance with service standards, including the retail service standards established under section 203 of the 21st Century Postal Service Act of 2012; or

''(B) of the Postal Regulatory Commission, if the Commission finds a complaint lodged by an interested person to be justified, to order the Postal Service to take appropriate action to achieve compliance with applicable requirements, including the retail service standards established under section 203 of the 21st Century Postal Service Act of 2012, or to remedy the effects of any noncompliance.''.

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 2056, offered by the Senator from Montana.

Mr. TESTER. Mr. President, amendment No. 2056 requires the Postal Service to take into consideration some pretty commonsense things, such as economic savings, before they urge the shutdown of a post office or mail processing center.

It also requires the Postal Service to take into account retail service standards. That means the Postal Service would not be able to leave a community without access to basic postal services when it closes down a post office.

If the Postal Service does not meet these criteria, the Postal Regulatory Commission can review and reject the Postal Service's proposal. This amendment adds much needed teeth to the amendment that Senator MORAN and I offered when this bill was before the committee.

I am joined by a number of cosponsors, but in particular Senator FRANKEN and Senator LEVIN. This is a commonsense amendment that allows a lot of the post offices that are going to be closed to have another set of eyes and have the Postal Regulatory Commission take another look.

Mr. FRANKEN. Mr. President, I wish to echo the statement of my friend, Senator TESTER, and urge all my colleagues to support our amendment.

The Tester-Franken-Levin amendment gives individuals and communities impacted by closures a voice. It will give Minnesotans real recourse to challenge closure decisions and a fighting chance to keep their local post offices and processing facilities open.

Right now, individuals affected by post office closures can appeal the decision to the Postal Regulatory Commission, but the commission cannot stop closures. Our amendment will give the PRC the authority to reverse post office and processing facility closure decisions.

I urge a ''yes'' vote on amendment No. 2056.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I support Senator TESTER's amendment.

It simply creates safeguards to ensure that the Postal Service, when it closes a post office, does so as the result of a process that is transparent and takes into account the unique needs of communities, particularly small towns and rural areas.

This does not stop the decision-making process at the Postal Service to change the Postal Service. It makes it transparent and fair.

If I may, at this time I ask unanimous consent that if a voice vote is requested and acceptable for any of the amendments relative to the postal reform bill, including this one, that the 60-vote affirmative vote requirement be waived for that amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I want to note for the benefit of our colleagues that on the list of 39 amendments, the first amendment was Senator MCCAIN's amendment No. 2001. He did not call it up, which is an expression of his intention not to go forward with it. I thank him for that, and I hope it sets a precedent that other of the sponsors of amendments will feel moved to follow.

The PRESIDING OFFICER. All time has expired.

The Senator from Maine.

Ms. COLLINS. Mr. President, I too support the amendment offered by Senator TESTER and Senator LEVIN.

It simply makes clear that the Postal Regulatory Commission may review an appeal of a post office closure if it violates either the overnight delivery service standard or the retail service standards that are created by our bill. So I urge support for the amendment.

Mr. LEVIN. Mr. President, the bill before us would make some important changes to existing law. There is little doubt that change is necessary; the Postal Service faces an extraordinary financial challenge, and it must make changes to take into account a new reality in which physical mail has in many cases been replaced by electronic communication.

But in making these necessary reforms, we must ensure that all the American people can continue to rely on the United States Postal Service to provide universal service, as it has since our Nation's founding. And we must ensure that in making changes, any reduction in facilities and personnel yields real cost savings to the Postal Service that outweigh the loss in service. One of the things we can do to assure that is to require that there be a real, objective way to test and challenge Postal Service proposals to close facilities. In an effort to meet those goals, I have joined with Senators TESTER and FRANKEN and others to propose an amendment that would

make some important changes to the substitute amendment before us.

Here are some of the provisions of our amendment. Under current law, any interested party can appeal a proposed closure of a community's main post office to the PRC, the Postal Regulatory Commission. The substitute before us extends that opportunity for appeal to branches of a post office. The substitute does not, however, extend that same appeal right to postal processing facilities. While the substitute acknowledges the need for some oversight over the closure of processing facilities, it is important to provide a meaningful chance to appeal a proposed closure of a mail processing facility. Our amendment does that.

The importance of providing a meaningful appeal process was reinforced by a recent experience of mine. In February, I wrote to Postmaster General Donahoe about the decision to close six processing facilities in Michigan. In my letter, I asked four questions: How many jobs would be affected at each facility? Of those, how many would be transferred to other facilities? How far would each transferred worker have to transfer? And what were the projected cost savings or additional costs at each affected facility? It seems to me that information is crucial to making informed decisions about whether to close a facility. But when the Postal Service responded to my letter nearly 8 weeks later, the response did not answer any of these questions satisfactorily. An inability to provide that kind of basic information indicates to me that a fair opportunity to appeal is crucial.

Our amendment also clarifies that during the appeal process for post offices, branches, and processing facilities, the proposed closure shall be suspended—not just that it ''may be'' suspended, as is the case under current law. If the Postal Service can close a post office, branch or processing facility while the closure is under appeal, the appeal would be a sham.

Also, under current law and the substitute before us, the PRC has the authority to affirm a proposed closing or order that the matter be returned to the Postal Service for further consideration. Our amendment would grant the PRC the additional authority to reverse a closure decision.

Our amendment would also require that the Postal Service consider whether a proposed closing or consolidation is consistent with new retail service standards that the bill requires, and whether the proposed action achieves real and substantial cost savings. And our amendment provides that the PRC set aside Postal Service decisions to close post offices and branches that do not achieve substantial economic savings. If our goal is to help save the postal service money, surely it is important that we do not allow actions that degrade service to our communities without actually saving money.

Postal reform is among the most significant issues we will consider this year. It touches every town and village, every person and every business across our Nation. The Postal Service's universal service obligation—the obligation to ensure that all Americans have access to an affordable, efficient postal system in order to communicate with one another—is among the most important obligations any agency or department has. It sets the Postal Service apart from private-sector firms that are under no obligation to serve all markets. The Postal Service's first obligation is not profit. It is service.

Historically, the United States Postal Service has played a vital role in uniting Americans across the vast expanse of this continent, in connecting Americans far from home with their loved ones, in helping businesses reach customers across the Nation and the globe. Establishing a postal service was among the first acts of the Continental Congress, an act that predates even the Declaration of Independence. The need to establish an efficient postal system for the colonies was deemed so important that Benjamin Franklin, one of the most respected leaders not just in America, but the world, was named our first postmaster general.

I have heard from many of my constituents on this issue, as I am sure all of us have. They recognize the need to reform the Postal Service and find efficiencies so that it can continue to serve all Americans. But they also want us to do this the right way—to ensure that any changes we make, in fact, put the Postal Service on a sound financial footing, and that we carefully balance the need for savings with the need to maintain service for all people and in every community across the Nation. I believe our amendment will help us meet those goals, and I urge the bill's managers and all our colleagues to support its adoption.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2056, as modified.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I urge adoption of the amendment and ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Amendment (No. 2056), as modified, was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2060

Mr. COBURN. Mr. President, I call up amendment No. 2060.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] for himself, Mr. JOHNSON of Wisconsin, and Mr. MCCAIN, proposes an amendment numbered 2060.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide transparency, accountability, and limitations of Government sponsored conferences)

At the appropriate place, insert the following:

SEC. ___. GOVERNMENT SPONSORED CONFERENCES.

(a) TRAVEL EXPENSES OF FEDERAL AGENCIES RELATING TO CONFERENCES.—

(1) LIMITATIONS AND REPORTS ON TRAVEL EXPENSES TO CONFERENCES.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5711 the following:

''§ 5712. Limitations and reports on travel expenses to conferences

''(a) In this section, the term—

''(1) 'conference' means a meeting that—

''(A) is held for consultation, education, or discussion;

''(B) is not held entirely at an agency facility;

''(C) involves costs associated with travel and lodging for some participants; and

''(D) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations; and

''(2) 'international conference' means a conference attended by representatives of —

''(A) the United States Government; and

''(B) any foreign government, international organization, or foreign nongovernmental organization.

''(b) No agency may pay the travel expenses for more than 50 employees of that agency who are stationed in the United States, for any international conference occurring outside the United States, unless the Secretary of State determines that attendance for such employees is in the national interest.

''(c) At the beginning of each quarter of each fiscal year, each agency shall post on the public Internet website of that agency a report on each conference for which the agency paid travel expenses during the preceding 3 months that includes—

''(1) the itemized expenses paid by the agency, including travel expenses, the cost of scouting for and selecting the location of the conference, and any agency expenditures to otherwise support the conference;

''(2) the primary sponsor of the conference;

''(3) the location of the conference;

''(4) in the case of a conference for which that agency was the primary sponsor, a statement that—

''(A) justifies the location selected;

''(B) demonstrates the cost efficiency of the location; and

''(C) provides a cost benefit analysis of holding a conference rather than conducting a teleconference;

''(5) the date of the conference;

''(6) a brief explanation how the conference advanced the mission of the agency;

''(7) the title of any Federal employee or any individual who is not a Federal employee whose travel expenses or other conference expenses were paid by the agency; and

''(8) the total number of individuals whose travel expenses or other conference expenses were paid by the agency.

''(d) Each report posted on the public Internet website under subsection (c) shall—

''(1) be in a searchable electronic format; and

''(2) remain on that website for at least 5 years after the date of posting.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5711 the following:

''5712. Limitations and reports on travel expenses to conferences.''.

(b) LIMITATIONS ON ANNUAL TRAVEL EXPENSES.—

(1) IN GENERAL.—In the case of each of fiscal years 2012 through 2016, an agency (as defined under section 5701(1) of title 5, United States Code) may not make, or obligate to make, expenditures for travel expenses, in an aggregate amount greater than 80 percent of the aggregate amount of such expenses for fiscal year 2010.

(2) IDENTIFICATION OF TRAVEL EXPENSES.—Not later than September 1, 2012 and after consultation with the Administrator of General Services and the Director of the Administrative Office of the United States Courts, the Director of the Office of Management and Budget shall establish guidelines for the determination of what expenses constitute travel expenses for purposes of this subsection. The guidelines shall identify specific expenses, and classes of expenses, that are to be treated as travel expenses.

(c) CONFERENCE TRANSPARENCY AND LIMITATIONS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''agency'' has the meaning given under section 5701(1) of title 5, United States Code; and

(B) the term ''conference'' has the meaning given under section 5712(a)(1) of that title (as added by subsection (a)).

(2) PUBLIC AVAILABILITY OF CONFERENCE MATERIALS.—Each agency shall post on the public Internet website of that agency a detailed information on any presentation made by any employee of that agency at a conference, including—

(A) any minutes relating to the presentation;

(B) any speech delivered;

(C) any visual exhibit, including photographs or slides;

(D) any video, digital, or audio recordings of the conference; and

(E) information regarding any financial support or other assistance from a foundation or other non-Federal source used to pay or defray the costs of the conference, which shall include a certification by the head of the agency that there is no conflict of interest resulting from the support received from each such source.

(3) LIMITATION ON AMOUNT EXPENDED ON A CONFERENCE.—

(A) IN GENERAL.—No agency may expend more than $500,000 to support a single conference.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to preclude an agency from receiving financial support or other assistance from a foundation or other non-Federal source to pay or defray the costs of a conference the total cost of which exceeds $500,000.

(4) LIMITATION ON THE ANNUAL NUMBER OF CONFERENCES AN AGENCY MAY SUPPORT.—No agency may expend funds on more than a single conference sponsored or organized by an organization during any fiscal year, unless the agency is the primary sponsor and organizer of the conference.

Mr. COBURN. This is a straightforward amendment on conferences. We all have seen what happened with the GSA conference. This is all about transparency and creating a system where we are actually getting to see what is spent on conferences. There is not one branch of the Federal Government that does not have teleconferencing available and videoconferencing available.

What we do know is from 2000 to 2006, the Federal Government—that is the last time we have records—spent over $2.2 billion on conferences. We know the travel budget is $15 billion a year and a minimum $500 million a year is spent on conferences at a time when we need to spend less, and they have grown remarkably during the Bush administration as well as this administration.

This is just simple good government transparency, where we have put on a Web site what they are doing and why they are doing it. We limit foreign conference travel to 50. We limit the maximum amount to $500,000, unless they can make an exception for that based on cause and reason.

So it is simply a good government program to get some visibility on what we are spending on conferences, and I would ask for a voice vote.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I strongly support this amendment. I wish to commend the Senator from Oklahoma for offering an amendment that would prohibit the kind of lavish spending on Federal conferences we have seen recently at GSA. So this is an excellent amendment. It will save money, provide more transparency, and put a cap on how much can be spent. I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I also support the amendment, and I thank Senator COBURN for introducing it. This is disclosure and limitation of spending on conferences. Unfortunately, the excessive and outrageous spending by GSA on the conference in Las Vegas brought the whole area of Federal spending on conferences into the public Klieg lights, and I reached a conclusion that we are spending too much.

This amendment would require the posting online of all agency conference spending. It limits the amount that can be spent on conferences and limits the number of conferences agency employees can attend and it imposes a 20-percent across-the-board cut on agency budgets for this purpose. I hope the amendment passes. I hope the bill passes as amended.

There are a couple parts of that that we have begun to work with Senator COBURN and his staff on which I think will make this a better amendment. But bottom line, this responds to a need, and I support it.

The PRESIDING OFFICER. The Senator in Delaware.

Mr. CARPER. Mr. President, just briefly, I support this amendment. I am happy Senator COBURN has offered this amendment and it was debated. I hope it is accepted on a voice vote.

Let me say, we brought a bill to the floor that has been brought together by two Republicans and two Democrats. We just had a vote on whether to waive a budget point of order. Give us a chance to air the bill, offer amendments, and look to see what we can agree on in a bipartisan vote. We have an early opportunity to go back and forth on amendments not just for the Democratic amendments but Republican amendments as well.

My hope is at the end of the day we will approve both. Hopefully, we will be able to say we passed a bill with bipartisan support.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Coburn amendment, amendment No. 2060.

The amendment was agreed to.

AMENDMENT NO. 2033

(Purpose: To establish the Commission on Postal Reorganization)

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I call up amendment No. 2033.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. COBURN, proposes an amendment numbered 2033.

Mr. MCCAIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The text of the amendment is printed in the RECORD of Wednesday, April 18, 2012 under ''Text of Amendments.'')

Mr. MCCAIN. Mr. President, this amendment would establish a commission on postal reorganization, basically a BRAC. It is the same thing we have done in the case of military bases. For many years we were unable to close a single one. This would establish a commission on postal reorganization. They would come out with their findings and recommendations and Congress would vote up or down.

Recently, the Government Accountability Office released a report just this month entitled ''Challenges Related to Restructuring the Postal Service's Retail Network,'' which supports this BRAC-like policy process, and it goes on to say that this Commission could broaden the current focus on individual facility closures, which are often contentious, time consuming, and inefficient to a broader network with wide restructuring similar to the BRAC approach.

This is obviously an admission that we are unable to make these tough decisions ourselves, but it has proven successful in the BRAC process, and I think it will in this case.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment. This amendment would create a commission similar to the base closure commission to oversee Postal Service decisions regarding which post offices, processing plants, and district offices are to close or consolidate.

In this bill we have constructed what I think is a clear and fair system for making exactly those decisions. The language in the bill is not status quo language. If this bill is enacted, there are post offices that will close or be consolidated as well as mail processing facilities that will close. That simply has to happen, but it will happen according to a system of due process that gives most heed to the fiscal crisis of the Postal Service.

In other words, I think we have a congressional answer to this problem. We don't have to yield it to another BRAC commission.

I urge opposition to the amendment.

The PRESIDING OFFICER. All time is expired. The question is on agreeing to the McCain amendment No. 2033.

The yeas and nays have been ordered.

The clerk will call the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 30, nays 69, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—30

Alexander	Hatch	McConnell
Blunt	Hutchison	Paul
Burr	Inhofe	Portman
Chambliss	Isakson	Risch
Coats	Johanns	Rubio
Coburn	Johnson (WI)	Sessions
Cornyn	Kyl	Shelby
Crapo	Lee	Toomey
DeMint	Lugar	Vitter
Graham	McCain	Wicker

NAYS—69

Akaka	Feinstein	Moran
Ayotte	Franken	Murkowski
Barrasso	Gillibrand	Murray
Baucus	Grassley	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Heller	Reed
Blumenthal	Hoeven	Reid
Boozman	Inouye	Roberts
Boxer	Johnson (SD)	Rockefeller
Brown (MA)	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Cochran	Levin	Thune
Collins	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Corker	Menendez	Webb
Durbin	Merkley	Whitehouse
Enzi	Mikulski	Wyden

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Oregon.

AMENDMENT NO. 2020, AS MODIFIED

Mr. WYDEN. Mr. President, on behalf of Senator FEINSTEIN, Senator CANTWELL, other colleagues, and myself, I call up amendment No. 2020 and ask unanimous consent that it be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment, as modified.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself and Mrs. FEINSTEIN, proposes an amendment numbered 2020.

The amendment is as follows:

(Purpose: To require the Postal Service to consider the effect of closing or consolidating a postal facility on the ability of the affected community to vote by mail and to provide for a moratorium on the closing or consolidation of post offices and postal facilities to protect the ability to vote by mail)

On page 28, strike lines 20 through 24 and insert the following:

''(i) conduct an area mail processing study relating to that postal facility that includes—

''(I) a plan to reduce the capacity of the postal facility, but not close the postal facility; and

''(II) consideration of the effect of the closure or consolidation of the postal facility on the ability of individuals served by the postal facility to vote by mail and the ability of the Postal Service to timely deliver ballots by mail in accordance with the deadline to return ballots established under applicable State law;

On page 29, line 13, strike ''and'' and all that follows through ''publish'' on line 14 and insert the following:

''(II) consider the effect of the closure or consolidation of the postal facility on the ability of individuals served by the postal facility to vote by mail and the ability of the Postal Service to timely deliver ballots by mail in accordance with the deadline to return ballots established under applicable State law; and

''(III) publish

On page 30, line 1, after ''the facility'' insert the following: ''or consideration of the effect of the closure or consolidation of the postal facility on the ability of individuals served by the postal facility to vote by mail and the ability of the Postal Service to timely deliver ballots by mail in accordance with the deadline to return ballots established under applicable State law''.

On page 42, line 16, insert ''(A)'' before ''The Postal''.

On page 42, between lines 19 and 20, insert the following:

''(B) The Postal Service shall take no action to close or consolidate a post office until 60 days after the Postal Service provides written notice of the determination under paragraph (3) to—

''(i) the State board of elections for the State in which the post office is located; and

''(ii) each local board of elections (or equivalent local entity) having jurisdiction of an area served by the post office.

On page 45, strike line 11 and insert the following:

(c) MORATORIUM TO PROTECT THE ABILITY OF VOTERS TO VOTE ABSENTEE OR BY MAIL.—Notwithstanding subsection (b) of this subsection or subsection (d) or (f) of section 404 of title 39, United States Code, as amended by this Act, during the period beginning on the date of enactment of this Act and ending on November 13, 2012, the Postal Service may not close or consolidate a post office or postal facility located in a State that conducts all elections by mail or permits no-excuse absentee voting, except as required for the immediate protection of health and safety.

(d) HISTORIC POST OFFICES.—Section 404(d) of

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2020, as modified.

Mr. WYDEN. Mr. President and colleagues, this amendment is for the more than 25 million Americans—more than 800,000 of them serving in the military—who vote by mail in our system of government, the most open and free system of government in the world. Those millions of Americans may vote absentee, they may vote in what is called no-excuse absentee, or they may vote in an all-mail election, but they deserve this fall to have the assurance from the U.S. Senate that as we reform the Postal Service, the election will not be disrupted.

I hope my colleagues will support this. I think it has been discussed at length on both sides of the aisle. It has always been bipartisan to try to expand the franchise. I hope we can pass this on a voice vote.

I wish to thank both Chairman LIEBERMAN and Senator COLLINS, who had a real challenge handling all of these amendments and who have been very gracious, both of them, as always.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support the amendment. I thank Senator WYDEN and those who worked with him on this amendment for, frankly, calling our attention to this important matter and working to ensure that our efforts to salvage the U.S. Postal Service—to change it, to keep it alive—do not come at the expense of our critical efforts to ensure access to the voting booth by mail as well as no-excuse absentee programs that rely heavily on dependable mail service. I support the amendment.

If there is no further debate, I urge that we adopt the amendment by voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2020, as modified.

The amendment (No. 2020), as modified, was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2058, AS MODIFIED

Mr. COBURN. I ask unanimous consent to call up my amendment No. 2058 and that it be modified with the changes at the desk.

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

The clerk will report the amendment, as modified.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2058, as modified.

The amendment is as follows:

(Purpose: To improve access to postal services in communities potentially affected by a postal closing or consolidation)

On page 40, strike lines 16 through 18 and insert the following:

''(iv) to provide postal services to the community served by the post office—

''(I) through a rural carrier; or

''(II) by co-locating an employee of the Postal Service at a commercial or government entity;

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendment No. 2058, as modified, offered by the Senator from Oklahoma, Mr. COBURN.

The Senator from Oklahoma.

Mr. COBURN. This is a straightforward amendment. It modifies the new service requirement to encourage colocation in other businesses.

One of the things that is going to happen to the Postal Service where they can't—85 percent of our post offices are losing money. So what we can do is keep service but have it at a different location for a much lower cost. All this amendment does is encourage the Postmaster General to consider that as part of the service standard in meeting that requirement.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, this amendment by the Senator from Oklahoma is right in line with the bill. We do encourage the Postal Service to look at colocations—for example, in a local pharmacy or a grocery store. In many small communities, that may well be a viable option, and it may well improve customer access. So I think this is a very good amendment that is in line with other language already in the bill. I urge its adoption by a voice vote.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I say to my colleagues that this is another good amendment offered by the Senator from Oklahoma. What the Postmaster General has in mind for our communities across America, where there are 33,000 post offices, is to give a number of them an option—a menu, if you will—to see whether it makes sense in those communities to shorten somewhat the length of time the post office is open in a day—maybe to 6 or 4 hours a day—whether to use a colocator in a supermarket maybe or in a convenience store or to in some cases, say, to State and local government operations in those communities: Why don't we put them under the same roof? Why doesn't that make sense?

Frankly, all those ideas may make sense. The idea is not to tell a community which of those options they have to choose but to say: This is the menu. And this is one of the great options that should be on the menu.

I commend the Senator for offering the amendment. I urge a ''yes'' vote on the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment, as modified.

The amendment (No. 2058), as modified, was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the next amendment on the list, the so-called McCaskill-Merkley amendment, be dropped a few places down because we are working on some compromise language that we hope will lead to a voice vote of acceptance.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2061, AS MODIFIED

Mr. LIEBERMAN. That would mean Senator COBURN's next amendment, which is amendment No. 2061, is now the pending business.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Oklahoma.

Mr. COBURN. Madam President, I ask unanimous consent to modify amendment No. 2061 with the changes at the desk and ask that it be brought up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment, as modified.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2061, as modified.

Mr. COBURN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To achieve long-term cost-savings by allowing the Postmaster General to reduce the postal workforce through mandatory retirements for eligible employees)

At the appropriate place, insert the following:

SEC. ____. AUTHORITY TO REQUIRE RETIREMENT-ELIGIBLE EMPLOYEES OF THE POSTAL SERVICE TO RETIRE.

(a) DEFINITION.—In this section, the term ''retirement-eligible employee''—

(1) means an employee of the Postal Service who meets the age and service requirements to retire on an immediate annuity under section 8336 or 8412 of title 5, United States Code; and

(2) does not include an individual described in section 8336(d) or 8412(g) of title 5, United States Code.

(b) AUTHORITY.—Subject to subsection (c), not earlier than the date that is 2 years after the enactment of this Act, the Postmaster General may issue rules and regulations prohibiting a retirement-eligible employee from performing service as an employee of the Postal Service.

(c) LIMITATION.—The Postmaster General may only issue rules and regulations under subsection (b) if the Postmaster General determines that issuing the rules and regulations would achieve financial savings for the Postal Service.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendment No. 2061, as modified, offered by the Senator from Oklahoma.

The Senator from Oklahoma.

Mr. COBURN. Madam President, this is an amendment we have changed somewhat from the original version to address some of the concerns.

What this amendment does is 2 years from now it will give the authority to the Postmaster General to create a retirement requirement for postal employees. There are 175,000 postal employees eligible for retirement right now. Nothing happens for the next 2 years. It gives plenty of time for planning. It gives him the authority to create that principle, which says that when you become retirement age—because they are going to have a continuing need to have fewer and fewer employees—there is the ability to make retirement mandatory. That is all it does. It is for those who are best capable of retiring with full pensions. They have to have complete and full pension capability. It will allow him to do that 2 years from now—not now but 2 years from now—and it only gives him the authority should he want to. So it does not mandate it, it does not require it, and it actually does not take effect for 2 years.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, while I think the changes the Senator has made in his amendment do improve it considerably, I am still very concerned about the idea of imposing a mandatory retirement system, and let me tell you why.

First, to me, it smacks of age discrimination in some cases. Second, we could be losing some of our most experienced and best personnel we need to implement the major changes that are authorized by this bill. Third and finally, I find it a little odd that we would want to tell people who are still in their working years and have had a good career and are contributing and are good employees that we do not want them to work anymore. I think the approach in our bill of offering incentives is a better way to go.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, the difference is you are going to pay $25,000 to people to retire. The Postmaster General has already said he needs to have 120,000 fewer employees. That will grow over a period of time. We are setting a precedent with the buyout, one. We are setting a precedent that has never before been done in the Federal Government. No. 2, and probably more important, is the fact that——

The PRESIDING OFFICER. The Senator's time is expired.

Mr. COBURN. Thank you.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

Mr. COBURN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 33, nays 65, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—33

Alexander	Graham	Murkowski
Barrasso	Hatch	Paul
Blunt	Hutchison	Portman
Burr	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kyl	Thune
Cornyn	Lee	Toomey
Crapo	McCain	Vitter
Enzi	Moran	Wicker

NAYS—65

Akaka	Gillibrand	Mikulski
Ayotte	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Heller	Pryor
Bingaman	Hoeven	Reed
Blumenthal	Inouye	Reid
Boozman	Johnson (SD)	Rockefeller
Boxer	Kerry	Rubio
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Lugar	Udall (NM)
Coons	Manchin	Warner
Corker	McCaskill	Webb
Durbin	McConnell	Whitehouse
Feinstein	Menendez	Wyden
Franken	Merkley	

NOT VOTING—2

DeMint	Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Connecticut.

AMENDMENT NO. 2031, AS MODIFIED

Mr. LIEBERMAN. Madam President, a while back we skipped over the McCaskill-Merkley amendment. We were working on a modification. The modification is ready now. I ask unanimous consent that we proceed to the McCaskill-Merkley amendment No. 2031.

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

Mrs. MCCASKILL. Madam President, I call up my amendment No. 2031. I ask unanimous consent that it be modified with the changes at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mrs. MCCASKILL] proposes an amendment numbered 2031, as modified.

Mrs. MCCASKILL. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the closing of a rural post office unless certain conditions are met and to establish a moratorium on the closing of rural post offices)

On page 40, line 1, after ''post office'' insert ''and, with respect to a determination to close a post office in a rural area, as defined by the Census Bureau, prior to making the determinations required by paragraph (4)''.

On page 42, line 13, after ''subsection'' insert ''and, with respect to a determination to close a post office located in a rural area, as defined by the Census Bureau, a summary of the determinations required under paragraph (4)''.

On page 42, between lines 15 and 16, insert the following:

''(4) The Postal Service may not make a determination under subsection (a)(3) to close a post office located in a rural area, as defined by the Census Bureau, unless the Postal Service—

''(A)(i) determines that postal customers served by the post office would continue after the closing to receive substantially similar access to essential items, such as prescription medications and time-sensitive communications, that are sent through the mail; or

''(ii) takes action to substantially ameliorate any projected reduction in access to essential items described in clause (i); and

''(B) determines that—

''(i) businesses located in the community served by the post office would not suffer substantial financial loss as a result of the closing;

''(ii) any economic loss to the community served by the post office as a result of the closing does not exceed the cost to the Postal Service of not closing the post office;

''(iii) the area served by the post office has adequate access to wired broadband Internet service, as identified on the National Broadband Map of the National Telecommunications and Information Administration; and

''(iv) there is a road connecting the community to another post office that is not more than 10 miles from the post office proposed to be closed (as measured on roads with year-round access).

On page 42, line 16, strike ''(4)'' and insert ''(5)''.

On page 42, line 20, strike ''(5)'' and insert ''(6)''.

On page 44, line 1, strike ''(6)'' and insert ''(7)''.

On page 44, line 1, strike ''(5)'' and insert ''(6)''.

On page 44, line 12, strike ''(7)'' and insert ''(8)''.

On page 45, strike lines 3 through 10 and insert the following:

(b) PROHIBITION ON CLOSING POST OFFICES.—

(1) MORATORIUM PENDING ESTABLISHMENT OF SERVICE STANDARDS.—Notwithstanding section 404(d) of title 39, United States Code, as amended by this section, during the period beginning on the date of enactment of this Act and ending on the date on which the Postal Service establishes the service standards under section 203 of this Act, the Postal Service may not close a post office, except as required for the immediate protection of health and safety.

(2) MORATORIUM ON CLOSING RURAL POST OFFICES.—

(A) IN GENERAL.—Notwithstanding paragraph (1) of this subsection or section 404(d) of title 39, United States Code, during the 12-month period beginning on the date of enactment of this Act, the Postal Service may not close a post office located in a rural area, as defined by the Census Bureau, except as required for the immediate protection of health and safety, or unless there is no significant community opposition to such closure.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the authority of the Postal Service to implement, consistent with the procedures under section 404(d)(1)(B) of title 39, United States Code, as amended by this Act, cost-saving measures with respect to the post offices described in subparagraph (A), including, as appropriate, the measures required to be considered under clauses (ii), (iii), and (iv) of section 404(d)(1)(A) of title 39, United States Code, as amended by this Act.

On page 45, line 14, strike ''(8)(A)'' and insert ''(9)(A)''.

Mrs. MCCASKILL. This amendment reflects the efforts of a lot of people to deal with rural post office closings in a way that will be straightforward and fair to rural communities across this country. It is going to prevent any closings for 1 year while the reforms which are embedded in this bill have a chance to begin to work. It then sets some clear standards for potential closures.

I want to thank Senator MORAN who did some great work on this subject in committee. He deserves credit for beginning the process of taking a hard look at rural post offices and how we were dealing with them. I obviously want to thank Senator MERKLEY who has worked on this, Senator TESTER who has worked on it, and Senator SANDERS. But I really want to thank Senator COLLINS and Senator LIEBERMAN for continuing to model to this body what true bipartisanship looks like, and who continually strive for that very elusive and rare but valuable commodity in a democracy, that thing known as compromise. This amendment now represents one of those compromises. I am proud to be a part of it. I think it strikes the right note of protecting rural post offices but also with a realistic eye toward the future and how we are fair to rural communities in a way that is predictable and one that, frankly, shows some accountability for the Postal Service.

I ask that this be taken up by voice vote.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I appreciate the work that has been done on this amendment. I know there is a lot of interest on both sides of the aisle because of the concern about rural post offices. This establishes, again, some standards. It effectively asks the Postal Service before it considers closing a rural post office for 1 year after enactment of this legislation

that it explore every other opportunity to continue to provide service other than closing the post office.

The one clear authority given in the modified amendment is to close a rural post office when there is no significant community opposition, which is to say, when the Postal Service has convinced the people of the community that they have a good alternative to the current post office. So I think we have reasoned together.

I hope this enables our colleagues who may have been thinking of more absolute prohibitions to closing post offices to step back from that. This is a rational, fair approach. I support the modification and the amendment.

I urge that the amendment be adopted by voice vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2031), as modified, was agreed to.

Mr. LIEBERMAN. I move to reconsider the vote and ask unanimous consent that the motion be laid upon the table.

The motion to lay upon the table was agreed to.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 2080, AS MODIFIED

Ms. SNOWE. Madam President, I call up Snowe amendment No. 2080 with a modification at the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. SNOWE] proposes an amendment numbered 2080, as modified.

Ms. SNOWE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment, was modified, as follows:

(Purpose: To require the Postal Rate Commission to evaluate area mail processing studies)

On page 34, strike lines 16 and 17 and insert the following:

''Act of 2012;

''(B) if a complaint described in subparagraph (A) is lodged relating to the closure or consolidation of a postal facility, upon request by the person lodging the complaint, the Postal Regulatory Commission shall determine whether—

''(i) the area mail processing study relating to the postal facility used an appropriate methodology; and

''(ii) the cost savings identified in the area mail processing study relating to the postal facility are accurate;

''(C) the Postal Regulatory Commission may direct the Postal Service to conduct another area mail processing study or direct the Postal Service to take action as described under subparagraph (D) if the Postal Regulatory Commission determines that—

''(i) the area mail processing study relating to the postal facility used an inappropriate methodology; or

''(ii) the cost savings identified in the area mail processing study relating to the postal facility are inaccurate; and

''(D) if the Postal Regulatory Commission

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendment No. 2080 offered by the Senator from Maine.

Ms. SNOWE. Madam President, very briefly, first I want to thank the chair of the committee and my colleague from Maine, Senator COLLINS, for working and assisting me in modifying this amendment.

I thought this amendment was important from the standpoint and based on our experience in Maine with the recent proposal by the Postal Service to close a distributional and processing facility. As my colleague Senator COLLINS will attest as well, we discovered that much of their methodology was indeed faulty in the savings that they had suggested would be achieved by closing this facility.

There were many questions raised with those numbers and reports. As we know, before the U.S. Postal Service can make any determination for closing a facility, they have to prepare and publish an area processing study.

Based on that study, I have recommended that we now have independent verification of the numbers and proposals by the U.S. Postal Service so that we can make sure those numbers are accurate and that we verify the methodology in addition to the savings.

One of the examples I can give from this proposal is one they made for a facility in the State of Maine to eliminate two management positions, for a savings of $799,000. When we questioned the veracity of that number, they backtracked and said it was only $120,000. Incredulously, they have now submitted their final area processing study this year and returned to the higher figure of $800,000 for the two management positions. We know that cannot be accurate. Therefore, given the evidence of these proposals, we need to have independent verification by the Postal Regulatory Commission before any closure can go forward.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, first, I congratulate my colleague from Maine for an excellent amendment. As she indicated, the Postal Service made a major miscalculation, a mathematical error, in the study it did on the Hampden processing center in our State. So that Senators know, the amendment would say if a proposed consolidation of a mail processing center is appealed to the Postal Regulatory Commission, the Commission can be asked to review the underlying study's methodology and the estimated savings to make sure it is correct because right now there is no way to challenge a mistake that is made by the Postal Service in conducting these very important studies that are going to decide whether processing centers stay open.

I commend my colleague from Maine for a very well thought out amendment, and I urge its adoption by voice vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2080) was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2043, AS MODIFIED

Mr. UDALL of New Mexico. Madam President, I call up amendment No. 2043 and ask that it be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. UDALL] proposed an amendment numbered 2043, as modified.

The amendment is as follows:

(Purpose: To strike the limitations on changes to mail delivery schedule, with an offset)

Strike section 208 and insert the following:

SEC. 208. TRANSFER OF AMOUNTS FROM THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND.

Section 8348(h)(2) of title 5, United States Code, is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B)(i) The Office shall—

''(I) redetermine the Postal surplus or supplemental liability as of the close of each of fiscal years 2007 through 2043; and

''(II) report the results of the redetermination for each such fiscal year, including appropriate supporting analyses and documentation, to the United States Postal Service on or before June 30 of the subsequent fiscal year.

''(ii) If the result of a redetermination under clause (i) is a supplemental liability, the Office shall establish an amortization schedule, including a series of annual installments commencing on September 30 of the subsequent fiscal year, that provides for the liquidation of such liability by September 30, 2043.

''(C)(i) Subject to clause (ii), if the result of a redetermination under subparagraph (B) for any of fiscal years 2013 through 2023 is a surplus, the amount of the surplus shall be transferred to the General Fund of the Treasury.

''(ii) Not more than a total of $8,900,000,000 shall be transferred under clause (i).''.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendment No. 2043, offered by the Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, this amendment strikes a provision allowing the USPS to move to 5-day service in 2 years. Two years is simply not enough time to see the changes we are making in this bill take effect before we cut this essential service.

My amendment doesn't say we can never move to 5-day service, but it says that 2 years is not enough time for the Postal Service to implement the many cost-saving measures in the bill.

Why eliminate one of the key competitive advantages and hurt rural America before we know the effects of these reforms? It makes no sense.

Why would we make a change that would reduce mail volume by almost 7 percent? Isn't that why we are in this crisis in the first place?

I hope my colleagues will join me in protecting rural jobs and go on record to say clearly that moving to 5-day service should be a last resort.

I reserve my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I rise to oppose the amendment of my friend from New Mexico. I know there are a lot of people who don't want to lose 6-day delivery. But the greater imperative is not to lose the Postal Service as we know it.

The Postmaster asked for the immediate authority to go from 6 days of delivery to 5. In this bill we have given the Postmaster authority in many different areas to save money. We said, as a result, that we will not give him the authority to go from 6 days of delivery to 5 for 2 years, hoping that within the 2 years he can save enough money not to have to make this change. Frankly, I am skeptical that he can. We wanted to give him 6 days of delivery—that last opportunity.

To pull this procedure out of the bill, with a lot of due process before the move can be made from 6 to 5 days, removes the credibility from the bill and will jeopardize its ultimate adoption.

With a lot of respect and affection for my friend from New Mexico, I urge my colleagues to vote against this amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, this amendment would also take $8.9 billion that is supposed to go to pay for retiree health benefits of postal workers and instead redirect those funds to maintain 6-days-a-week delivery of the mail. I hope we always have 6-days-a-week delivery. I think that is an asset. I think we should strive to preserve it. That is why our bill prohibits going to 5-day delivery for 2 years, to wring all the waste out of the system.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, Saturday service is absolutely essential in rural areas.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment, as modified.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—43

Baucus	Johnson (SD)	Reed
Begich	Kerry	Reid
Bennet	Klobuchar	Rockefeller
Blumenthal	Kohl	Sanders
Boxer	Lautenberg	Schumer
Brown (OH)	Leahy	Shaheen
Cantwell	Levin	Snowe
Cardin	Manchin	Stabenow
Casey	McCaskill	Tester
Coons	Menendez	Udall (CO)
Durbin	Merkley	Udall (NM)
Franken	Mikulski	Whitehouse
Gillibrand	Murray	Wyden
Harkin	Nelson (NE)	
Inouye	Nelson (FL)	

NAYS—56

Akaka	DeMint	McCain
Alexander	Enzi	McConnell
Ayotte	Feinstein	Moran
Barrasso	Graham	Murkowski
Bingaman	Grassley	Paul
Blunt	Hagan	Portman
Boozman	Hatch	Pryor
Brown (MA)	Heller	Risch
Burr	Hoeven	Roberts
Carper	Hutchison	Rubio
Chambliss	Inhofe	Sessions
Coats	Isakson	Shelby
Coburn	Johanns	Thune
Cochran	Johnson (WI)	Toomey
Collins	Kyl	Vitter
Conrad	Landrieu	Warner
Corker	Lee	Webb
Cornyn	Lieberman	Wicker
Crapo	Lugar	

NOT VOTING—1

Kirk

The amendment (No. 2043), as modified, was rejected.

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2082, AS MODIFIED

Mr. DURBIN. I call up my amendment No. 2082, and I ask unanimous consent that it be modified with the changes at the desk.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 2082, as modified.

The amendment, as modified, is as follows:

(Purpose: To prohibit the Postal Service from closing or consolidating, or reducing the workforce of certain postal facilities)

On page 33, strike line 24 and all that follows through page 34, line 6 and insert the following:

''(C) LIMITATIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), during the 3-year period beginning on the date of enactment of the 21st Century Postal Service Act of 2012, the Postal Service may not close or consolidate a postal facility if—

''(I) the closing or consolidation prevents the Postal Service from maintaining service standards as required under section 201 of the 21st Century Postal Service Act of 2012; or

''(II) the Postal Service—

''(aa) did not close or consolidate the postal facility before May 15, 2012; and

''(bb) conducted an area mail processing study with respect to the postal facility after January 1, 2006 that—

''(AA) was terminated; or

''(BB) concluded that no significant cost savings or efficiencies would result from closing or consolidating the postal facility.

''(ii) EXCEPTION.—Clause (i) shall not apply with respect to a postal facility described in clause (i)(II) for which—

''(I) an audit under clause (iii) concludes that the mail volume and operations of the facility have changed since the date of termination or completion of an area mail processing study described in clause (i)(II)(bb) to such an extent that the study is no longer valid; and

''(II) an area mail processing study completed under this subsection concludes that the closing or consolidation or the postal facility is justified, taking into consideration the savings to the Postal Service and the impact of the closing or consolidation on postal customers.

''(iii) AUDIT BY INSPECTOR GENERAL.—

''(I) IN GENERAL.—Upon the written request of the Postmaster General, the Inspector General shall conduct an audit of the mail volume and operations of a postal facility.

''(II) COMPLETION.—Not later than 90 days after the date on which the Inspector General receives a request under subclause (I), the Inspector General shall submit to the Postmaster General and the Postal Regulatory Commission a report containing the conclusions of the audit under subclause (I).

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendment No. 2082, as modified, offered by the Senator from Illinois.

Mr. DURBIN. Madam President, this was an amendment I originally offered relative to processing facilities that have been subject to efficiency reviews. At the suggestion of the chairman of the committee, Senator LIEBERMAN, as well as ranking members, we have modified the amendment. The sum total of its change would be for those limited facilities which have been found since the year 2006 to be efficient. Before they could be closed, the postal service would have to call on the U.S. Postal Service's inspector general to conduct an audit to find that the previous findings have been terminated and are no longer valid.

That is the only change that was recommended by the committee and the staff, and I have added that modification to the amendment.

Ms. MIKULSKI. Mr. President, I want to salute Senator DURBIN on his thoughtful amendment and thank him for his collegiality in negotiations. We think it helps us. But we have been misled, manipulated, and disregarded in our attempts to get information from the Postal Service. I don't know if the Easton AMP study has been concluded or suspended. I can't get an answer from the Postal Service. And if I can't get an answer, then the little guy on the Eastern Shore can't get an answer. I believe there are other Senators in the same boat who have been disregarded by the Postal Service.

Does my colleague believe his amendment provides protections for mail processing centers where the Postal Service has postponed or suspended their study for a significant period of time—like at the facility in Easton, MD?

Mr. DURBIN. It is a pleasure working with Senator MIKULSKI and I think the Senate can appreciate how hard she works for her constituents. I am sympathetic to hear that the Senator's inquiries to the Postal Service on behalf of seniors, small businesses, and other constituents have gone unanswered.

It is my intent for, and the Postal Service has assured me that, the mail processing facility in Easton, MD, where the Postal Service has issued a formal notification that they are postponing their study for a significant period of time, is covered by my amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Illinois. He has explained the amendment totally. It is a good amendment. I support its passage, and urge we adopt it by voice vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2082), as modified, was agreed to.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote, and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2034

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Madam President, I call up my amendment No. 2034.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself, Mr. INOUYE, Mr. HARKIN, Mrs. MURRAY, and Mr. FRANKEN, proposes an amendment numbered 2034.

Mr. AKAKA. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide appropriate workers compensation for Federal employees)

Strike title III and insert the following:

TITLE III—FEDERAL EMPLOYEES' COMPENSATION ACT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Federal Workers' Compensation Modernization and Improvement Act''.

SEC. 302. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE NURSES.

(a) DEFINITION OF MEDICAL SERVICES.—Section 8101(3) of title 5, United States Code, is amended—

(1) by striking ''law. Reimbursable'' and inserting ''law (reimbursable''; and

(2) by inserting before the semicolon, the following: '', and medical services may include treatment by a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, consistent with regulations prescribed by the Secretary of Labor)''.

(b) MEDICAL SERVICES AND OTHER BENEFITS.—Section 8103 of title 5, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a), the following:

''(b) Medical services furnished or prescribed pursuant to subsection (a) may include treatment by a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, consistent with regulations prescribed by the Secretary of Labor.''.

(c) CERTIFICATION OF TRAUMATIC INJURY.—Section 8121(6) of title 5, United States Code, is amended by inserting before the period, the following: ''(except that in a case of a traumatic injury, a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, may also provide certification of such traumatic injury and related disability during the continuation of pay period covered by section 8118, in a manner consistent with regulations prescribed by the Secretary of Labor)''.

SEC. 303. COVERING TERRORISM INJURIES.

Section 8102(b) of title 5, United States Code, is amended in the matter preceding paragraph (1)—

(1) by inserting ''or from an attack by a terrorist or terrorist organization, either known or unknown,'' after ''force or individual,''; and

(2) by striking ''outside'' and all that follows through ''1979)'' and inserting ''outside of the United States''.

SEC. 304. DISFIGUREMENT.

Section 8107(c)(21) of title 5, United States Code—

(1) by striking ''For'' and inserting the following: ''(A) Except as provided under subparagraph (B), for''; and

(2) by adding at the end the following:

''(B) Notwithstanding subparagraph (A), for an injury occurring during the 3-year period prior to the date of enactment of the Federal Workers' Compensation Modernization and Improvement Act for which the Secretary of Labor has not made a compensation determination on disfigurement under subparagraph (A), or for an injury occurring on or after the date of enactment of such Act resulting in a serious disfigurement of the face, head, or neck, proper and equitable compensation in proportion to the severity of the disfigurement, not to exceed $50,000, as determined by the Secretary, shall be awarded in addition to any other compensation payable under this schedule. The applicable maximum compensation for disfigurement provided under this subparagraph shall be adjusted annually on March 1 in accordance with the percentage amount determined by the cost of living adjustment in section 8146a.''.

SEC. 305. SOCIAL SECURITY EARNINGS INFORMATION.

Section 8116 of title 5, United States Code, is amended by adding at the end the following:

''(e) Notwithstanding any other provision of law, the Secretary of Labor may require, as a condition of receiving any benefits under this subchapter, that a claimant for such benefits consent to the release by the Social Security Administration of the Social Security earnings information of such claimant.''.

SEC. 306. CONTINUATION OF PAY IN A ZONE OF ARMED CONFLICT.

Section 8118 of title 5, United States Code, is amended—

(1) in subsection (b), by striking ''Continuation'' and inserting ''Except as provided under subsection (e)(2), continuation'';

(2) in subsection (c), by striking ''subsections (a) and (b)'' and inserting ''subsections (a) and (b) or subsection (e),'';

(3) in subsection (d), by striking ''subsection (a)'' and inserting ''subsection (a) or (e)'';

(4) by redesignating subsection (e) as subsection (f); and

(5) by inserting after subsection (d) the following:

''(e) CONTINUATION OF PAY IN A ZONE OF ARMED CONFLICT.—

''(1) IN GENERAL.—Notwithstanding subsection (a), the United States shall authorize the continuation of pay of an employee as defined in section 8101(1) of this title (other than those referred to in subparagraph (B) or (E)), who has filed a claim for a period of wage loss due to traumatic injury in performance of duty in a zone of armed conflict (as so determined by the Secretary of Labor under paragraph (3)), as long as the employee files a claim for such wage loss benefit with his immediate superior not later than 45 days following termination of assignment to the zone of armed conflict or return to the United States, whichever occurs later.

''(2) CONTINUATION OF PAY.—Notwithstanding subsection (b), continuation of pay under this subsection shall be furnished for a period not to exceed 135 days without any break in time or waiting period, unless controverted under regulations prescribed by the Secretary of Labor.

''(3) DETERMINATION OF ZONES OF ARMED CONFLICT.—For purposes of this subsection, the Secretary of Labor, in consultation with the Secretary of State and the Secretary of Defense, shall determine whether a foreign country or other foreign geographic area outside of the United States (as that term is defined in section 202(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(7))) is a zone of armed conflict based on whether—

''(A) the Armed Forces of the United States are involved in hostilities in the country or area;

''(B) the incidence of civil insurrection, civil war, terrorism, or wartime conditions threatens physical harm or imminent danger to the health or well-being of United States civilian employees in the country or area;

''(C) the country or area has been designated a combat zone by the President under section 112(c) of the Internal Revenue Code of 1986 (26 U.S.C. 112(c));

''(D) a contingency operation involving combat operations directly affects civilian employees in the country or area; or

''(E) there exist other relevant conditions and factors.''.

SEC. 307. SUBROGATION OF CONTINUATION OF PAY.

(a) SUBROGATION OF THE UNITED STATES.—Section 8131 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting ''continuation of pay or'' before ''compensation''; and

(2) in subsection (c), by inserting ''continuation of pay or'' before ''compensation already paid''.

(b) ADJUSTMENT AFTER RECOVERY FROM A THIRD PERSON.—Section 8132 of title 5, United States Code, is amended—

(1) by inserting ''continuation of pay or'' before ''compensation'' the first, second, fourth, and fifth place it appears;

(2) by striking ''in his behalf'' and inserting ''on his behalf''; and

(3) by inserting ''continuation of pay and'' before ''compensation'' the third place it appears.

SEC. 308. FUNERAL EXPENSES.

Section 8134 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''If'' and inserting ''Except as provided in subsection (b), if'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) Notwithstanding subsection (a), for deaths occurring on or after the date of enactment of the Federal Workers' Compensation Modernization and Improvement Act, if death results from an injury sustained in the performance of duty, the United States shall pay, to the personal representative of the deceased or otherwise, funeral and burial expenses not to exceed $6,000, in the discretion of the Secretary of Labor. The applicable maximum compensation for burial expenses provided under this subsection shall be adjusted annually on March 1 in accordance with the percentage amount determined by the cost of living adjustment in section 8146a.''.

SEC. 309. EMPLOYEES' COMPENSATION FUND.

Section 8147 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''except administrative expenses'' and inserting ''including administrative expenses''; and

(B) by striking the last 2 sentences; and

(2) in subsection (b)—

(A) in the first sentence, by inserting before the period ''and an estimate of a prorata share of the amount of funds necessary to administer this subchapter for the fiscal year beginning in the next calendar year''; and

(B) in the second sentence, by striking ''costs'' and inserting ''amount set out in the statement of costs and administrative expenses furnished pursuant to this subsection''.

SEC. 310. CONFORMING AMENDMENT.

Section 8101(1)(D) of title 5, United States Code, is amended by inserting before the semicolon ''who suffered an injury on or prior to March 3, 1979''.

SEC. 311. EFFECTIVE DATE.

Except as otherwise provided, this title and the amendments made by this title, shall take effect 60 days after the date of enactment of this Act.

SEC. 312. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendment No. 2034 offered by the Senator from Hawaii.

Mr. AKAKA. Madam President, I have serious concerns with the FECA provisions in this bill, especially since they would reduce benefits for many employees who were already injured while working in service to this country, such as Federal firefighters, FBI agents, prison guards, and civilians serving in Iraq and Afghanistan. In addition, unlike most State workers' comp programs, this bill would reduce benefits for elderly disabled employees when they reach retirement age.

My amendment offers a reasonable alternative by replacing the FECA provisions in this bill with the Republican-led bipartisan FECA reform bill that passed the House by voice vote last year. The House chose not to make benefit changes without the additional information it sought from GAO, and we should follow their lead.

This amendment, supported by more than 20 organizations, would make commonsense reforms that will improve program efficiency and integrity without reducing benefits for disabled seniors, and I urge my colleagues to support it.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, this amendment would strike the Federal workers' compensation title in the bill and replace it with very minor provisions that provide no significant cost savings.

The amendment would strike the reforms that bring parity between workers' comp benefits and retirement benefits for Federal workers. It makes it much more comparable to the States' workers' comp plans. The Federal plan is more generous than any State plan. The amendment does nothing to combat the rampant fraud nor constrain costs which have increased by $1 billion.

In the current workers' comp program, we have 2,000 postal employees who are over age 70; we have 6 Federal workers who are age 100 or older. These individuals are not coming back to work. We are trying to focus this program, as it should be, on returning injured workers to work. It is very similar to the proposals that the Obama administration has made. It grandfathers in everyone for 3 years as well as those age 65 and older.

The PRESIDING OFFICER (Mr. BENNET). The Senator's time has expired.

Mr. LIEBERMAN. Mr. President, I wish to join my friend from Maine in respectfully opposing Senator AKAKA's amendment.

This workers' compensation program has gotten out of control. Senator COLLINS has worked hard on this with others. Her reform proposal for the Postal Service struck the Obama administration as so sensible that they asked our committee to extend it to all the Federal Government employees.

I urge opposition, respectfully, to the Akaka amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Cutting workers' compensation benefits governmentwide is not fair and it is not necessary to save the Postal Service. We should follow the House's example and enact bipartisan reforms contained in my amendment and wait until GAO finishes its analysis before making decisions on benefit levels.

I strongly urge my colleagues to adopt my amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2034.

Mr. AKAKA. Mr. President, 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 bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—46

Akaka	Harkin	Nelson (FL)
Baucus	Heller	Pryor
Begich	Inouye	Reed
Bingaman	Johnson (SD)	Reid
Blumenthal	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Manchin	Udall (NM)
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	
Gillibrand	Nelson (NE)	

NAYS—53

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Bennet	Hagan	Paul
Blunt	Hatch	Portman
Boozman	Hoeven	Risch
Brown (MA)	Hutchison	Roberts
Burr	Inhofe	Rubio
Carper	Isakson	Sessions
Chambliss	Johanns	Shelby
Coats	Johnson (WI)	Snowe
Coburn	Kyl	Thune
Cochran	Landrieu	Toomey
Collins	Lee	Udall (CO)
Corker	Lieberman	Vitter
Cornyn	Lugar	Warner
Crapo	McCain	Wicker
DeMint	McCaskill	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Colorado is recognized.

AMENDMENT NO. 2047, AS MODIFIED

Mr. BENNET. Mr. President, I call up my amendment No. 2047 and ask unanimous consent that it be modified with the changes that are at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BENNET], proposes an amendment numbered 2047, as modified.

The amendment is as follows:

(Purpose: To establish citizen's service protection advocates, to require the Strategic Advisory Commission on Postal Service Solvency and Innovation to study the advisability of the Postal Service entering into inter-agency agreements with respect to post offices, and to require the Postal Service to develop a strategic plan for entering into such inter-agency agreements)

On page 30, line 15, strike ''and''.

On page 30, lines 16 and 17, insert ''and'' after ''Commission;''.

On page 30, between lines 17 and 18, insert the following:

''(iii) the chief executive of each State whose residents are served by the postal facility, to allow the chief executive to appoint a citizen's service protection advocate under section 417;''.

On page 34, line 16, insert '', or with the requirements of section 417 of this title'' after ''2012''.

On page 34, line 24, insert ''or with the requirements of section 417 of this title,'' after ''2012,''.

On page 41, strike lines 2 through 4 and insert the following:

''such closing or consolidation to—

''(i) persons served by such post office to ensure that such persons will have an opportunity to present their views; and

''(ii) the chief executive of each State whose residents are served by such post office to allow the chief executive to appoint a citizen's service protection advocate under section 417.''.

On page 84, strike line 8 and all that follows through line 11 and insert the following:

(g) STUDY AND STRATEGIC PLAN ON INTER-AGENCY AGREEMENTS FOR POST OFFICES.—

(1) DUTIES OF ADVISORY COMMISSION.—

(A) STUDY.—

(i) IN GENERAL.—The Advisory Commission shall conduct a study concerning the advisability of the Postal Service entering into inter-agency agreements with Federal, State, and local agencies, with respect to post offices, that—

(I) streamline and consolidate services provided by Federal, State, and local agencies;

(II) decrease the costs incurred by Federal agencies in providing services to the general public; and

(III) improve the efficiency and maintain the customer service standards of the Federal, State, and local agencies.

(ii) CLARIFICATION OF INTER-AGENCY AGREEMENTS.—The study under clause (i) shall include consideration of the advisability of the Postal Service entering into an inter-agency agreement with—

(I) the Bureau of the Census for the provision of personnel and resources for the 2020 decennial census;

(II) the department of motor vehicles, or an equivalent agency, of each State for the provision of driver licenses, vehicle registration, and voter registration;

(III) the division of wildlife, the department of natural resources, or an equivalent agency, of each State for the provision of hunting and fishing licenses; and

(IV) other Federal agencies responsible for providing services to the general public.

(B) FINDINGS.—The Advisory Commission shall—

(i) not later than 1 year after the date of enactment of this Act, submit to the Postal Service the findings of the study conducted under subparagraph (A); and

(ii) incorporate the findings described in clause (i) into the strategic blueprint required under subsection (f).

(2) POSTAL SERVICE STRATEGIC PLAN.—

(A) IN GENERAL.—Not later than 6 months after the date on which the Advisory Commission submits to the Postal Service the findings under paragraph (1)(B), the Postal Service shall submit a strategic plan for entering into inter-agency agreements concerning post offices to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives.

(B) LIMITATIONS.—The strategic plan submitted under subparagraph (A)—

(i) shall be consistent with—

(I) the retail service standards established under section 203 of this Act;

(II) section 411 of title 39, United States Code, as amended by this Act; and

(III) public interest and demand; and

(ii) may not prevent the implementation of Postal Service initiatives with respect to retail access to postal services under sections 203 and 204 of this Act.

(C) COST SAVINGS PROJECTIONS.—The strategic plan submitted under subparagraph (A) shall include, for each proposed inter-agency agreement, a projection of cost savings to be realized by the Postal Service and by any other Federal agency that is a party to the agreement.

(h) TERMINATION OF THE COMMISSION.—The Advisory Commission shall terminate 90 days after the later of—

(1) the date on which the Advisory Commission submits the report on the strategic blueprint for long-term solvency under subsection (f); and

(2) the date on which the Advisory Commission submits the findings on inter-agency agreements for post offices under subsection (g).

(i) AUTHORIZATION OF APPROPRIATIONS.—There

On page 84, between lines 14 and 15, insert the following:

SEC. 214. CITIZEN'S SERVICE PROTECTION ADVOCATES.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by adding at the end the following:

''§ 417. Citizen's service protection advocates

''(a) DEFINITIONS.—In this section—

''(1) the term 'citizen's service protection advocate' means an individual appointed or designated under applicable State law, in the manner described in subsection (b), by the chief executive of a State affected by the closing or consolidation of a post office or postal facility to represent the interests of postal customers affected by the closing or consolidation; and

''(2) the term 'postal facility' has the meaning given the term in section 404(f).

''(b) APPOINTMENT OF ADVOCATE.—

''(1) IN GENERAL.—The chief executive of a State affected by the proposed closing or consolidation of a post office or postal facility may appoint or designate a citizen's service protection advocate to represent the interests of postal customers affected by the proposed closing or consolidation.

''(2) CONSULTATION.—To be considered a citizen's service protection advocate for purposes of this section, an individual must have been appointed or designated by the chief executive of a State in consultation with—

''(A) the mayor (or equivalent official) of any city affected by the closing or consolidation; and

''(B) the commissioner (or equivalent official) of any county or parish affected by the closing or consolidation.

''(c) ACCESS TO INFORMATION AND ASSISTANCE.—

''(1) IN GENERAL.—Subject to paragraph (2), upon the request of any citizen's service protection advocate appointed under this section, the Postal Service shall provide to the citizen's service protection advocate—

''(A) not later than 15 days after the request, access to any records, reports, audits, reviews, documents, papers, recommendations, or other materials of the Postal Service relating to the closing or consolidation of the relevant post office or postal facility; and

''(B) technical assistance in carrying out the duties of the citizen's service protection advocate.

''(2) LIMITATIONS.—Nothing in this section may be construed to require the Postal Service to provide to a citizen's service protection advocate any information that is exempt from disclosure under section 552(b) of title 5.

''(d) COMMUNICATION AND CONSULTATION.—The Postal Service shall—

''(1) provide for regular and efficient communication between a citizen's service protection advocate and the officer or employee of the Postal Service responsible for the closing or consolidation of the relevant post office or postal facility; and

''(2) consult with the citizen's service protection advocate in developing and implementing service changes that affect postal customers affected by the closing or consolidation of the relevant post office or postal facility.

''(e) TERMINATION OF SERVICE.—An individual may not serve as a citizen's service protection advocate with respect to the closing or consolidation of a post office or postal facility after the later of—

''(1) the date on which the Postal Service determines not to close or consolidate the post office or postal facility; and

''(2) the date on which the Postal Service determines to close or consolidate the post office or postal facility.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 4 of title 39, United States Code, is amended by adding at the end the following:

''417. Citizen's service protection advocates.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date on which the Postal Service establishes retail service standards under section 203.

Mr. BENNET. Mr. President, I rise on behalf of amendment No. 2047, which I have cosponsored with Senator BLUNT. I deeply appreciate his leadership.

This bipartisan amendment would allow for a nonpaid advocate to represent communities facing a closure or a consolidation. Advocates would represent their communities' interests throughout closure proceedings and would work with the Postal Service to identify alternative methods to maintain service standards. Advocates would have access to documents, data, and reports related to the proposed closure. Advocates would also have authority to appeal a final decision on closure to the Postal Regulatory Commission if there was a concern it would hurt service standards.

Finally, the amendment would allow the strategic commission already contained within this bill to develop inter-agency agreements so that post offices could provide additional government services, such as the issuance of Social Security cards and hunting and fishing licenses, similar to what it already does for passports.

In 2011, to take 1 year, the Postal Service accepted 5.6 million passport applications that generated $182 million in revenue. This amendment has

the potential to cut government costs, improve access, and help keep post offices open by supplementing revenue streams in a way that is particularly helpful to our rural communities. I hope the Senate could adopt this amendment.

I yield to my colleague Senator BLUNT and thank him for his work.

Mr. BLUNT. Mr. President, I worked with Senator BENNET on this amendment. I think it does ensure that communities are not notified a facility is closed without having any opportunity to have input. It provides for advocacy and also gives the post office system some flexibility that they do not have now to provide postal services in new and innovative ways.

I urge my colleagues to adopt this amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. I also want to, as a cosponsor of this important piece of legislation, commend Senators BENNET and BLUNT for working together in a truly bipartisan way to make sure we get another good addition to this bill. I agree the communities affected by postal closings should have that strong advocacy to protect them against arbitrary and capricious closings. This bill also asks the Strategic Advisory Commission, established in our bill, to look into how other Federal and State agencies and the Postal Service might enter into interagency agreements in order to better utilize the services and improve efficiencies as referenced by the Senator from Colorado.

They are both fine improvements, and I and the prime sponsors of the amendment support this amendment.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2047), as modified, was agreed to.

AMENDMENT NO. 2083

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I call up amendment No. 2083.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Tennessee [Mr. CORKER], proposes an amendment numbered 2083.

The amendment is as follows:

On page 39, strike line 20 and all that follows through page 45, line 17, and insert the following:

SEC. 205. OTHER PROVISIONS.

(a) FREQUENCY OF MAIL DELIVERY.—Section 101 of title 39, United States Code, is amended by adding at the end the following:

''(h) Subject to the requirements of section 3661, nothing in this title or any other provision of law shall be construed to prevent the Postal Service from taking any action necessary to provide for a 5-day-per-week delivery schedule for mail and a commensurate adjustment in the schedule for rural delivery of mail.''.

(b) OVERALL VALUE OF FRINGE BENEFITS.—Section 1005(f) of title 39, United States Code, is amended by striking the last sentence.

(c) MODERN RATE REGULATION.—Section 3622(d) of title 39, United States Code, is repealed.

(d) DELIVERY SERVICE STANDARDS, MAIL PROCESSING, AND COMMUNITY POST OFFICES.—Sections 201 and 202 of this Act, and the amendments made by those sections, shall have no force or effect.

(e) APPLICABILITY OF REDUCTION-IN-FORCE PROCEDURES.—Section 1206 of title 39, United States Code is amended by adding at the end the following:

''(d) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 1203, ratified after the date of enactment of this subsection, shall contain no provision restricting the applicability of reduction-in-force procedures under title 5 with respect to members of the applicable bargaining unit.''.

(f) HISTORIC POST OFFICES.—Section 404(d) of title 39, United States Code, is amended by adding at the end the following:

''(7)(A) In this paragraph, the term ''historic post office building'' means a post office building that is a certified historic structure, as that term is defined in section 47(c)(3) of the Internal Revenue Code of 1986.

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided.

Mr. CORKER. Mr. President, this amendment is a balanced approach that strives to give the U.S. Postal Service maximum flexibility in multiple areas as they work toward financial stability. Here is the best part. According to the Congressional Budget Office, this amendment results in savings of $21 billion over the next 10 years. I do not think we have seen amendments that do this, that save $21 billion.

In conclusion, it is clear the Postal Service needs to make drastic changes. I applaud those portions of S. 1789 that allow the Postal Service greater flexibility. But too many provisions in S. 1789 would put more restrictions on the Postal Service, not fewer, and limit the organization's ability to adapt to changing times.

I urge support of my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose this amendment. It deals with some issues that the committee and the bipartisan bill have dealt with in a fair and balanced way. It kind of breaks through that proposal we have made. It would permit the Postal Service to move to 5-day delivery service immediately. It would increase rates without a cap. It also removes some protections that are in the bill at this time.

I think this amendment, if adopted, would lead to the kind of curtailments in postal operations that would actually not help the Postal Service but diminish revenues and put it more dramatically into deficits.

With respect to my friend, the Senator from Tennessee, who sponsored it, I oppose this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 29, nays 70, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—29

Alexander	Graham	McCain
Ayotte	Hatch	McConnell
Burr	Hutchison	Paul
Chambliss	Inhofe	Risch
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kyl	Toomey
Crapo	Lee	Vitter
DeMint	Lugar	

NAYS—70

Akaka	Gillibrand	Nelson (NE)
Barrasso	Grassley	Nelson (FL)
Baucus	Hagan	Portman
Begich	Harkin	Pryor
Bennet	Heller	Reed
Bingaman	Hoeven	Reid
Blumenthal	Inouye	Roberts
Blunt	Johnson (SD)	Rockefeller
Boozman	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brown (MA)	Kohl	Shaheen
Brown (OH)	Landrieu	Snowe
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Thune
Casey	Lieberman	Udall (CO)
Cochran	Manchin	Udall (NM)
Collins	McCaskill	Warner
Conrad	Menendez	Webb
Coons	Merkley	Whitehouse
Durbin	Mikulski	Wicker
Enzi	Moran	Wyden
Feinstein	Murkowski	
Franken	Murray	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I move to reconsider the last vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2049

Mr. LIEBERMAN. Mr. President, the next amendment on the list is Senator MIKULSKI's amendment. Senator MIKULSKI has decided not to introduce her amendment. I thank her for that, and we will go next to Senator AKAKA's amendment numbered 2049.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I call up my amendment No. 2049.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 2049.

Mr. AKAKA. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To allow supervisory and other managerial organizations to participate in the planning and development of changes in, or termination of, pay policies and schedules and fringe benefit programs)

At the end of title I, add the following:

SEC. 106. SUPERVISORY AND OTHER MANAGERIAL ORGANIZATIONS.

Section 1004 of title 39, United States Code, is amended—

(1) in subsection (b), in the second sentence, by inserting ''as provided under subsection (d) and any changes in, or termination of, pay policies and schedules and fringe benefit programs for members of the supervisors' organization as provided under subsection (e)'' before the period; and

(2) in subsection (e)(1), by inserting '', or termination of,'' after ''any changes in''.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, prior to a vote on amendment No. 2049 offered by the Senator from Hawaii, Mr. AKAKA.

Mr. AKAKA. Mr. President, current law provides postmasters and post office supervisors with the opportunity to consult over pay and benefits. This is not collective bargaining and does not result in a contract.

Unfortunately, the Postal Service tries to modify, reduce or eliminate supervisors' benefits outside the normal consultation process, arguing that Congress intended this consultation for the creation but not elimination of benefit programs. This amendment simply clarifies existing law that the consultation requirement applies to any changes to pay or benefits.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Connecticut.

Mr. LIEBERMAN. I rise to support the amendment offered by my friend from Hawaii. The Postal Service is going to need the support of all its employees and managers to turn around its current decline.

Postmasters and postal supervisors are a real and important human asset for the Postal Service and we should do what we can to foster productive and constructive collaboration between the Postal Service and the senior employees. The Akaka amendment just clarifies and strengthens existing requirements for consultation, not collective bargaining, for the scheduling of changes and terminations of pay and benefit programs. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, let me just reinforce that this is not giving collective bargaining rights to postmasters or to postal supervisors. I support Senator AKAKA's amendment. All it is trying to do is strengthen a provision that is in current law that asks for the Postmaster General to consult with the postmasters and the other supervisory organizations when there are changes made in work schedules or benefits. They should have the right to have their views heard. It does not give them a veto. It does not authorize collective bargaining or contract negotiations in any way. I wish to emphasize that because there has been misinformation about what this amendment, in fact, entails.

I support this amendment and I urge its adoption.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. I ask for a voice vote.

Mr. DEMINT. Mr. President, I object. I would like a rollcall vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—57

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (MA)	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Snowe
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Collins	Manchin	Udall (CO)
Conrad	McCaskill	Udall (NM)
Coons	Menendez	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Whitehouse
Franken	Murkowski	Wyden

NAYS—42

Alexander	Enzi	McCain
Ayotte	Graham	McConnell
Barrasso	Grassley	Moran
Blunt	Hatch	Paul
Boozman	Heller	Portman
Burr	Hoeven	Risch
Chambliss	Hutchison	Roberts
Coats	Inhofe	Rubio
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Corker	Johnson (WI)	Thune
Cornyn	Kyl	Toomey
Crapo	Lee	Vitter
DeMint	Lugar	Wicker

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Connecticut.

AMENDMENT NO. 2025

Mr. LIEBERMAN. Mr. President, I believe the next amendment in order is amendment No. 2025 by the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, I call up amendment No. 2025.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 2025.

Mr. PAUL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To end the mailbox use monopoly)

At the end of title II, add the following:

SEC. ____. ENDING THE MAILBOX USE MONOPOLY.

Section 1725 of title 18, United States Code, is amended by striking ''established, approved, or accepted'' and all that follows through ''mail route'' and inserting ''or post office box owned by the Postal Service or located on Postal Service property''.

Mr. PAUL. Mr. President, it is a Federal crime for anyone but the U.S. Postal Service to use a mailbox. The United States is the only country in the world that grants a mailbox monopoly. You can purchase your mailbox, you can install it, you can fix it, but you do not truly own it because you do not control what goes in your mailbox. If someone vandalizes your mailbox, you are responsible for it. You repair it. But you cannot decide what goes in it. If you put something in a mailbox without the permission of the U.S. Postal Service, if your child puts a birthday invitation in a mailbox, it can be a $5,000 fine. If an organization puts something in a mailbox other than through the Postal Service, it is a $10,000 fine.

My amendment would grant individual owners of mailboxes the right to make decisions about their mailboxes. Adopting this amendment would restore individual mailbox choice. So I am for mailbox choice, and I hope the body is. It seems to me a fundamentally American concept to control access to your own mailbox. I urge adoption of this amendment.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I would like to inform the Senate that this will be the last vote tonight. I have spoken to Senator MCCONNELL. I know there are a lot of important things that committees have to do tomorrow, so we are going to start voting on finishing the postal bill tomorrow at 2 o'clock. We appreciate everyone's cooperation today. We will need some more tomorrow.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, there are at least three problems with the amendment offered by the Senator from Kentucky.

The first is a practical problem. How is the Postal Service going to deal with a situation where at one house there is a monopoly on the use of the post office box and at the next house there is not a monopoly? How is that going to work?

Second, mail often contains highly sensitive pieces, such as medical records, bills, personal correspondence. Continuation of the mailbox monopoly is necessary to preserve the safety, the security, and the privacy of mail.

The third argument is that if you repeal the mailbox monopoly, you will leave rural America behind. There will be plenty of competition in large cities, but who will be left to serve rural America? Only the Postal Service. And that will further drive up its costs because it will be losing customers.

I strongly urge opposition to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. PAUL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 35, nays 64, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—35

Alexander	Enzi	Moran
Ayotte	Graham	Paul
Barrasso	Grassley	Risch
Blunt	Hatch	Roberts
Boozman	Heller	Rubio
Chambliss	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	McCain	Wicker
DeMint	McConnell	

NAYS—64

Akaka	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Hoeven	Nelson (FL)
Bennet	Hutchison	Portman
Bingaman	Inhofe	Pryor
Blumenthal	Inouye	Reed
Boxer	Johnson (SD)	Reid
Brown (MA)	Kerry	Rockefeller
Brown (OH)	Klobuchar	Sanders
Burr	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Tester
Coats	Lieberman	Udall (CO)
Collins	Lugar	Udall (NM)
Conrad	Manchin	Warner
Coons	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murkowski	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business, with Senators allowed to speak for 10 minutes each.

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

REMEMBERING JUDGE JAMES G. WEDDLE

Mr. MCCONNELL. Mr. President, I rise today to pay tribute and bid farewell to a Kentuckian I knew well and considered a good friend. The Honorable Judge James G. Weddle of Casey County, KY, passed away recently, shortly after announcing he would be stepping down from the bench. He was 71.

Judge Weddle had a remarkable legal career that spanned over 45 years; much of it in public service. A graduate of the University of Kentucky School of Law, Judge Weddle served as Casey County Attorney for 16 years, and served as a circuit judge on the 29th Judicial Circuit of Kentucky from 1998 until his untimely passing; he planned to retire in May.

What strikes me the most about Judge Weddle, after having the benefit of his friendship, is how much he valued public service to the people of Casey County and Kentucky. Right up until the end of his career, he was always striving to be better. He felt he had not yet reached his peak. Being the best—and doing the best, for the benefit of all who came into his courtroom was important to him.

A scholarly man, Judge Weddle was sure to read all the latest law books and articles, and often knew more about recent legal events than lawyers in his courtroom who were half his age. He was well known for his ability to cite case after case without having to reference a computer or his law books. Simply put, he loved the law. And he loved the people of his community. You couldn't ask for a finer combination of passions in a Kentucky circuit court judge. The people of the Commonwealth were blessed to have him.

Elaine and I extend our deepest sympathies to the judge's family, especially his wife, Zona; his son, James; his daughters, Lucinda, Suzanne, Andrea, and Sarah; his grandchildren, Jack, Jeb, and Beau; his brother, R.C.; his sister, Delores; and many other friends and family members. The judge was preceded in death by his sister, Norma Jean.

At this time, Mr. President, I would like to ask my Senate colleagues to join me in honoring the memory of the Honorable Judge James G. Weddle. The people of Kentucky are the better for his many years of service.

A newspaper in my home State, the Casey County News, published an excellent article highlighting the Judge's life and career, as well as his obituary. I ask unanimous consent that said materials be printed in the RECORD.

There being no objection, the materials were ordered to appear as follows:

[From the Casey County News, Apr. 18, 2012]

JUDGE WEDDLE REMEMBERED—CIRCUIT COURT JUDGE DIES DAYS AFTER ANNOUNCING RETIREMENT

(By Larry Rowell)

A Casey County native who devoted his life to his family, the law, and to the people of Casey County has died after an extended illness.

Casey Circuit Court Judge James G. Weddle died in the early morning hours of April 11 at home surrounded by family members. He was 71.

Just a few days before, Weddle had announced that he was retiring May 1 from the 29th Judicial Circuit, which included Casey and Adair counties.

Weddle was serving his second eight-year term, having first been elected in 1998.

Prior to serving as a circuit judge, Weddle became an attorney in 1966 after graduating from the University of Kentucky School of Law. He served as Casey County Attorney for 16 years and also in private practice.

Fellow judges and attorneys had nothing but high praise for Weddle and a legal career that spanned more than 45 years.

''I have known Judge Weddle for many years and he was distinguished by his dedication to his work. No other judge I know anywhere worked harder with a completeness and constancy of his work,'' said Chief Justice John Minton of the Kentucky Supreme Court.

Casey and Adair County Commonwealth's Attorney Brian Wright prosecuted many cases before Weddle.

''I had a lot of respect for Judge Weddle, especially for his legal mind. He devoted his life to the legal profession,'' Wright said.

Also, Weddle was known for his vast knowledge of legal cases and his ability to cite cases without ever pulling a law book off the shelf.

''He read books, books, and books, and articles on the Internet. He didn't golf or hunt or fish. His life was the law,'' Wright said.

Still, Weddle was known for being a fair judge who had an open mind.

''It was never his way or the highway when it came to the law,'' said Janelle ''Tootsie'' Roberts, who served as Weddle's secretary for 22 years.

Wright said that in one particular case he was trying before Weddle, he was able to show the judge a prior case that changed the way he thought about it.

''He was always open to something new,'' Wright said.

Roberts said that in addition to loving the law, Weddle also was a history buff who had a knack for remembering dates and events.

''Judge Weddle loved history and sometimes in court he would ask, Today is December 7, can anyone tell me what happened on that date?''' Roberts said.

And there was another belief that Minton, Wright, and Roberts shared about Weddle his love for the people of Casey County.

''In the last conversation that I had with Judge Weddle where he told me he was going

to resign, he told me how important his work was to him and how reluctant he was to give it up. He kept thinking he was going to get better,'' Minton said.

''I hate to lose dedicated people like Judge Weddle. It's a loss to the state and to the counties he served. And, he loved Casey County,'' Minton said.

A memorial service for Weddle was held on Monday. A complete obituary can be found on page 4.

THE HONORABLE JAMES G. WEDDLE

Judge James G. Weddle passed away on Wednesday, April 11, 2012, at his residence. He was born on March 21, 1941, in Liberty, Kentucky, and was 71. James was the son of the late Rupert Christopher Weddle and Laura Jane Price Weddle and a Circuit Judge of the 29th Judicial Circuit of Kentucky. He was preceded in death by one sister; Norma Jean Weddle Murphy.

Survivors include his spouse, Zona Ellis Weddle; one son, James Bryan Weddle of Lexington, Kentucky; four daughters, Lucinda Jane Weddle (and Rick Grodesky) of Seattle, Washington, Suzanne Weddle (and Richard Webster) of Kansas City, Missouri, Andrea Weddle of Oakland, California, and Sarah Jean Weddle South (and Alex South) of Spring Lake, North Carolina; three grandchildren, Jack, Jeb, and Beau South; one brother, R.C. (and Alma Vida) Weddle of Liberty, Kentucky; and one sister, Delores (and Gerald) Sasser of Louisville, Kentucky.

Visitation will be from 2:00 p.m. until 5:00 p.m. Sunday evening April 15, 2012, at the Bartle Funeral Home Chapel. Memorial Services officiated by the Reverend Jimmy Brown will begin at 2:00 p.m. Monday afternoon, April 16, 2012, at the Bartle Funeral Home Chapel.

The family requests in lieu of flowers please send memorials to the Duke Children's Hospital and Health Care, P.O. Box 2975 c/o Duke University Medical Center, Durham, North Carolina 27710, or make a gift to your favorite charity.

Online condolences may be expressed at www.Bartlefuneralhomes.com. Bartle Funeral Home is in charge of all arrangements.

OBSERVING ARMENIAN GENOCIDE REMEMBRANCE DAY

Mr. LEVIN. Mr. President, this is a week to bear witness. Today, April 24, we mark Armenian Genocide Remembrance Day—the day on which we remind one another of the organized campaign of deportation, expropriation, starvation—and atrocity perpetrated by the Ottoman Empire against its Armenian population, beginning with the detention and eventual execution of hundreds of Armenian community members on April 24, 1915, just as, a few days ago, we marked Holocaust Remembrance Day, bearing witness to the attempt by Nazi Germany to destroy Europe's Jewish population.

Why do we mark these days? Because in recognizing and condemning the horror of these acts, we affirm our own humanity, we ensure that the victims of these atrocities will not be forgotten, and we warn those who believe they can perpetrate similar crimes with impunity that they will not escape the world's notice. We remind ourselves that we must never again allow such mass assaults against human decency without acting to stop them. And we mark these atrocities because only by acknowledging the violence and inhumanity can we begin the process of reconciling populations who even today are haunted by the damage done decades ago.

The Ottoman campaign against the Armenians resulted in the deaths of over 1.5 million people. Large numbers of Armenians fled their homeland to seek safety elsewhere, including in Michigan and other communities in the United States. Some have sought to deny that these events constituted genocide, but the historical record is clear and undeniable. I ask any who deny the historical reality of the Armenian genocide to read ''Giants of the Earth,'' the moving memoir of native Detroiter Mitch Kehetian and his search for the fate of beloved family members during the tragedy.

It is important for us to remember that these atrocities were not committed by the Republic of Turkey. I hope that the governments of Turkey and Armenia, encouraged by the good will of the community of nations, can heal the divisions that remain from long-ago events that nonetheless remain painful. We should also remember that Turkey played a valuable role in supporting the international community's efforts to free Libya from dictatorship and value the role Turkey is playing today in helping to resolve the tragedy unfolding in neighboring Syria.

It is doubly tragic that the Armenian genocide is now seen as the beginning of a decades-long series of mass atrocities. The inability or unwillingness of the international community to come to the aid of the Armenians emboldened others—including Adolph Hitler, who told his commanders on the eve of the invasion of Poland, ''Who, after all, speaks today of the annihilation of the Armenians?'' And so, he launched the Holocaust, ending the lives of six million Jews simply because they were Jewish.

All people would like to believe that they live in a more enlightened age, one in which we have overcome the inhumanity of the past. And yet our own time is not immune from mass atrocity. Recent events in Libya and Syria, to name just two, remind us that violence, oppression, and disregard for human rights remain with us.

Just as mass atrocity is still with us, so are human courage and the determination to stand against atrocity. When the international community came together to support the people of Libya against the oppressive Libyan regime, we helped accomplish something important and powerful for Libyans, but beyond that, we sent a message to other dictators that they might not escape a response from the international community.

I say ''might not'' because we still have a long way to go as a world community in confronting murderous dictators. The current regime in Syria is engaged in a campaign of attack and intimidation against its own people. The examples of history make clear the international community's obligation to speak out and to take action. It is unfortunate that nations in a position to do so, such as China and Russia, have blocked the United Nations from taking stronger steps. The United States and its allies must now seek to implement additional steps to protect innocent civilians and hold the Assad regime in Syria accountable, including the possibility of establishing safe havens along the border with Turkey.

While we mark these historic crimes, it is also important to recognize signs of progress. It is significant that the United States is now taking what promises to be not just a stronger approach to mass atrocities, but a more effective one. A presidential directive signed by President Obama last August states clearly: ''Preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States of America.'' And yesterday, the President announced that he will implement the recommendations resulting from a comprehensive review of U.S. policy with regard to mass atrocity.

The creation of an Atrocity Prevention Board will ensure that prevention of these human tragedies is a focus of U.S. policy, a national security interest we will pursue, bringing all appropriate elements of American policy and power to bear. Importantly, U.S. policy recognizes that military action is not our only means to prevent mass atrocity, and that every aspect of our international involvement—intelligence, diplomacy, economic and development policy, as well as, when called for, military power—can be called upon.

We cannot prevent the madness that, even in our era, too often leads to unspeakable crimes. But we can remember. We can speak out. And we can act, with the range of instruments at our disposal, to prevent those in the forefront of such madness from acting on their inhuman schemes. May Americans never forget the genocide visited upon the Armenians we remember today. And may our collective memories always remind us of our responsibility to prevent atrocity in our own time.

TIBET

Mr. LEAHY. Mr. President, I want to draw the Senate's attention to the ongoing, intensifying and intolerable oppression occurring in Tibet.

Over the past year, at least 32 Tibetans, most of them young men and women, have set themselves on fire to protest Chinese policies that are infringing on Tibetan self-governance, cultural traditions and religious beliefs and practices. Of them, it is believed that at least 23 have died. Eleven have self-immolated in the past 2 months alone. These incidents do not represent a temporary deviation from a peaceful norm but are instead the latest response to a tragic, and unfortunately

lengthy, history of religious and cultural controls, human rights violations and oppression of the Tibetan people.

Reports from Tibet indicate that the Chinese government is further restricting access to foreign journalists and tightening security throughout the region. Chinese police and other officials in Tibet are forcing some nuns and monks to publicly denounce the Dalai Lama. Schools in some provinces have been forced by the government to switch their official language of instruction from Tibetan to Mandarin Chinese. These policies, among others, have incited Tibetans to protest and fight for the survival of their cultural identity and basic freedoms.

In recent weeks, a state-run Chinese website and news agency accused the Dalai Lama of encouraging Tibetans to set themselves on fire and of advocating ''Nazi'' racial policies. Mr. President, many of us in the Senate have had the privilege of meeting the Dalai Lama and I am proud to consider him a friend. It is baseless, offensive, and deplorable to slander the Dalai Lama in this way or to suggest that he is inciting violence. He is a man whose entire life has been devoted to peace.

For decades, the Dalai Lama has sought to work with the Chinese government to reach a peaceful resolution over Tibet's political status. The Dalai Lama has, time and time again, extended a hand of friendship to Beijing, which has consistently responded by drastically misrepresenting his views and accusing him of inciting violence, perhaps to draw attention away from their own brutal actions. The Chinese government must know that violent crackdowns and cultural genocide will never be condoned.

We share many interests with China and the future can bring our two countries closer. China's tremendous economic transformation in the past few decades has brought great benefits to the Chinese people and has spurred economic development in other countries. That said, the economic emergence of China and its increased presence on the world stage must be accompanied by respect for human rights. China cannot be a global leader while crushing peaceful dissent in its own backyard, destroying the culture of the Tibetan people, and imprisoning Tibetan leaders.

I want to mention one of these imprisoned leaders, Tenzin Delek Rinpoche. Tenzin Delek was recognized by the Dalai Lama as a reincarnate lama in the 1980s. He was detained in April 2002 on charges of exploding bombs and spreading politically charged leaflets and, following a closed trial, sentenced to death on December 2, 2002. After appeal, Tenzin Delek's sentence was commuted to life imprisonment. No evidence of his involvement in any illegal activity has ever been made public. In fact, before being detained, Tenzin Delek was well-known for educating children in rural areas and helping to build monasteries. Tenzin Delek's imprisonment is just one of the many examples of persecution of Tibetan leaders that appear to be motivated by a desire to curb Tibetan religious and cultural expression.

Many Tibetan protestors, both imprisoned and free, are not seeking independence from China. Tibetan leaders, including the Dalai Lama and the Tibetan Prime Minister, Lobsang Sangay, who I was pleased to meet earlier this year, have explicitly stated that they support the Middle-Way' policy, which seeks autonomy for Tibet within the People's Republic of China. Tibetans are not fighting for separation from China; they are fighting for the freedom of religious belief guaranteed to them by the Chinese Constitution. They are fighting for the security of their monks and monasteries. They are fighting for freedom of expression, association, and assembly, for personal liberty, for unrestricted media access, and for the fundamental principles of democracy that we in the United States take for granted.

We cannot and will not abandon the Tibetan people, who have long been our unwavering friends. We will stand by them to protect the principles of democracy in the face of China's repressive policies. Together, the Tibetans and the Chinese can peacefully reach a solution that meets the needs and aspirations of both peoples. It is imperative that we support peaceful dialogue and discourage violent confrontation whenever it occurs, whether supported by the Chinese authorities or Tibetan protestors.

I am a cosponsor of Senator FEINSTEIN's resolution, S. Res. 356, A Resolution Expressing Support for the People of Tibet, and I urge other Senators to do so. We can foster closer, cooperative relations with China, but until China works with Tibetan leaders to pursue a new way forward, their reputation in the community of nations, and their ability to act as a global power, will remain tarnished. I hope that, in the years to come, the young Tibetans who sacrificed their lives in the past year will be remembered as the catalysts for a political dialogue that cemented a peaceful future for both Tibet and China.

97TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mrs. BOXER. Mr. President, I rise today to solemnly recognize the 97th anniversary of the Armenian genocide.

In 1948, the General Assembly of the United Nations passed the Convention on the Prevention and Punishment of the Crime of Genocide based in part on the horrific crimes perpetrated by the Ottoman Empire against the Armenian people between 1915–1923. Yet, in the 63 years that have passed since the Convention was adopted, successive U.S. administrations have refused to call the deliberate massacre of the Armenians by what it was—a genocide.

For many years, I have urged these administrations to right this terrible wrong, and I do so again today, calling on President Obama to acknowledge unequivocally—as he did as a Senator—that the Armenian genocide is a widely documented fact supported by an overwhelming body of historical evidence.

The Armenian genocide—along with the Holocaust—is one the most studied cases of genocide in history. A number of sovereign nations, ranging from Argentina to France, as well as 43 U.S. States have recognized what happened as genocide. Yet, successive U.S. administrations continue only to refer to the Armenian genocide as annihilation, massacre or murder.

Every day that goes by without full acknowledgment by the United States of these undeniable facts prolongs the pain felt by descendants of the victims and the entire Armenian community.

There is no room for discretion when dealing with unspeakable crimes against humanity; genocide must be called genocide, murder must be called murder. And every day that goes by without the U.S. acknowledgment of what happened to the Armenian people in the early 20th century undermines the United States' role as a beacon for human rights around the world.

The United States' credibility is particularly important as we seek to compel international condemnation of and active response to those who are perpetrating extreme violence today—whether it be in individual cases of human rights abuses or in cases of government-driven attacks against citizens protesting for greater freedom and opportunity.

The United States cannot and does not turn a blind eye to atrocities around the globe. In fact, the United States is often the first to speak out in the face of violence and unspeakable suffering. But sadly, our Nation is on the wrong side of history when it comes to the Armenian genocide. It is long past time to do the right thing.

So this April 24, as we pause to remember the victims and to honor the countless contributions Armenian Americans have made to our great country, I hope that the U.S. will finally and firmly stand on the right side of history and officially condemn the crimes of 1915–1923 by their appropriate name—genocide.

ADDITIONAL STATEMENTS

REMEMBERING GEORGE COWAN

• Mr. BINGAMAN. Mr. President, today I wish to speak about the life of George Cowan who died last Friday in Los Alamos at the age of 92.

From 1949 through 1988, he distinguished himself at the Los Alamos National Laboratory where he was a scientist—a nuclear chemist—and a senior administrator.

In 1984, he was instrumental in founding The Santa Fe Institute which has achieved great recognition for its work in complexity and self-organizing systems.

A Founding Director of the Los Alamos National Bank, he was one of the several leaders in that community who labored to bring banking to a town that was considered ''temporary'' and not deserving of its own bank. In 1963, LANB was chartered and has grown to be one of the leading financial institutions in New Mexico. At his death, George was still serving on the Board of Directors.

George's interests and contributions are too numerous to detail in these brief comments, but I will mention his passion to understand the keys to the early development of children. He believed there were great benefits society could reap by giving more attention to successful models of early childhood education.

George's life and work were invaluable to our Nation and to my home State of New Mexico. I was proud to count him as a friend, and prouder still that he considered me one. I join the many others who will miss him.●

RECOGNIZING VOLUNTEERS FROM YARDLEY, PENNSYLVANIA

● Mr. CASEY. Mr. President, today, I would like to acknowledge the great work of volunteers in Yardley, PA, especially the students at Pennsbury High School who have been selected as the 2012 Make a Difference Day winners. Make a Difference Day is a celebration of neighbors helping neighbors, and this annual day of service mobilizes more than 3 million volunteers to effect change in their communities.

This group of outstanding volunteers from Yardley, PA is led by Neha Gupta. Neha founded Empower Orphans, a non-profit organization that has leveraged $325,000 in donations and grants to clothe and feed Indian children, create a sewing center and set up libraries at four schools. Near to her home in Bucks County, PA, Neha, now 15, identified children in need. In the months leading up to Make a Difference Day, Neha and a group of volunteers gathered 3,000 books and bought colorful furnishings for the neighboring Feltonville Intermediate School library. On Make a Difference Day, the team cleaned up, decorated and stocked the shelves of the library. Since October's project, Neha has also started an Empower Orphans club at her high school and plans to hold a Make a Difference Day Project every year.

I wish to congratulate Neha and her team and thank them for their service.●

TRIBUTE TO RICK MOSSMAN

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize and honor the public service of Rick Lee Mossman, who is retiring from the National Park Service after 35 years of dedicated service to protecting our nation's treasures and the people who visit them.

Rick was born on April 30, 1955, to Dick and Carolyn Mossman in Topeka, KS. By the time he was 7 years old, Rick knew he wanted to become a park ranger. His life's work began in May of 1975, when he started his first job with the National Park Service as a seasonal GS–3 general ranger at Buffalo National River in Arkansas. In a career spanning more than 3 decades, Rick Mossman served at nine National Park Service units from Washington, DC to Alaska. During this time, he was an interpreter, front country and backcountry patrol ranger, a district ranger, and finally a Chief Ranger at his current location of Wind Cave National Park in South Dakota.

For the last 12 years, he has served on an All-Risk Incident Management Team tasked with responding to disasters such as Hurricanes Isabel and Rita or to managing the search effort for lost hikers. He has been the team's incident commander since September of 2009.

Rick earned a degree in Wildlife Biology at Kansas State University. He and his wife Julie of 21 years have two sons, Thomas 18 and Jackson 16.

Rick has passionately protected many of the special places that help define the United States of America. He has done this with a strong sense of dedication to duty and commitment to excellence. His work on the Intermountain Incident Management Team speaks to this. When a disaster befalls a National Park Service unit in the Intermountain Region or elsewhere in the Nation, the first call from the Regional Office is to Rick and his team to respond and help park service employees in peril. It is this dedication to helping others at a moment's notice that defines Rick's work ethic.

The focus of Rick's life work has been the protection of public lands and the resources contained therein. He has accomplished this duty with an intense love for the places he worked. It is because of the service of people like Rick Mossman that visitors, past and present and future, enjoy the scenic beauty and heritage that make up the National Park Service.

I am proud to recognize and honor Rick's service to the National Park Service and am delighted to join with his family and friends in congratulating him on his retirement. I wish Rick and Julie all the best as they begin a new chapter in their lives.●

MEASURES PLACED ON THE CALENDAR

The following bill was ordered read the second time, and placed on the calendar:

S. 2338. A bill to reauthorize the Violence Against Women Act of 1994.

The following bills were read the first and second times by unanimous consent, and ordered placed on the calendar.

S. 2343. A bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans, and for other purposes.

S. 2344. A bill to extend the National Flood Insurance Program until December 31, 2012.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5788. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Federal Airways; Alaska'' ((RIN2120–AA66) (Docket No. FAA–2011–0110)) received in the Office of the President of the Senate on March 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5789. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Multiple Domestic, Alaskan, and Hawaiian Compulsory Reporting Points'' ((RIN2120–AA66) (Docket No. FAA–2012–0129)) received in the Office of the President of the Senate on March 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5790. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Area Navigation Route T–288; WY'' ((RIN2120–AA66) (Docket No. FAA–2011–1193)) received in the Office of the President of the Senate on March 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5791. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Colorado Springs, CO'' ((RIN2120–AA66) (Docket No. FAA–2011–1191)) received in the Office of the President of the Senate on March 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5792. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Jacksonville, NC'' ((RIN2120–AA66) (Docket No. FAA–2011–0556)) received in the Office of the President of the Senate on March 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5793. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Springfield, TN'' ((RIN2120–AA66) (Docket No. FAA–2011–0591)) received in the Office of the President of the Senate on March 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5794. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Bellefonte, PA'' ((RIN2120–AA66) (Docket No. FAA–2011–1337)) received in the Office of the President of the Senate on March 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5795. A communication from the Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, proposed legislation to

authorize the Transportation Security Administration to hold itself out as a private shipper for purposes of testing air cargo security measures, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC–5796. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the issuance of an Executive Order blocking the property and suspending the entry into the United States of certain persons with respect to grave human rights abuses by the Governments of Iran and Syria via information technology; to the Committee on Banking, Housing, and Urban Affairs.

EC–5797. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2012–0003)) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5798. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Addition of Certain Persons to the Entity List; and Implementation of Entity List Annual Review Changes'' (RIN0694–AF57) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5799. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–5800. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 (Scotch) Spearmint Oil for the 2011–2012 Marketing Year'' (Docket No. AMS–FV–10–0094; FV11–985–1B IR) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5801. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pears Grown in Oregon and Washington; Assessment Rate Decrease for Fresh Pears'' (Docket No. AMS–FV–11–0060; FV11–927–2 FIR) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5802. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pears Grown in Oregon and Washington; Assessment Rate Decrease for Processed Pears'' (Docket No. AMS–FV–11–0070; FV11–927–FIR) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5803. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mango Promotion, Research, and Information Order; Assessment Increase'' (Docket No. AMS–FV–11–0021) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5804. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dried Prunes Produced in California; Decreased Assessment Rate'' (Docket No. AMS–FV–11–0068; FV11–993–1 FIR) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5805. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Revision of Cotton Classification Procedures for Determining Cotton Leaf Grade'' (RIN0581–AD19; Docket No. AMS–CN–11–0066) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5806. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pistachios Grown in California, Arizona, and New Mexico; Decreased Assessment Rate'' (Docket No. AMS–FV–11–0077; FV11–983–2 FIR) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 237. A bill to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes (Rept. No. 112–159).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 2339. A bill to suspend temporarily the duty on certain clock movements; to the Committee on Finance.

By Mr. LEVIN:

S. 2340. A bill to suspend temporarily the duty on chime melody rod assemblies; to the Committee on Finance.

By Mr. BENNET (for himself and Mr. UDALL of Colorado):

S. 2341. A bill to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right-of-way within and adjacent to Pike National Forest in El Paso County, Colorado; to the Committee on Energy and Natural Resources.

By Mr. TESTER (for himself and Mr. JOHANNS):

S. 2342. A bill to reform the National Association of Registered Agents and Brokers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID:

S. 2343. A bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans, and for other purposes; placed on the calendar.

By Mr. VITTER:

S. 2344. A bill to extend the National Flood Insurance Program until December 31, 2012; placed on the calendar.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. AKAKA):

S. 2345. A bill to amend the District of Columbia Home Rule Act to permit the Government of the District of Columbia to determine the fiscal year period, to make local funds of the District of Columbia for a fiscal year available for use by the District upon enactment of the local budget act for the year subject to a period of Congressional review, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself, Mr. REID, Mr. CRAPO, Mr. DURBIN, Mr. CASEY, and Mr. LAUTENBERG):

S. Res. 432. A resolution designating April 30, 2012, as ''Dia de los Ninos: Celebrating Young Americans''; considered and agreed to.

By Ms. COLLINS (for herself and Mr. KERRY):

S. Res. 433. A resolution designating April 2012 as ''National Child Abuse Prevention Month''; considered and agreed to.

By Mr. WARNER (for himself, Ms. COLLINS, Mr. SANDERS, Ms. STABENOW, Mr. MENENDEZ, Ms. MIKULSKI, Mr. CASEY, Mrs. GILLIBRAND, and Mr. CONRAD):

S. Res. 434. A resolution supporting the goal of preventing and effectively treating Alzheimer's disease by the year 2025, as articulated in the draft National Plan to Address Alzheimer's Disease from the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 118

At the request of Mr. VITTER, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 118, a bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totaling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 687

At the request of Mr. CONRAD, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 1086

At the request of Mr. HARKIN, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1086, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 1576

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1576, a bill to measure the progress of relief, recovery, reconstruction, and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes.

S. 1622

At the request of Mr. HELLER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1622, a bill to recognize Jerusalem as the capital of Israel, to relocate to Jerusalem the United States Embassy in Israel, and for other purposes.

S. 1935

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

At the request of Mr. ENZI, his name was added as a cosponsor of S. 1935, supra.

At the request of Mrs. HAGAN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1935, supra.

S. 2004

At the request of Mr. UDALL of New Mexico, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2004, a bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II.

S. 2096

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2096, a bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency.

S. 2103

At the request of Mr. LEE, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 2103, a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes.

S. 2121

At the request of Ms. KLOBUCHAR, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2121, a bill to modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date.

S. 2122

At the request of Mr. PAUL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2122, a bill to clarify the definition of navigable waters, and for other purposes.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2143

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2143, a bill to amend the Internal Revenue Code of 1986 to clarify that paper which is commonly recycled does not constitute a qualified energy resource under the section 45 credit for renewable electricity production.

S. 2148

At the request of Mr. INHOFE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2148, a bill to amend the Toxic Substance Control Act relating to lead-based paint renovation and remodeling activities.

S. 2165

At the request of Mrs. BOXER, the names of the Senator from Ohio (Mr. PORTMAN), the Senator from Kansas (Mr. ROBERTS), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2172

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2172, a bill to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns, and for other purposes.

S. 2205

At the request of Mr. MORAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2242

At the request of Mr. THUNE, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2242, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 2255

At the request of Mr. BURR, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2255, a bill to amend chapter 1 of title 36, United States Code, to add Welcome Home Vietnam Veterans Day as a patriotic and National observance.

S. 2280

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2280, a bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require certain creditors to obtain certifications from institutions of higher education, and for other purposes.

S. 2282

At the request of Mr. INHOFE, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Missouri (Mr. BLUNT), the Senator from Montana (Mr. TESTER), the Senator from Maryland (Mr. CARDIN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2282, a bill to extend the authorization of appropriations to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2017.

S. RES. 412

At the request of Ms. LANDRIEU, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 412, a resolution commending the African Union for committing to a coordinated military response, comprised of 5,000 troops from Uganda, the Central African Republic, the Democratic Republic of Congo, and South Sudan, in order to fortify ongoing efforts to arrest Joseph Kony and senior commanders of the Lord's Resistance Army and to stop the crimes against humanity and mass atrocities committed by them.

AMENDMENT NO. 2032

At the request of Mr. BAUCUS, his name was added as a cosponsor of amendment No. 2032 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2036

At the request of Mr. PRYOR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 2036 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2042

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 2042 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2043

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 2043 proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2047

At the request of Mr. BENNET, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 2047 proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2050

At the request of Mr. SCHUMER, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 2050 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2056

At the request of Mr. TESTER, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 2056 proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

At the request of Mr. BAUCUS, his name was added as a cosponsor of amendment No. 2056 proposed to S. 1789, supra.

AMENDMENT NO. 2060

At the request of Mr. COBURN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 2060 proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2071

At the request of Mr. WARNER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 2071 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2072

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 2072 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 2343. A bill to amend the Higher Education act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans, and for other purposes; placed on the calendar.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stop the Student Loan Interest Rate Hike Act of 2012''.

SEC. 2. INTEREST RATE EXTENSION.

Section 455(b)(7)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(b)(7)(D)) is amended—

(1) in the matter preceding clause (i), by striking ''and before July 1, 2012,'' and inserting ''and before July 1, 2013,''; and

(2) in clause (v), by striking ''and before July 1, 2012,'' and inserting ''and before July 1, 2013,''.

SEC. 3. EMPLOYMENT TAX TREATMENT OF PROFESSIONAL SERVICE BUSINESSES.

(a) IN GENERAL.—Section 1402 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(m) SPECIAL RULES FOR PROFESSIONAL SERVICE BUSINESSES.—

''(1) SHAREHOLDERS PROVIDING SERVICES TO SPECIFIED S CORPORATIONS.—

''(A) IN GENERAL.—In the case of an applicable shareholder who provides substantial services with respect to a professional service business referred to in subparagraph (C) of a specified S corporation—

''(i) such shareholder shall be treated as engaged in the trade or business of such professional service business with respect to items of income or loss described in section 1366 which are attributable to such business, and

''(ii) such shareholder's net earnings from self-employment shall include such shareholder's pro rata share of such items of income or loss, except that in computing such pro rata share of such items the exceptions provided in subsection (a) shall apply.

''(B) TREATMENT OF FAMILY MEMBERS.—Except as otherwise provided by the Secretary, the applicable shareholder's pro rata share of items referred to in subparagraph (A) shall be increased by the pro rata share of such items of each member of such applicable shareholder's family (within the meaning of section 318(a)(1)) who does not provide substantial services with respect to such professional service business.

''(C) SPECIFIED S CORPORATION.—For purposes of this subsection, the term 'specified S corporation' means—

''(i) any S corporation which is a partner in a partnership which is engaged in a professional service business if substantially all of the activities of such S corporation are performed in connection with such partnership, and

''(ii) any other S corporation which is engaged in a professional service business if 75 percent or more of the gross income of such business is attributable to service of 3 or fewer shareholders of such corporation.

''(D) APPLICABLE SHAREHOLDER.—For purposes of this paragraph, the term 'applicable shareholder' means any shareholder whose modified adjusted gross income for the taxable year exceeds—

''(i) in the case of a shareholder making a joint return under section 6013 or a surviving spouse (as defined in section 2(a)), $250,000,

''(ii) in the case of a married shareholder (as defined in section 7703) filing a separate return, half of the dollar amount determined under clause (i), and

''(iii) in any other case, $200,000.

''(2) PARTNERS.—

''(A) IN GENERAL.—In the case of any partnership which is engaged in a professional service business, subsection (a)(13) shall not apply to any applicable partner who provides substantial services with respect to such professional service business.

''(B) APPLICABLE PARTNER.—For purposes of this paragraph, the term 'applicable partner' means any partner whose modified adjusted gross income for the taxable year exceeds—

''(i) in the case of a partner making a joint return under section 6013 or a surviving spouse (as defined in section 2(a)), $250,000,

''(ii) in the case of a married partner (as defined in section 7703) filing a separate return, half of the dollar amount determined under clause (i), and

''(iii) in any other case, $200,000.

''(3) PROFESSIONAL SERVICE BUSINESS.—For purposes of this subsection, the term 'professional service business' means any trade or business (or portion thereof) providing services in the fields of health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.

''(4) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income—

''(A) determined without regard to any deduction allowed under section 164(f), and

''(B) increased by the amount excluded from gross income under section 911(a)(1).

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection, including regulations which prevent the avoidance of the purposes of this subsection through tiered entities or otherwise.

''(6) CROSS REFERENCE.—For employment tax treatment of wages paid to shareholders of S corporations, see subtitle C.''.

(b) CONFORMING AMENDMENT.—Section 211 of the Social Security Act is amended by adding at the end the following new subsection:

''(l) SPECIAL RULES FOR PROFESSIONAL SERVICE BUSINESSES.—

''(1) SHAREHOLDERS PROVIDING SERVICES TO SPECIFIED S CORPORATIONS.—

''(A) IN GENERAL.—In the case of an applicable shareholder who provides substantial services with respect to a professional service business referred to in subparagraph (C) of a specified S corporation—

''(i) such shareholder shall be treated as engaged in the trade or business of such professional service business with respect to items of income or loss described in section 1366 of the Internal Revenue Code of 1986 which are attributable to such business, and

''(ii) such shareholder's net earnings from self-employment shall include such shareholder's pro rata share of such items of income or loss, except that in computing such pro rata share of such items the exceptions provided in subsection (a) shall apply.

''(B) TREATMENT OF FAMILY MEMBERS.—Except as otherwise provided by the Secretary of the Treasury, the applicable shareholder's pro rata share of items referred to in subparagraph (A) shall be increased by the pro rata share of such items of each member of such applicable shareholder's family (within the meaning of section 318(a)(1) of the Internal Revenue Code of 1986) who does not provide substantial services with respect to such professional service business.

''(C) SPECIFIED S CORPORATION.—For purposes of this subsection, the term 'specified S corporation' means—

''(i) any S corporation (as defined in section 1361(a) of the Internal Revenue Code of 1986) which is a partner in a partnership which is engaged in a professional service business if substantially all of the activities of such S corporation are performed in connection with such partnership, and

''(ii) any other S corporation (as so defined) which is engaged in a professional service business if 75 percent or more of the gross income of such business is attributable to service of 3 or fewer shareholders of such corporation.

''(D) APPLICABLE SHAREHOLDER.—For purposes of this paragraph, the term 'applicable shareholder' means any shareholder whose modified adjusted gross income for the taxable year exceeds—

''(i) in the case of a shareholder making a joint return under section 6013 of the Internal Revenue Code of 1986 or a surviving spouse (as defined in section 2(a) of such Code), $250,000,

''(ii) in the case of a married shareholder (as defined in section 7703 of such Code) filing a separate return, half of the dollar amount determined under clause (i), and

''(iii) in any other case, $200,000.

''(2) PARTNERS.—

''(A) IN GENERAL.—In the case of any partnership which is engaged in a professional service business, subsection (a)(12) shall not apply to any applicable partner who provides substantial services with respect to such professional service business.

''(B) APPLICABLE PARTNER.—For purposes of this paragraph, the term 'applicable partner' means any partner whose modified adjusted gross income for the taxable year exceeds—

''(i) in the case of a partner making a joint return under section 6013 of the Internal Revenue Code of 1986 or a surviving spouse (as defined in section 2(a) of such Code), $250,000,

''(ii) in the case of a married partner (as defined in section 7703 of such Code) filing a separate return, half of the dollar amount determined under clause (i), and

''(iii) in any other case, $200,000.

''(3) PROFESSIONAL SERVICE BUSINESS.—For purposes of this subsection, the term 'professional service business' means any trade or business (or portion thereof) providing services in the fields of health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.

''(4) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income as determined under section 62 of the Internal Revenue Code of 1986—

''(A) determined without regard to any deduction allowed under section 164(f) of such Code, and

''(B) increased by the amount excluded from gross income under section 911(a)(1) of such Code.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 4. COMPLIANCE PROVISION.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 432—DESIGNATING APRIL 30, 2012, AS ''DIA DE LOS NINOS: CELEBRATING YOUNG AMERICANS''

Mr. MENENDEZ (for himself, Mr. REID of Nevada, Mr. CRAPO, Mr. DURBIN, Mr. CASEY, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 432

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate ''Día de los Niños'', or ''Day of the Children'', on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States and children are the center of families in the United States;

Whereas the people of the United States should nurture and invest in children to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas according to the 2010 Census report, there are more than 50,000,000 individuals of Hispanic descent living in the United States, more than 17,000,000 of those are children;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on Día de los Niños, and wish to share this custom with the rest of the Nation;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on family values, morals, and culture to future generations;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members, and that encourage children to explore and develop confidence;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the Nation to declare April 30, 2012, to be ''Día de los Niños: Celebrating Young Americans'', a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all of its people, and people should be encouraged to celebrate the gifts of children to society: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2012, as ''Día de los Niños: Celebrating Young Americans''; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all people;

(B) are positive and uplifting, and help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) include all members of the family, especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to find the inner strength and the will and fire of the human spirit to make their dreams come true.

SENATE RESOLUTION 433—DESIGNATING APRIL 2012 AS ''NATIONAL CHILD ABUSE PREVENTION MONTH''

Ms. COLLINS (for herself and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 433

Whereas in 2010, approximately 695,000 children were determined to be victims of abuse or neglect;

Whereas in 2010, more than 1,530 children died as a result of abuse or neglect;

Whereas in 2010, an estimated 79.4 percent of the children who died due to abuse or neglect were under the age of 4;

Whereas in 2010, of the children under the age of 4 who died due to abuse or neglect, 47.7 percent were under the age of 1;

Whereas abused or neglected children have a higher risk for developing health problems in adulthood, including alcoholism, depression, drug abuse, eating disorders, obesity, suicide, and certain chronic diseases;

Whereas a National Institute of Justice study indicated that abused or neglected children—

(1) are 11 times more likely to be arrested for criminal behavior as juveniles; and

(2) are 2.7 times more likely to be arrested for violent and criminal behavior as adults;

Whereas an estimated one-third of abused or neglected children grow up to abuse or neglect their own children;

Whereas providing community-based services to families impacted by child abuse or neglect may be far less costly than—

(1) the emotional and physical damage inflicted on children who have been abused or neglected;

(2) providing other services to abused or neglected children, including child protective, law enforcement, court, foster care, or health care services; or

(3) providing treatment to adults recovering from child abuse; and

Whereas child abuse and neglect have long-term economic and societal costs: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2012 as ''National Child Abuse Prevention Month'';

(2) recognizes and applauds the national and community organizations that work to promote awareness about child abuse and neglect, including by identifying risk factors and developing prevention strategies;

(3) supports the proclamation issued by President Obama declaring April 2012 to be ''National Child Abuse Prevention Month''; and

(4) should increase public awareness of prevention programs relating to child abuse and neglect, and continue to work with States to reduce the incidence of child abuse and neglect in the United States.

SENATE RESOLUTION 434—SUPPORTING THE GOAL OF PREVENTING AND EFFECTIVELY TREATING ALZHEIMER'S DISEASE BY THE YEAR 2025, AS ARTICULATED IN THE DRAFT NATIONAL PLAN TO ADDRESS ALZHEIMER'S DISEASE FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. WARNER (for himself, Ms. COLLINS, Mr. SANDERS, Ms. STABENOW, Mr. MENENDEZ, Ms. MIKULSKI, Mr. CASEY, Mrs. GILLIBRAND, and Mr. CONRAD) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 434

Whereas Alzheimer's disease is the sixth leading cause of death in the United States;

Whereas Alzheimer's disease is the only disease among the 10 leading causes of death in the United States that lacks a means of prevention or a cure, and the progression of which cannot be slowed;

Whereas more than 5,000,000 people in the United States suffer from Alzheimer's disease;

Whereas, in 2011, 15,200,000 family members and friends provided 17,400,000,000 hours of unpaid care valued at $210,500,000,000 to patients with Alzheimer's disease and other dementias;

Whereas, by the year 2050, as many as 15,000,000 people in the United States will have Alzheimer's disease if scientists do not make progress in the prevention or treatment of the disease;

Whereas the Federal Government spent an estimated $140,000,000,000 under the Medicare and Medicaid programs to care for patients with Alzheimer's disease in 2011;

Whereas spending relating to the treatment of Alzheimer's disease under the Medicare and Medicaid programs is projected to be more than $850,000,000,000 per year, in 2012 dollars, by the year 2050;

Whereas scientists working to find a cure for Alzheimer's disease have already identified—

(1) more than 100 genes linked to Alzheimer's disease;

(2) biomarkers to identify the people who are at risk for Alzheimer's disease; and

(3) other promising leads in gene, protein, and drug therapies to benefit people who have Alzheimer's disease or are at risk for developing the disease;

Whereas an emphasis on early diagnosis, workforce training, education, and support for patients and the families of patients, as well as other programs and initiatives spearheaded by State and local governments, advocacy organizations, doctors, hospitals, and long-term care facilities, are already making a difference in reducing the burden of Alzheimer's disease for patients, families, and communities;

Whereas the National Alzheimer's Project Act (Public Law 111–375; 124 Stat. 4100), which Congress passed unanimously on December 15, 2010 and President Barack Obama signed into law on January 4, 2011, required the Secretary of Health and Human Services to create the first National Plan to Address Alzheimer's Disease, and established the Advisory Council on Alzheimer's Research, Care, and Services to assist the Secretary of Health and Human Services in this task;

Whereas, shortly after the National Alzheimer's Project Act was enacted, the Department of Health and Human Services created the Interagency Group on Alzheimer's Disease and Related Dementias to inform the National Plan to Address Alzheimer's Disease;

Whereas, in formulating the draft National Plan to Address Alzheimer's Disease, the Department of Health and Human Services, the Interagency Group on Alzheimer's Disease and Related Dementias, and the Advisory Council on Alzheimer's Research, Care, and Services focused on 3 main topics, long-term services and support, clinical care, and research; and

Whereas the draft National Plan to Address Alzheimer's Disease includes—

(1) the bold and transformative goal of preventing and treating Alzheimer's disease by the year 2025; and

(2) specific performance metrics to optimize the quality and efficiency of care, expand support for patients and families, enhance public awareness and engagement, track progress, and drive improvement: Now, therefore, be it

Resolved by the Senate That the Senate—

(1) supports the groundbreaking national goal of preventing and treating Alzheimer's disease by the year 2025 and the other goals of the draft National Plan to Address Alzheimer's Disease;

(2) finds that basic science, medical research, and therapy development, through enhanced research programs and expanded public-private partnerships, are necessary for—

(A) reaching the goal of preventing and treating Alzheimer's disease by the year 2025; and

(B) identifying a definitive cure for Alzheimer's disease;

(3) calls for further public awareness and understanding of Alzheimer's disease;

(4) supports increased assistance for people with Alzheimer's disease and the caregivers and families of those people; and

(5) encourages early diagnosis and access to high-quality care for people with Alzheimer's disease.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 24, 2012, at 10 a.m. to conduct a committee hearing entitled ''The Collapse of MF Global: Lessons Learned and Policy Implications.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, April 24, 2012, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''The Emergence of Online Video: Is It the Future?''

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

COMMITTEE ON FINANCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 24, 2012, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Anatomy of a Fraud Bust: From Investigation to Conviction.''

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

AFRICAN AFFAIRS SUBCOMMITTEE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 24, 2012, at 10 a.m., to hold an African Affairs subcommittee hearing entitled, ''U.S. Policy to Counter the Lord's Resistance Army.''

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

SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND BORDER SECURITY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Immigration, Refugees, and Border Security, be authorized to meet during the session of the Senate on April 24, 2012, at 10 a.m., in room SD–G50 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Examining the Constitutionality and Prudence of State and Local Governments Enforcing Immigration Law.''

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

SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 24, 2012, at 10:15 a.m. in room SD–406 of the Dirksen Senate Office Building.

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

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Paul Edenfield a member of my staff, be granted floor privileges for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DIA DE LOS NINOS: CELEBRATING YOUNG AMERICANS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 432.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 432) designating April 30, 2012, as ''Dia de los Ninos: Celebrating Young Americans.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 432) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 432

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate ''Día de los Niños'', or ''Day of the Children'', on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States and children are the center of families in the United States;

Whereas the people of the United States should nurture and invest in children to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas according to the 2010 Census report, there are more than 50,000,000 individuals of Hispanic descent living in the United States, more than 17,000,000 of those are children;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on Día de los Niños, and wish to share this custom with the rest of the Nation;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on family values, morals, and culture to future generations;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members, and that encourage children to explore and develop confidence;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the Nation to declare April 30, 2012, to be ''Día de los Niños: Celebrating Young Americans'', a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all of its people, and people should be encouraged to celebrate the gifts of children to society: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2012, as ''Día de los Niños: Celebrating Young Americans''; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all people;

(B) are positive and uplifting, and help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) include all members of the family, especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to find the inner strength and the will and fire of the human spirit to make their dreams come true.

NATIONAL CHILD ABUSE PREVENTION MONTH

Mr. REID. I ask unanimous consent that we now proceed to S. Res. 433.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 433) designating April 2012 as ''National Child Abuse Prevention Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 433) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 433

Whereas in 2010, approximately 695,000 children were determined to be victims of abuse or neglect;

Whereas in 2010, more than 1,530 children died as a result of abuse or neglect;

Whereas in 2010, an estimated 79.4 percent of the children who died due to abuse or neglect were under the age of 4;

Whereas in 2010, of the children under the age of 4 who died due to abuse or neglect, 47.7 percent were under the age of 1;

Whereas abused or neglected children have a higher risk for developing health problems in adulthood, including alcoholism, depression, drug abuse, eating disorders, obesity, suicide, and certain chronic diseases;

Whereas a National Institute of Justice study indicated that abused or neglected children—

(1) are 11 times more likely to be arrested for criminal behavior as juveniles; and

(2) are 2.7 times more likely to be arrested for violent and criminal behavior as adults;

Whereas an estimated one-third of abused or neglected children grow up to abuse or neglect their own children;

Whereas providing community-based services to families impacted by child abuse or neglect may be far less costly than—

(1) the emotional and physical damage inflicted on children who have been abused or neglected;

(2) providing other services to abused or neglected children, including child protective, law enforcement, court, foster care, or health care services; or

(3) providing treatment to adults recovering from child abuse; and

Whereas child abuse and neglect have long-term economic and societal costs: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2012 as ''National Child Abuse Prevention Month'';

(2) recognizes and applauds the national and community organizations that work to promote awareness about child abuse and neglect, including by identifying risk factors and developing prevention strategies;

(3) supports the proclamation issued by President Obama declaring April 2012 to be ''National Child Abuse Prevention Month''; and

(4) should increase public awareness of prevention programs relating to child abuse and neglect, and continue to work with States to reduce the incidence of child abuse and neglect in the United States.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Section 5 of Title I of Division H of Public Law 110–161, appoints the following Senator as Vice Chairman of the U.S.-Japan Interparliamentary Group conference for the 112th Congress: The Honorable LISA MURKOWSKI of Alaska.

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

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

MEASURES PLACED ON THE CALENDAR S. 2343, S. 2334 AND S. 2338

Mr. REID. Mr. President, I ask unanimous consent that S. 2343 and S. 2334, both of which were introduced earlier today, and S. 2338 be considered as having been read twice and placed on the calendar under the provisions of rule XIV.

The PRESIDING OFFICER. Without objection, it is so ordered. The bills will be placed on the calendar.

ORDERS

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Wednesday, April 25, at 9:30 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate resume consideration of the motion to proceed to S. 1925, the Violence Against Women Reauthorization Act; and that following the remarks of the two leaders, the time until 2 p.m. be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes; further, that the Republicans control the time from 11:30 a.m. until 12:30 p.m. and the majority control time from 12:30 p.m. to 1:30 p.m., and that at 2 p.m. the Senate resume consideration of S. 1789, the postal reform bill.

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

PROGRAM

Mr. REID. Mr. President, beginning at 2 p.m. tomorrow there will be probably seven or eight, maybe nine rollcall votes in order to complete the postal reform bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:03 p.m., adjourned until Wednesday, April 25, 2012, at 9:30 a.m.