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Senate

The Senate met at 12 noon and was called to order by the Honorable CARL LEVIN, a Senator from the State of Michigan.

PRAYER

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

Let us pray.

O God, who does wondrous things, blessed be Your glorious Name forever. Remake us in Your image and bring our wandering, wayward hearts under Your control.

Lord, infuse our Senators with a love for You that will make their obedience willing and joyful. Astound them with Your limitless resources and supply all their needs from Your bounty. Keep them humble with the conviction that they can't breathe a breath, think a thought, speak a word, or perform an action without Your mercy and grace. Grant our supplications. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CARL LEVIN 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 23, 2012.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SENATE CHALLENGES

Mr. REID. Mr. President, America has the best, brightest, and most dedicated workers in the world. All those workers need is a fair shot to succeed. But right now many workers in this country don't enjoy the same rights as the wealthy CEOs; that is, the right to negotiate the terms of their employment.

A new rule from the National Labor Relations Board will remove unnecessary obstacles to workers' rights to form a union. I solidly support this rule, and I urge my colleagues to vote tomorrow against the resolution of disapproval which strikes down this commonsense rule.

The new rule doesn't change or do anything to encourage unions, but it doesn't discourage them either. It just gives workers the ability to vote yes or no while minimizing the chance of intimidation and stalling.

Mr. President, tomorrow the Senate will vote on a number of amendments to a bipartisan postal reform bill. This important legislation will safeguard more than 8 million jobs of people who depend on a vibrant postal system. It will also protect postal customers—particularly elderly and disabled Americans and people who live in rural parts of this country.

I am pleased we reached an agreement to allow Senators to offer amendments to this bill. I hope once we work through the amendments to the bill tomorrow we will see a strong bipartisan vote to modernize the Postal Service and save this important institution from insolvency. This institution is so important it is contained in our Constitution.

Once we pass postal reform tomorrow, as I expect we will, the Senate will move on to the consideration of another very important piece of legislation, the reauthorization of the Violence Against Women Act. Since its passage in 1994, this legislation has reduced the annual incidence of domestic violence by more than 50 percent.

Despite that incredible progress, we still have work to do to keep women and their families safe. Three women die in this country every day at the hands of abusive partners—on weekends, all days, no days off. For every victim who is killed there are nine more who narrowly escape death and are beaten savagely. It would be unacceptable to step back from our national commitment to stop violence and abuse now.

This legislation was the brainchild of Vice President JOE BIDEN when he was a Member of the Senate. It does very important work. For example, it allows communities to get support in setting up shelters for these women and their families to go in secret.

The legislation was unanimously reauthorized by the Senate in 2000 and 2005. This effort should be—and traditionally has been—above partisanship. I hope that proves to be the case again this year. This year it has 60 cosponsors and the support of 47 State attorneys general. I cannot imagine why my Republican colleagues would oppose such a worthy piece of legislation. I am hopeful and I am confident they won't.

By joining Democrats to pass this legislation, Republicans can help us send a clear message that this country doesn't tolerate domestic violence. If the Senate doesn't complete the work on this critical issue before we recess

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

for this work period, we will continue after we come back to try to work through any problems. I don't see any, Mr. President.

But the Violence Against Women Act isn't the only pressing matter the Senate has to complete the next work period. We must begin work on a number of appropriations bills, consider additional judicial nominations, and take up legislation to cut taxes for small businesses so that they can expand and hire.

Cybersecurity legislation, I have been told, the House will take up soon, and I appreciate that. We must address the looming crisis for millions of students in America: the July 1 deadline for interest rates to double on Federal student loans. That is fast approaching.

With middle-class families struggling and fewer families able to afford the rising cost of higher education, we cannot afford to put college out of reach for more promising young people. Doubling interest rates from 3.4 percent to 6.8 percent—effectively socking 7.4 million students with $1,000 a year in student loan costs—would do irreparable harm to our ability to educate young men and women.

Today Americans have more student loan debt than credit card debt. Why would we want to double what they pay? The average graduate owes $25,000 when they graduate. Getting a college education should not burden young people with unsustainable debt. Unfortunately, many of my Republican colleagues have signaled that they would rather cut taxes for the richest of the rich than invest in the next generation of American workers. But the business community agrees that making college affordable is the key to keeping America competitive in a global economy. An investment in education is an investment in our economy.

I hope we will all join together, hear the message, and work to stop 8 million students in this country from having an increase in the amount of money they are obligated to pay back for the loans they get for an education in America today.

RECOGNITION OF THE MINORITY LEADER

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

CHALLENGES REMAIN

Mr. MCCONNELL. Mr. President, over the past several months, President Obama has kept a pretty busy schedule of campaign events. But as the President heads out for more campaign-style events this week, let's not forget that what he is actually doing here in Washington is far more important than what he is saying out on the campaign trail because when the speeches are over and all the chairs and posters are put away, great challenges remain.

Millions of Americans are still looking for work. The Federal debt continues to cast a shadow over the American dream. Despite assurances made last year, there is no budget in sight from the Democratic-controlled Senate. As the Associated Press reported today, about half of college graduates can't even find a decent job in this country. I understand why the President wouldn't want to talk about these things, but that doesn't change the fact that he should, and it doesn't change the fact that his policies are the problem.

The American people elected this President to change direction, not to change the subject. They elected the President to change direction, not change the subject. Yet, day after day, week after week, as our Nation's challenges deepen and another economic crisis draws nearer, this President wants to change the topic. He wants people to either focus on something else or to overlook the things he is actually doing to make the situation worse.

Let's take, for example, gas prices. Gas prices have more than doubled under this President. Yet, rather than doing something about it, he blames it on speculators and energy companies. Instead of increasing domestic production, he is focused on a plan to tax American energy manufacturers—a plan that would increase the cost of energy rather than lower the cost of gas.

The national debt has skyrocketed more than $5 trillion under this President. Yet, rather than actually doing something about it, he pretends that we should erase it, that we could somehow erase it by just whacking millionaires.

Look, millions are looking for work. Yet, rather than doing something about it, he passes a health care bill that would impose massive new costs, he continues to threaten new taxes, and he empowers Federal bureaucrats to cook up new rules and regulations that make it even harder for businesses to grow and to hire. Unless Congress acts, one such rule goes into effect next week. Most people haven't heard about it because the President hasn't been talking about it. But I am happy to because it says all you need to know about this President's approach to jobs and the economy.

As a favor to big labor, the President is right now rushing a plan that would restrict an employer's ability to educate workers about unionization efforts, as well as increase their legal bills and the already high cost of complying with Federal regulations. And get this: The administration hasn't even provided an analysis of the cost involved in moving forward with this proposal.

Tomorrow, Senators, led by Senator ENZI, will have an opportunity to vote on this effort to make it even harder to do business in this country. We will have a chance to stand up against what the President is doing to the economy, and in the process we will be reminding people to focus on what the President does rather than what he says.

Look, at a time when America's corporate income tax is now the highest in the world, we should be looking for ways to make it easier for businesses to hire, not harder. At a time when unemployment is above 13 percent for young people between the ages of 20 and 24 in this country, we should be finding ways to make it more likely they can find work, not less likely. But this is the Obama economy. This is the President's approach. This is the painful legacy of his failed economic policies. The President may not want to discuss it, but Republicans will.

RESERVATION OF LEADER TIME

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

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 Connecticut.

SCHEDULE

Mr. LIEBERMAN. Mr. President, it has been announced by the clerk that the Senate is now considering the motion to proceed to S. 1925, the Violence Against Women Reauthorization Act.

At 2 p.m. this afternoon, the Republican leader or his designee will move to proceed to S.J. Res. 36, a resolution of disapproval regarding the NLRB election rule. The time until 4 p.m. will be equally divided and controlled between the two leaders or their designees.

At 5 p.m., the Senate will proceed to executive session to consider the nomination of Brian Wimes to be a U.S. district judge in Missouri. There will be a rollcall vote on confirmation of the Wimes nomination at 5:30 p.m.

POSTAL REFORM

Mr. President, as you and our colleagues know, after a lot of work and good-faith negotiations, we reached a bipartisan agreement last week to complete action on the bipartisan postal reform bill tomorrow, with an agreement that includes almost 40 amendments—39, I believe, is the number—to be voted on tomorrow.

Although, we—and particularly our staffs—have been working with sponsors of the amendments, we expect that probably more than half of them will be negotiated to agreements, modified, and/or accepted. But there still will be a significant number of rollcall votes,

which will begin tomorrow afternoon after the respective party caucuses.

There was a good amount of debate on the postal bill last week. Tomorrow, once we go from S.J. Res. 36, the resolution on the NLRB election rule, to the postal bill in the afternoon to begin voting on the amendments, there will not be much time for debate.

As announced last week, last Thursday after this agreement was achieved, Senator COLLINS will be here from now until 2 p.m. when we go to the NLRB rule. We will be here from 4 to 5, the next open block before we go to the judicial nomination, and we are prepared to stay this evening after the judicial nomination for as long as proponents or discussants of the various amendments want to come to the floor to engage in debate and discussion on them. I hope our colleagues will do that.

As Senator REID said, this is an important piece of legislation. Nobody denies that the U.S. Postal Service is an iconic American institution which millions of people depend on not just for the mail but for their jobs, both directly working for the Postal Service and indirectly—but not too indirectly because they work for related businesses that depend on the mail.

We simply can't turn aside, do nothing, and let the Postal Service continue a fiscal spiral downward. The Postal Service, as we said over and over last week, lost $13 billion in the last 2 years. It is going to go over its debt limit later this year. The Postmaster has been very clear that if we don't give him some authority to find a new business model, to economize, he will have to take very aggressive action, potentially closing—on one list he put out there were 3,700 post offices and approximately 250 mail processing facilities, which would be extremely disruptive both to the post office and to the personal life and commercial life of our country.

This bill Senator COLLINS and I, along with Senators CARPER and SCOTT BROWN, offered to our colleagues offers a sensible but tough way forward to preserve the U.S. Postal Service, but also to acknowledge that it has to change to stay alive forever, certainly through the 21st century. Because of the impact of e-mail, it has dropped the volume of mail in the last 5 years by more than 20 percent. When that kind of revenue is lost, we have to find ways to economize and a different kind of business model, including different ways to raise revenue, all of which is authorized in this bill.

I know some people think our bill doesn't do enough. They are ready to basically close down a lot of the Postal Service as we know it. Some people think our bill does too much. We naturally think we have struck a sweet spot or a point of common ground. In fact, the Postal Service told us they believe if our bill is enacted, it would save—after fully implemented over the next 2, 3 years—between $15 billion and $20 billion a year, to be conservative—probably closer to $15 billion. That is a significant amount of money. It creates a series of incentives to alter the business model of the post office, including authorizing the post office to get into some businesses it has not been in before as a way to take advantage of its unique assets and raise more money.

So this is a moment of truth for the Senate. In some sense, it is a somewhat smaller version of the larger moment of truth we are going to have to face sometime about our Federal budget overall, but here is a great American institution that is in real fiscal trouble.

We have the ability with this legislation to get it back on a path of balance, stability, and even growth. Some post offices will be changed under this bill. Mail processing facilities—some of them will be closed. The Postmaster says he wants to have that happen.

We have authorized a significant amount of money to be spent to incentivize 100,000 postal employees to retire. They are eligible for retirement with an incentive. We think they will, and that itself would save the Postal Service approximately $8 billion a year.

This is not one of those bills that people enjoy voting on, but it is our responsibility. It is necessary we face the crisis the Postal Service is in and help it stay alive and flourish throughout this century.

That is what is on the line in the bill. The amendments cover a range of topics. This was a very broad bipartisan agreement on the amendments. There are some that make the bill tougher, some make it softer. They all deserve a good debate, and that is what Senator COLLINS and I are here to do now.

MEASURE PLACED ON THE CALENDAR—S. 2327

Mr. LIEBERMAN. Mr. President, I understand that S. 2327 is at the desk and due for a second reading.

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

The legislative clerk read as follows:

A bill (S. 2327) to prohibit direct foreign assistance to the Government of Egypt until the President makes certain certifications related to treatment of nongovernmental organization workers, and for other purposes.

Mr. LIEBERMAN. Mr. President, I object to any further proceedings with respect to the bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar under rule XIV.

Mr. LIEBERMAN. I yield for my distinguished ranking member, Senator COLLINS.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. I thank the chairman.

Mr. President, we are going to resume debate today on the postal reform legislation our committee, on which the Presiding Officer serves, has worked very hard to produce and to do so in a bipartisan way. As Chairman LIEBERMAN has indicated, last week, we labored very hard to produce a list of amendments that will allow Members to work their will on this legislation.

There are many different viewpoints on the path forward for the Postal Service, but there can be no doubt about one fact: The Postal Service has lost more than $13 billion in the last 2 years. Despite being relieved from a payment that is required under law toward the health benefits of future retirees, it still lost billions of dollars. If we fail to act, if we turn down this bill, the Postal Service will not survive as we know it today, and that is a fact. The Postal Service, later this year, will have great difficulty even meeting its payroll if we do not act. The Postal Service will max out on its credit that it can borrow from the Treasury if we do not act. The Postal Service will be forced to resort to dramatic and Draconian service cuts that will drive still more customers from the system if we do not act. So just closing our eyes and pretending somehow the Postal Service will find a way through this, without our legislation, is not a realistic option.

As I have indicated, there are a variety of views on both sides of the aisle on what the appropriate path forward should be, and we will have a vigorous debate today—we started it last week—on what the best option is for the Postal Service. For me, the bottom line is this: The Postal Service will not survive if it pursues a course that risks alienating the remaining customers it does have. So resorting to widespread closures of postal processing plants, which would essentially do away with overnight delivery of mail, and raising prices so big mailers pursue alternatives to using the Postal Service for delivery are not the solutions to the Postal Service's woes.

On the other hand, the Postal Service clearly cannot continue to do business as usual. It has to innovate. It has to look for new sources of revenue, and we have given some very specific ideas in our bill by allowing, for example, the Postal Service to provide services and share space with Federal, State, and local governments and to also ship beer and wine with a signature from the customer, just as its competitors, FedEx and UPS—United Parcel Service—are able to do. We also do not prohibit the closure of all post offices, nor do we mandate a certain number be closed; instead, we set standards. We set service standards, and those service standards would govern the decisions the Postal Service would make. I think that is the appropriate way to approach the very difficult issue of how to reduce the infrastructure of the Postal Service.

But the fact remains—and it is a painful fact—that 80 percent of the Postal Service's budget is workforce related. It is always difficult to recognize when a workforce, particularly one as dedicated as the American Postal Service workforce, is simply too big

for the volume of work the Postal Service now has. But there are compassionate ways to deal with this workforce problem, and our bill allows for a refund of an $11 billion overpayment the Postal Service has made to the Federal Employees Retirement System—known as the FERS system. This is an overpayment that has been verified by an independent board of private actuaries the Office of Personnel Management relies upon. It has also been verified by the Government Accountability Office. This overpayment, in part, can be used and would be directed to be used by the Postmaster General to offer retirement incentives and buyouts up to and capped at $25,000, the exact same number that is used in buyouts in Federal agencies to reduce the workforce.

More than one-third of the Postal Service's employees are eligible for retirement today. That is why the Postmaster General believes, if he provides a bit of an incentive, he can reduce the size of the Postal Service workforce by more than 100,000 workers. That is about 18 percent of the entire workforce. That approach of using retirement incentives, buyouts, and incentives such as that is very similar to the approach the private sector uses, that large corporations use when they are faced with the painful task of having to downsize their workforce.

The rest of the overpayment refund would be used to pay down debt, something the Postal Service desperately needs to do as it approaches that $15 billion line-of-credit cap.

I wish to stress—because there is going to be a lot of discussion about this, perhaps very shortly—these are not tax dollars being refunded to the Postal Service. I read from a letter from the inspector general on the floor last week that verifies the revenues for the FERS payment come from two sources: They come from the postal employees themselves who contribute to the FERS system, and the revenues come from the Postal Service's own revenues, which are from selling stamps, mailing packages, and the other services the Postal Service provides.

This is not a taxpayer bailout. It is not a refund of taxpayer dollars. This is a refund of a substantial overpayment of money from the Postal Service's employees and the Postal Service itself, from revenues it generated, to the FERS system that never should have occurred. That is another whole issue—of how it occurred. This overpayment has been confirmed by the GAO and by an independent board of actuaries hired by the Office of Personnel Management.

That is a very important part of this bill. If the Postmaster General is successful—as I believe he will be if he aggressively implements these provisions in compassionately reducing the size of the workforce—the estimates are that provision alone would save about $8 billion a year, and it would allow the Postmaster General to right size many of the processing plants. Some of the processing plants are too big for the volume they now have.

But the answer is not to close them altogether because that has such a detrimental impact on the delivery of mail, and that leaves rural America behind. That would result in there no longer being overnight delivery for first-class mail.

Let me give an example from my State, where the Postmaster General has unwisely proposed closing one of only two processing plants we have in a State as large as the State of Maine. He would keep the one in the southernmost tip of the State but close the one in Hampden, ME, which serves northern, central and eastern and parts of western Maine. It serves about two-thirds of the geography of the State. If that postal processing plant were to close, mail from northern Maine—being sent from one community in northern Maine to another—would have to undergo a more than 600-mile round trip to the one remaining processing plant in Maine. I can't imagine how many days that would take, but I am certain it would cause people to stop using the mail, and, thus, revenue would decline still further because there would be no possibility of overnight delivery of bill payments, for example, or bill delivery.

This is not the answer. So what is the answer? That plant could be downsized, not closed. We need to preserve the service.

If the plant is too large now for the volume of mail that goes through the plant, why doesn't the Postal Service rent out part of the plant? I am sure a mailer in the area—perhaps several mailers in the area—would welcome the opportunity to rent space in that building and be right next to the postal processing plant. That would work very well.

There are so many options, but the Postmaster General, in my view, has not pursued those options. When it comes to rural post offices, there are so many options. For example, a post office could be open in a rural community, say, from 7:00 to 9:00 in the morning and 5:00 to 7:00 at night so that individuals going to and from work could stop and do their business, but the Postal Service would still be able to save funds by not having the post office open the entire day. A small post office could be colocated in a retail facility—the local pharmacy, perhaps, or the local grocery store.

There are possibilities which need to be explored—and which our bill directs the Postmaster General to explore—in order to avoid the widespread closure of post offices in rural America that will have a detrimental impact on the individuals and the businesses located there. Our bill in essence forces more creativity on the Postal Service by again setting standards with the Postal Regulatory Commission, which is the regulator in this case, and then ensuring that the actions of the Postal Service with regard to infrastructure meet those standards.

This bill has many other provisions that we discussed at length last week, so I am not going to repeat them now, but let me reiterate the point I made at the beginning of my remarks.

We have been able to negotiate, with the cooperation of both the majority leader and the Republican leader and with a lot of hard work by the members of the committee and the floor staff and our staff, a very fair process that will allow many amendments to be offered, expressing a wide variety of philosophies and views on the proper road ahead. But what we cannot do is fail to act. If we do not act, that will be a death sentence for the Postal Service—an American institution enshrined in our Constitution that is the linchpin of a $1 trillion mailing industry that employs 8.7 million Americans.

This debate is not just about rural post offices, important though they are. It is about our economy and not delivering a death blow to an institution that is the center of much of our economy. I hope Members keep that in mind as they come to the floor with proposals, for example, to essentially privatize the Postal Service or to do away with most of its infrastructure because if those amendments prevail, they will deliver a crushing blow to our economy at a time when we can least afford it, and they will jeopardize that trillion-dollar mailing industry that includes everything from paper manufacturers, to magazine publishers, to newspapers, to financial services—all of these industries that are so dependent on the U.S. Postal Service—and that is an outcome we must avoid.

Mr. SESSIONS. Mr. President, I come to the floor to discuss S. 1789, the 21st Century Postal Service Act. I regret to say there is a fundamental problem with this bill that we have to address. I wish it weren't so, but I am afraid it is. The bill would increase the Federal deficit by $34 billion. This violates the deficit neutrality provisions for spending that we adopted as part of the Budget Control Act just last summer. As a result, there are at least five budget points of order that lie against the bill, and I, the ranking Republican on the Budget Committee, will be raising points of order at the appropriate time. That means it would take 60 votes of our 100 Members in the Senate to say we don't want to agree and follow the law we passed last summer.

Under the Senate rules, no committee can bring a bill to the floor that spends even one penny more than already is going to be spent under the current law or increases the deficit more than it would increase under current law. Current law is the Budget Control Act of last summer, and it was passed, as we all recall, as part of a major debate over raising the debt ceiling, so we could continue to borrow money. Borrowing at the rate of—about 40 cents of every dollar we spend.

In August we agreed to modest, though insufficient savings. Although we talked about big cuts, we only managed to reduce the growth in spending, not the actual level. The debt deal established basic spending limits. Not one word in that law prevents us or any Member of Congress from saving more. The law set the maximum, not the minimum, that we can spend.

But this bill violates that legislation. It spends above the agreed-upon limits. Only in Washington does spending below a limit get one accused of breaking a deal while spending more than the agreement means people just look the other way.

The majority leader and the chairman of the Budget Committee are proud of the Budget Control Act. They say it has iron-clad restraints on spending. They say we do not even need a budget.

But where are they when it comes to making sure this agreement is actually followed? It is curious that we don't have leadership from the majority leader or the Budget Committee chairman to tell the committee: Look, we understand the Postal Service has serious problems. We understand that. Something probably needs to be done to fix that and improve that situation. It may even cost some money. But to do so, shouldn't we comply with the law of the United States and what we agreed to just last summer?

As this unfolds you will hear part of the reason that spending increases is because the bill requires the Treasury to repay the Postal Service $11 billion that the Postal Service has overpaid to the U.S. Treasury for retirement contributions of current employees.

I am not debating that argument and whether it is an overpayment. I am not debating it. We have experts who have looked at it and said it is basically accurate, that the Treasury does owe the postal department $11 billion. Maybe under some circumstances we are required to pay that back. I don't argue that at this point.

I say if we pay it back, is it not an expenditure of the United States? If you are behind on your car payment shouldn't you look to see where else you can cut spending? That is all we are talking about. You have to understand it costs money. The money comes from somewhere.

I think most people understand the U.S. Government borrows money through T-bill sales, and we pay interest on the money we are borrowing. The fastest growing item in our budget is interest on our debt, so we ought to be cutting spending to pay for this. Over 10 years that is $11 billion. That is a lot. But $11 billion is a little over $1 billion a year, and this year alone we will spend, as I recall, approximately $3,600 billion. So we couldn't pay this money back? We could not find $1 billion a year to pay the money back? We have to just borrow it in addition to the money we have agreed to borrow, breaching the debt limit we have agreed not to breach?

I have to note, unfortunately, the $11 billion is only one-third of the debt impact of the legislation. It is only one-third of the amount by which the bill breaks the agreement of last summer.

What else accounts for the total $34 billion? Most of the deficit increase of the bill, about two-thirds, occurs because the bill would restructure the amount the Postal Service is supposed to pay to the Office of Personnel Management to fund the future retiree health benefits of the current Postal Service employees—coverage for them when they retire.

In 2006 the Congress enacted the Postal Accountability Act to set the Postal Service on a self-sustaining course. According to one of the managers of the bill, that law included ''a requirement that the Postal Service endorsed at the time,'' that the Postal Service prefund the future retiree health benefits of the current postal employees on an accrual basis. That 2006 law set out a schedule of those required payments to the government.

Now, 6 years later, the Postal Service says they are unable to make those required payments. We already enacted a bill last year partially relieving the Postal Service of some of their required 2011 payment, so this bill would defer those payments and stretch out the amount of time to pay them.

How much is the Postal Service allowed to defer? The legislation allows the Postal Service to defer $23 billion in payments for retiree health benefits. This legislation would transfer, in part, the burden of these restructured payments from the users of the Postal Service, the stamp buyers, to taxpayers.

This means the Treasury has to go out and borrow the money over the next 10 years because the Postal Service is relieved from making the health care payments. Again, a budget produced under regular order that I have truly felt we should have done—and remain disappointed, deeply, that has not occurred—should have planned for this by including policy changes somewhere else in the budget that would have offset the cost of this bill.

Because the bill does not do that, because it adds to the debt of the United States, and violates the Budget Control Act I will raise a point of order that will require 60 votes to waive it.

If this new spending is necessary, and I suspect some of it may be, then isn't it worth cutting spending somewhere else to pay for it? Do we really have to break our spending agreement when we are facing the fourth straight deficit in excess of $1 trillion.

Washington is in a state of financial chaos. We are in denial. We are not owning up to the fact that there are limits on what we can do. You tell me how long we can borrow $1 trillion a year, substantially more than we take in every year.

The Government Services Administration is throwing lavish parties in Las Vegas. The Government Accountability Office has identified $400 billion—maybe we could pay the $34 billion out of this $400 billion—being spent every year, each year, on waste, inefficiency, and duplication. That is the official Government Accountability Office.

Far worse, the Senate's Democratic majority has failed to produce a budget plan in calendar year 2010, 2011, and now 2012. This Sunday, in fact, marks exactly 3 years since the last time the Senate passed a budget.

A budget means responsible behavior. It requires and forces Congress to make tough choices.

Now we say the Postal Service needs more money, and we will just borrow it. This is not responsible behavior.

The White House warns that Republicans want to cut too much spending. But the American people know the truth, and the truth is we have never spent more money than we are spending today and spent it more recklessly and with less accountability.

This is in many ways a decisive moment. I deeply respect my colleagues who have worked on this legislation. It is very complex; it is very important; it is a very difficult issue. But this country has to rationally confront the difficulties in the Postal Service. The world is changing. E-mail continues to erode the market for traditional mail. The Postal Service has to adapt to keep up with the times. We cannot just keep throwing money at it.

I deeply respect the people who worked on this, but I do believe it is a crucial vote. Even if one supports every dollar of spending in the bill, do you support violating the Budget Control Act? I ask my colleagues to vote to sustain the budget point of order. Let's stand up for fiscal responsibility.

In effect, we would send the bill back to our good committee, and say to them: Look at it. If they can spend less, please do so. But if they feel they have to spend more money to sustain the Postal Service, propose how it should be offset. It would meet the requirements and promises we made to the American people.

I thank the Chair for the opportunity to share these remarks. It is going to be difficult to fix, but certainly not impossible. If this bill is sent back—I know my colleagues will figure out a way to pay for it.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum, but I will be responding.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, let me start by responding to the ranking member of the Budget Committee by saying that I could not agree with him

more that it is absolutely unacceptable that we have not had a budget passed in the Senate for more than 1,000 days. That is totally unacceptable. It is one of the reasons we are in such a financial crisis in this country. So I completely agree with Senator SESSIONS that we should be doing a budget resolution on the Senate floor, and I wholeheartedly agree with his comments that it is absolutely irresponsible for us to be proceeding without a budget resolution. And as a member of the Appropriations Committee, I would say to my colleagues that it makes it very difficult for us to carry out our work. Due to the cooperation of the chairman and ranking member of that committee, we are operating under allocations for each subcommittee, but it would be far preferable if there were a budget resolution that passed, and it should have passed last year, the year before, and it should be passed this year. So we are in complete agreement on that point, and I know that has been a great source of frustration for the Senator from Alabama as the ranking member of the Budget Committee.

Having said that, let me explain a few facts. First of all, there are no tax dollars being authorized by this reform bill. There is no transfer of taxpayer money to the Postal Service. What we have here is a very strange and unusual budget situation. And the score CBO has is incredibly misleading because the Postal Service, oddly enough, is part of the unified budget of the United States even though most of its accounts are off-budget, but it participates in Federal employee retirement systems and the health benefits systems and the workers' compensation systems, where postal dollars that come from postal employees and from postal ratepayers are commingled, if you will, with tax dollars that come from other Federal agencies into the retirement system, the workers' comp system, and the health benefits system. And that creates this odd situation, which makes it very difficult for CBO to score this bill correctly.

The inspector general of the Postal Service puts it far more bluntly. In a February 22 report from this year called ''Budget Enforcement Procedures and the Postal Service,'' the inspector general said:

> . . . the Postal Service's off-budget status . . . expose[s] the Postal Service to an inappropriate and illogical application of the scoring process that threatens its ability to reform and heal its financial condition. Scoring and budget enforcement were created for a good purpose, but they are undermined when the scoring process assumes that unlikely or inappropriate inflows to the Treasury must occur.

Let me give you a couple of examples because it is incredibly important that we walk through the score so that our colleagues can understand the unique on-budget/off-budget status of the Postal Service, particularly in the area of reducing payments to retiree health benefits or recovering overpayments to the FERS system and how the CBO scoring method obscures the true savings achieved by refunding the FERS payments.

Again, let me repeat that since 1971 the Postal Service has received no Federal subsidy to operate other than some very minor appropriated dollars for functions that the Postal Service is legislatively mandated to do, such as mail for the blind and overseas ballots for our troops. That is it. Prior to 1971 there was a taxpayer subsidy year after year to the Postal Service, but that ended with the Postal Reform Act in that year. So from the sale of stamps, the cost of shipping packages, and the rates mailers and magazine publishers and newspaper publishers pay to get the print versions delivered comes the revenue for the Postal Service. And even the money the Postal Service uses for retiree benefits comes from a combination of the contributions the postal workers make and the money the Postal Service invests.

As I mentioned earlier, there is a significant overpayment into the Federal Employees Retirement System, and we, along with the administration, the GAO, the independent actuaries, and the Postal Service inspector general, have all proposed that overpayment be returned to the Postal Service, and it would be used in part to finance these buyouts and retirement incentives to reduce the size of the postal workforce.

Let's look at how CBO scores this particular part of the bill.

First of all, CBO gives this bill no credit whatsoever for the buyouts, and here is why: CBO argues that the Postal Service already has buyout authority, but as the Presiding Officer knows better than anybody in this Chamber, our bill changes the status quo in two critical ways. First of all, the Postal Service has no cash right now to do these buyouts. That is one of the reasons we are so eager to get the money from the overpayment of FERS refunded to the Postal Service. Second, in our substitute bill, we specifically direct the Postmaster General to use a portion of this money to entice 18 percent of the current postal workers to accept this offer. That is a big difference. So there is a mandatory direction to the Postmaster General to reduce the workforce by about 18 percent and there is the cash that will allow him to offer buyouts to do that. Why CBO doesn't score that as a savings to the Postal Service is beyond me.

There is another way to reduce the workforce and, again, the funds for this would come from the FERS refund. Our bill provides new authority to the Postal Service to offer 1 or 2 years of credited service toward a pension annuity so that for a worker who is just lacking a year or two to reach the number of years necessary for retirement could be credited with that extra year or two of service, depending on which retirement system the worker is in. Unfortunately, the CBO makes an assumption that only several thousand employees would take advantage of that offer and credits the bill with savings of only $643 million over 10 years. Since these kinds of service credits have never been offered before, it is not clear how the CBO came up with this assumption. There is no precedent for it. There is no data for the CBO to use. Again, our original bill did not include the hard requirement for the 18-percent reduction, but our substitute does. Yet CBO does not recognize that change.

The Postal Service has told us, as the Presiding Officer would attest, these requirements and this new authority and the funds for the buyouts and the service credit would allow them to reduce their workforce in the neighborhood of 100,000 employees and save some $8 billion a year. That is not reflected in the estimate. I use that example because it shows how strange the scoring is. This is a quirk of the budget-scoring rules because when there is a transfer of Postal Service money—not taxpayer money, Postal Service money—from one account in the Treasury, such as the retirement account, into an off-budget postal operations account, the CBO makes this assumption that savings are not going to occur. So when we transfer the $11 billion overpayment—the refund—from the pension account, to which the Postal Service has been overcharged, into a postal operating account, it gets credited as $5.5 billion instead of $11 billion. That means an on-budget account loses $11 billion, as CBO looks at it, and the off-budget account only gains $5.5 billion. This is very complex because it is so obscure and because, frankly, it is so illogical. The result is the net score in the unified budget of $5.5 billion as a cost to the Treasury, and that simply is not the reality. Again, these are not taxpayer dollars that went into the overpayment in the first place. So here we have a provision that is being scored as the $5.5 billion cost to the Treasury when, in fact, they aren't tax dollars, and it is only because this is a unified budget, where some of the accounts are on-budget and some of the accounts are off-budget, that we have this anomalous result. It doesn't make sense.

Let me give my colleagues another example. The CBO acknowledges that our reforms of the Federal Workers' Compensation Program would save $1.2 billion, but CBO doesn't count this reduction as a savings because of the way the Department of Labor charges agencies for participation in the workers' compensation program. Again, that doesn't make any sense, when the CBO itself acknowledges that these are real reforms that are going to save $1.2 billion. Yet we only get credit for $200 million of the reforms.

There is another issue. The CBO does not account for what would happen if the Postal Service allows service to continue to deteriorate because the CBO doesn't recognize the reality that all the big mailers and small mailers tell us, which is that revenue will be driven out of the system if the service

cuts associated with plant closures and wholesale closures of post offices are allowed to proceed. The bottom line is that were it not for 50-percent discounts being applied over and over to the savings we achieve for 5-day delivery, retiree health care, the pension refund, on the basis of these strange behavioral assumptions and reflecting the odd combination of off-budget and on-budget accounts being brought together in a unified budget, the bill would have scored approximately $24.6 billion more in off-budget savings, making the bill a net saver of $14.8 billion.

This is so frustrating because it is so complex, but I think if our colleagues look at the example of the FERS overpayment, it becomes very clear because there are no taxpayer dollars involved. Yet it is scored as a cost to the Treasury of $5.5 billion. How can a refund of an overpayment that involves no tax dollars end up being scored as a cost to the Treasury of $5.5 billion? That is how illogical and quirky this estimate is, and it is because of the unique status of the Postal Service and how its various accounts are reflected in the budget.

In addition to my absolute conviction that this score is very misleading, let me make another point. If we do not proceed with this bill—if this budget point of order brings down this bill—the Postal Service will not survive as we know it. Again, we are not providing a taxpayer subsidy in this bill. In fact, I would argue we are preventing a taxpayer bailout in this bill because later this year, if the Postal Service cannot meet its payroll and thus is unable to deliver mail, I think the pressure for the taxpayer bailout will increase substantially, and I do not want to see us return to the pre-1971 era, where the taxpayers were on the hook for the Postal Service. Our bill would avoid that outcome.

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

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

Mr. LIEBERMAN. Mr. President, I thank the Presiding Officer for liberating me from the chair so I may now speak in my capacity as a Senator from the State of Connecticut. First, I would like to thank my friend from Maine, Senator COLLINS, for what I thought was a very convincing, insightful description and really a critique of the CBO estimate of the financial impact of this bill.

This is tough to follow. The two of us, Senator COLLINS and I, and others on the committee have been deeply saturated in this for probably too long. But the fact is, when the CBO estimate of the bill came out saying it was going to cost more than we were saving, I was shocked. As I read over it, part of it is because they are not simply considering the Postal Service budget, which we are out to save; that is, to cut a lot of money from it so it can be saved, and as Senator COLLINS said, the Postal Service is off-budget. It does not spend taxpayers' money except for those two little matters of paying for ballots for military personnel and others overseas, and I think the other is for blind people in this country, but the rest of it is all paid by the ratepayers. So as you go over, one by one, as Senator COLLINS did, the elements of the ''costs''—and I put quotations around them—they are just not real. This is form over substance. This is a kind of ''Alice in Wonderland'' accounting that does not relate to the reality of the Postal Service's budget or the Federal budget.

The so-called FERS repayment that is coming from the Federal Government, everyone agrees—including Senator SESSIONS, who stated his intention of making a budget point of order on our Postal Service bill—the Postal Service did overpay this amount of money, just as if a taxpayer overpaid taxes. Well, if I overpay my taxes, that is my money I am asking back from the government. In this case, the Postal Service has overpaid to the Federal retiree pension fund, and it is asking for its money back.

There is something else to be said here about the reality of accounting in the real world. When the approximately $11 billion—or maybe more—is paid back to the Postal Service, that only happens once, when that total is paid back. But what we have demanded in the bill be done with a part of that money, which is to get involved in this incentive for early retirement or retirement when members of the Postal Service are eligible, mandating that 18 percent—about 100,000 postal employees—retire, that saves $8.1 billion on a recurring basis every year. So you have the one-time—it may come in two or three payments but only one-time—$11 billion repayment to the Postal Service for the overpayment it made, and then every year it saves $8.1 billion, forever. That is a pretty good deal both for the taxpayers and the Postal Service.

Secondly—and Senator COLLINS went on very effectively about this—the prefunding of health benefits. The fact is in the Postal Reform Act of 2006—you might call it an excess of caution—the Postal Service was required to make payments into the retiree health benefits fund that are greater than most any other business or government in the country. We have just spread this out to a 4-year payment schedule according to the normal discount rate other Federal programs pay for their retirees' benefits.

Senator COLLINS talked at length about the impact of the way in which the CBO, the Congressional Budget Office, refuses to score—as we say, count—dollar-for-dollar the amount of money saved by early retirements, which does not make any sense because that is what will be saved.

Now, I want to enter into the RECORD at this point—and speak to it—the estimate of the U.S. Postal Service about what our substitute amendment to S. 1789 will save, and it is quite dramatic. I ask unanimous consent that it be printed in the RECORD.

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

THE UNITED STATES POSTAL SERVICE—PLAN TO PROFITABILITY—DRAFT—4/17
S. 1789 AMENDED (APR 16)—MANAGERS SUBSTITUTE, AS OF 4–16–12
[in $Billions]

	2011	2012	2013	2014	2015	2016	S–1789 Section
Base Case:							
Revenue	$65.7	64.0	63.4	62.7	62.0	61.6	
Total Operating Expenses	.67.9	69.5	69.9	72.0	74.5	77.1	
Operating Income/(Loss)	**(2.2)**	**(5.4)**	**(6.5)**	**(9.4)**	**(12.5)**	**(15.5)**	
RHB Pre-Funding	5.5	11.1	5.6	5.7	5.7	5.8	
Net Income (Loss)—Base Case	**$(7.7)**	**(16.5)**	**(12.1)**	**(15.1)**	**(18.2)**	**(21.3)**	
Impact of Strategic Initiatives (savings are positive numbers, costs are negative):							
Legislative Changes:							
Resolve RHB Pre-Funding	5.5	11.1	5.6	5.7	5.7	5.8	
FERS Refund	–	11.4	–	–	–	–	
Reduce FERS contribution rate by 3% (note a)—Not Included	–	–	–	–	–	–	101
Price increases: Add'l 2% for products not covering costs, after 3.5 yrs.	–	–	–	–	–	0.1	402
5-Day Delivery—2 year delay	–	–	–	–	2.0	2.6	208
Total Legislative Changes	**5.5**	**22.5**	**5.6**	**5.7**	**7.7**	**8.5**	
Operations:							
Networks: Retain Overnight for 3 yrs. ($1.5B savings + workload)	–	0.4	1.0	1.5	2.2	2.9	201/202
Retail (''Retail Svc Stds'', Savings of 90% of Postal Plan)	–	.0.6	0.9	1.3	1.7	1.9	203–205

THE UNITED STATES POSTAL SERVICE—PLAN TO PROFITABILITY—DRAFT—4/17
S. 1789 AMENDED (APR 16)—MANAGERS SUBSTITUTE, AS OF 4–16–12—Continued
[in $Billions]

	2011	2012	2013	2014	2015	2016	S–1789 Section
Delivery (Same as Postal Plan)	.....	1.2	1.6	2.1	2.5	3.0	
Total Operations Initiatives (incl wkload)	**–**	**2.2**	**3.5**	**4.9**	**6.4**	**7.8**	
Comp & Benefits and Non-Personnel Initiatives.							
Collective Bargaining (Same as Postal Plan)	–	0.4	1.2	1.6	1.9	2.2	
Postal Health Plan—Employees—no significant savings proposed	–	–	–	–	–	–	104–105
Postal Health Plan—Retirees—no significant savings proposed	–	–	–	–	–	–	104–105
Retiree Health Benefits Paid from RHES Fund	–	–	2.9	3.2	3.5	3.9	103
Less: Pay Normal Cost +40 yr Amort of Unfunded	–	–	(3.7)	(3.8)	(3.9)	(4.0)	103–105
Interest Savings	–	–	0.0	0.1	0.6	1.1	
Comp & Benefits and Non-Personnel Initiatives	–	**0.4**	**0.5**	**1.1**	**2.2**	**3.2**	
Separation Cost	–	(0.4)	(0.4)	(0.4)	–	–	
Total Contribution from Strategic Initiatives	**5.5**	**24.7**	**9.1**	**11.3**	**16.3**	**19.5**	
Revised Operating Expenses	**67.9**	**55.9**	**66.4**	**66.4**	**63.8**	**63.4**	
Revised Net Income/(Loss)	**$(2.2)**	**8.1**	**(3.0)**	**(3.8)**	**(1.9)**	**(1.8)**	
2015 Daily Net Income/(Loss)—$ Millions					($5.1) M/Day		
Net Cash/(Debt)	**($11.7)**	**(3.3)**	**(6.3)**	**(9.9)**	**(11.4)**	**(12.4)**	

Notes:
(a) Reducing FERS employer contribution rate by 3%, to reflect Postal specific demographics and salary increase data, would avoid creating another future overfunding position.

Sections not included due to lesser near-term financial impacts:
211: Non-Postal Products
301 to 305: FECA Reform
403: Co-location of Federal Agencies
404: Cooperation with State & Local Governments
405: Distribution of Beer, Wine & Distilled Spirits

Does not include the following impacts:
No more than 2 consecutive non-delivery days (5 Monday holidays per year).

Mr. LIEBERMAN. All along, our goal has been to get to a point, over 3 or 4 years, where we would save as close to $20 billion a year as we could. That is the number Postmaster General Donahoe gave to our committee as to what he needed, the Postal Service needed to get back in balance.

On the current course, in fiscal year 2016 the U.S. Postal Service—I am reading now from the statement I have entered into the RECORD that the Postal Service has given us—will have a deficit of $21.3 billion. In 2016, under the passage of S. 1789 with our substitute amendment, the loss is reduced to $1.8 billion. That is from $21.3 billion to $1.8 billion. Well, of course, we want to get it to total balance, but we are clearly going to hit balance after that on the course we are on. That means, according to the Postal Service, passage of S. 1789 with our substitute amendment will save the Postal Service over $19 billion a year by 2016. That is exactly what the Postal Service needs to stay alive.

We do it without compelling layoffs. We do it with incentives for retirement. We do it without mandating—as some of the amendments would that we will vote on tomorrow—the mass closure of mail-processing facilities or our post offices around the country, which, as Senator COLLINS said, would be a kind of shock therapy. It would so jolt the system that people would turn away from the post offices in increasing numbers. In fact, it would accelerate the loss of revenue. We do it without an immediate move from 6 days of delivery to 5 days because that is a tough one for a lot of people. We have given the Postal Service 2 years to essentially prove it can get back in balance without that move from 6 days to 5 days of delivery.

We have added new sources of revenue. We have created a process here, which is not scored by the Postal Service, that we think can add more money because it will develop a new business model, a new way to use the assets the Postal Service has to make more money.

The fact is—I want to emphasize this again—this saving of $19 billion, which will result by 2016 if this substitute to S. 1789 is passed, does not take any taxpayer funds. In fact, it properly returns certain overpayments to the Postal Service.

The CBO score for S. 1789 is simply misleading—profoundly misleading—because of the kinds of accounting rules that do not relate to the reality of the budget for the Postal Service.

I am proud of what we have been able to accomplish. It took a lot of work. As Senator COLLINS has said, if this point of order Senator SESSIONS intends to make at some point in the debate—hopefully after the amendments are voted on—is sustained, it will end this bill. Instead of, therefore, having passed a bill which, if it goes all the way to enactment, would save $19 billion for the Postal Service every year by 2016, the Postal Service's deficit and debt spiral would continue downward. I would predict there would be massive cutbacks in services and a loss of employment by people in the Postal Service but particularly among the 8 million people who are in jobs that depend on the Postal Service in the private sector for their livelihoods. So with all respect, I will vigorously oppose the point of order my friend from Alabama, Senator SESSIONS, will make.

Mr. President, I note the presence on the floor of the distinguished Senator from Virginia. Does he wish to speak?

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Virginia.

Mr. WARNER. Mr. President, first of all, let me thank the chairman and Senator COLLINS for their work on this bill. I know it has caused a great deal of interest and consternation, but the numbers are overwhelming that without this kind of legislation, the fate of our Postal Service would be in great jeopardy. I commend both the chairman and ranking member for their very good work. I intend to support the legislation. I know they have had to make some hard choices, but I think they are putting the Postal Service back on the path to sustainability, and I commend their leadership.

I also thank them both for an amendment they have been kind enough to include in, I believe, a revised bill, a managers' package, that takes on a related issue that affects not only Postal Service employees but all Federal employees; that is, the absolutely dreadful performance—which is starting to be corrected, but the absolutely dreadful performance that OPM and agencies of the government, including the Postal Service, have done in terms of making sure our Federal employees receive their retirement benefits in a timely manner.

The Presiding Officer and I, both from the Commonwealth of Virginia, have 130,000 Federal employees in Virginia. There are 140,000 Federal employees across the river in Maryland. I am happy Senator MIKULSKI has cosponsored the amendment I am going to talk about in a few moments.

I want to explain the problem we are facing and why I am asking the Senate to adopt this amendment during the consideration of this bill to reform the postal system.

Over the past year, I and other Members in both parties have received hundreds of requests for assistance from Federal retirees who have experienced significant delays in obtaining their full retirement benefits—delays that oftentimes exceed 12 months, sometimes as much as 18 months and more. In the meantime, these Federal retirees—and no one questions that they deserve and should receive these benefits, but since there is slow processing and antiquated technology, they are not getting these earned retirement benefits. These retirees face inordinate hardships trying to pay their bills and survive on partial payments made while their retirement paperwork moves through the system.

Remarkably, in 2012, our whole retirement system is still a paper-based system. OPM also relies upon every other Federal agency, such as the post office and others where a Federal employee works, to assemble and submit the retiree's paperwork in a timely and efficient manner. But as we have seen with the occasional snapshots that have been taken, some agencies literally have a 30- to 50-percent error rate in submitting the background material for the retiree so OPM can appropriately process the paperwork.

Part of the goal of this postal reform, I know, is going to be to encourage some of the voluntary retirements in the postal system—again why this amendment is so timely. Meanwhile, the retirees wait and wait for benefits; benefits they have earned, and, unfortunately, benefits they cannot get access to. We continue to hear from recent Federal retirees who literally spend 8 or 10 hours a day trying to get through on the customer service line to find out where their benefits are.

I would like to share a few examples of what we are hearing. We recently heard from a retired colonel from Williamsburg, VA, who wrote, ''I retired in March 2011 and at the time of this writing OPM has still not figured out my full retirement pay . . . my savings are getting low.''

From here in Northern Virginia, in Dumfries, VA, we heard from a retiree who said:

> I have been subjected to a severe financial hardship because of not getting my full benefits. I was recently told that the bank is repossessing my auto because I cannot afford to make the payments.

He cannot make the payments because this retiree was not getting her benefits. She was existing on partial benefits until OPM could deal with the processing.

From Warrenton:

> I am seeking assistance with obtaining my husband's health insurance which was canceled unexpectedly. He worked for DOD. I notified OPM with the appropriate forms and a copy of his death certificate, all of which was apparently lost by OPM. I tried to obtain new forms but was told it would take up to 6 weeks. I am 80 years old and need my health insurance now. My husband and I were married for 60 years.

This is unacceptable. This is not the way we ought to be running this important part of our Federal Government. In January of 2012, OPM's retirement backlog exceeded 62,000 cases—62,000 Federal employees, retirees—who were waiting to get their benefits. Again, let me point out, many of these retirees were waiting for more than 1 year.

We saw huge backlogs in disability claims, death benefits, and quarterly benefits. By OPM's own account, it takes almost 700 days, nearly 2 years, to process some death benefits. Recently, after my meetings with OPM and other members of the delegation, OPM has made some limited progress in reversing the tide of retirement claims. The retirement backlog is now 52,000 claims. OPM has hired new staff and is starting to modernize its outdated processing, but it is clear more needs to be done.

I wish to also compliment Senator AKAKA, who was kind enough to let me join an oversight hearing on this matter back in February of this year. What I heard there worried me. So I sent my staff to OPM's retirement processing facility last month to see the problem up close. Unfortunately, my staff's reports confirmed my worst fears. The current process is largely manual, cumbersome, and contributes to significant delays and potential errors. We have been told the newest OPM technology is 12 years old. That is pretty remarkable. It is simply no longer feasible to expect that manual data entry for retirement and benefits claims make sense when we have technology that can dramatically lower processing time and increase accuracy.

OPM needs to modernize its technology in the long run. But in 2012, they need to at least start taking some short-term steps. It is unacceptable that they rely upon paper processing in 2012. OPM, as I mentioned, has made some progress. But ultimately they still want to remain committed to a paper processing system. That does not make any sense. The kicker is this problem is not new. As indicated by this press story, Federal agencies routinely point the finger of blame at OPM for causing these delays, while OPM points the finger back at the individual agencies for not getting the information to OPM in a timely manner.

One might think this story was written in the last few weeks. There have actually been stories written in the Post in the last few weeks about this subject. But the day I am quoting from on this story is actually May 9, 1988. That is 24 years ago. Ronald Reagan was President when this was written, and we have had four Presidents since then. Yet OPM continues to offer the same excuses and the same kind of back-and-forth finger-pointing between agencies. We have seen this show before. It needs to be taken off the air.

What are we going to do with this amendment and how does this affect trying to move the ball forward? My amendment will do three things. First, it requires OPM to report to Congress, GAO, and the public about the timeliness and accuracy of Postal Service claims, requiring OPM to compare the Postal Service with the performance of all other Federal agencies. So we need to figure out, because we do not know at this point—we have a 52,000-claim backlog—whether the backlog is because the agency the employee worked for did not get the information to OPM in a timely manner or whether OPM has not processed this.

This amendment will require the Postal Service to assess how it is doing, getting this information to OPM, and compare that with the performance of other Federal agencies. This will allow us to see which Federal agencies have the best and worst track records in submitting paperwork to OPM. The snapshot we saw a little bit earlier this year at the hearing in February showed that a number of agencies had literally a 30- to 50-percent error rate in submitting their retirement paperwork to OPM.

With close to 100,000 potential new retirees—actually a much larger number, but the effect of this bill may urge the voluntary retirement of 100,000 postal workers to retirement—OPM is going to get hit by a tsunami.

Second, the report will also require OPM to provide a claims aging report. We need to know how long retirement applications have been pending at OPM. By the way, we do not have any of that information right now for the 52,000 cases that are currently pending—no basic aging report.

Third, the amendment will require OPM to at least move forward a little bit in modernizing one piece of their technology, so OPM can at least receive some electronic payroll data from the Postal Service system.

Now, 551,000 people work for the Postal Service right now. If this legislation passes, which I hope it will, and we see the voluntary retirement of 100,000 postal workers over the coming months and years, that is a new tsunami of retirement benefits claims that are going to need to be processed by OPM.

The bottom line is this: OPM, while they are trying to make some progress and I commend Director Berry for some of the actions he has taken, needs to be urged along and we need to get more data about how they do, not only with the Postal Service but with all Federal agencies. My amendment will move forward in that direction.

The Warner-Mikulski amendment focuses on these key reporting requirements and mandates more transparency so we can untangle the chokepoints. I believe we need to honor the dedication and commitment of our Federal workforce, including our postal workers, in making sure that when they do retire, they get their Federal retiree benefits in a timely and efficient manner. Again, I wish to thank the chair and the ranking member for their hard work on this postal reform bill. I look forward to supporting it. I also hope my colleagues will join me in supporting this Warner-Mikulski

amendment that while tangential to the overall reform of the Postal Service, making sure these retirees get their benefits in a timely manner is something on which we should all agree.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Virginia most importantly for focusing our attention—I know Senator COLLINS and Senator AKAKA have also been involved in this—on this unacceptable situation, where Federal employees are retiring. Because of a lot of failures here, the failure to implement an effective—it is 2012—electronic system for this purpose, this paper processing, meaning that people have to wait these very long times after they retire, while they are waiting, they are getting a significantly reduced benefit which causes real hardship.

The Senator from Virginia is absolutely right. We mandate in this bill, the underlying bill, that the Postal Service accept the goal of 18 percent in reduction of workforce. The total number of career employees in the U.S. Postal Service is about 545,000, and 18 percent comes out to around 100,000, which is our goal for reduction. This has to happen if the Postal Service is going to get back in balance. Because as Senator COLLINS said earlier today, 80 percent of the operating budget of the Postal Service is personnel costs. Obviously, it is a labor-intensive operation. So we are going to have another 100,000 people. In fact, it keeps going. By 2017, we will have—from now, this year, we will have a total of 138,000 postal employees eligible to retire. The Postal Service is going to have to work to incentivize them to retire so the service overall can stay in balance.

I wish to thank Senator WARNER because we have worked very well together on a modification to his amendment, which I think most significantly will require the Office of Personnel Management to submit a report to Congress related to the completion of retirement claims for postal annuitants, to keep the pressure on them to end this inhumane—in many cases, unacceptable—situation.

I know when the proper time comes, we intend to support this modified amendment. It strengthens the bill. It does the right thing. I thank the Senator from Virginia for expressing his intention to support the overall bill.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico.) The Senator from Maine.

Ms. COLLINS. Mr. President, I too wish to commend the Senator from Virginia for offering this amendment in conjunction with the Senator from Maryland. I wrote to OPM in July of last year about this very issue. I was very concerned about reports in my own State and from the Washington Post about the tremendous backlog at OPM in processing the retirement applications of Federal and postal workers, and this is just wrong.

As the Senator's statement shows, it has caused some real hardship to individuals. So I was pleased the chairman and I could work with the Senator to modify his amendment so it would be germane to this bill. I look forward, at the appropriate time, to working with the chairman to accept the amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I want to thank the chair and the ranking member for working with me on this amendment to get it appropriately modified. This an area that I think there is broad bipartisan consensus, that we need to make sure—whether postal workers or other workers in the Federal system—that when they choose to retire, they can expect those retirement benefits in a timely manner.

I wish to again commend the chair and the ranking member for the fact that putting in place this very reasonable plan that is going to encourage the voluntary retirements of that approximate 18 percent of the workforce—109,000 I believe it amounts to—is going to be a lot easier to make that sell if those postal workers can then expect to receive their retirement benefits in a timely manner. I think if they are hearing the current scuttlebutt that they may have to wait 12 to 18 months to get their retirement benefits, it becomes a much harder effort for the Postmaster and the management of the Postal System to make—even if they got the right incentives in place—to kind of get over that hump if they have to wait a long time.

So I very much thank again the chair and ranking member, Senator LIEBERMAN and Senator COLLINS, for their support, and I think trying to shine a light, not only on the Postal System but vis-a-vis how other Federal agencies are doing will be important. I look forward to working with them. I know they both focused on this issue in the past. I hope to lend my assistance to make sure we get this fixed.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, thanks to the Senator from Virginia. He makes a very important point: Of the $19 billion in savings that the Postal Service itself believes will result annually as of 2016, $8.1 billion will come from the reduction in salaries paid because of retirements that are incentivized under this bill.

It is common sense that if a worker is thinking about retiring and hears there is such a backlog that they are only going to get half of what they deserve for their pension until the paperwork has cleared, they are probably not going to rush to retire, and, therefore, we are going to save less money.

We are approaching the hour of 2. According to the unanimous consent that governs our activities today in the Senate, we are going to go to another matter, the NLRB rule. I wish to thank particularly Senator SESSIONS and Senator WARNER who came to the floor to discuss their amendments. Senator COLLINS and I will return at 4. We will be here until 5, when we go to the discussion of a judicial nomination. Then, we will be here after the vote tonight as late as anybody is here to discuss and debate amendments before we go to the vote tomorrow.

I thank the Chair. I thank my friend from Maine.

I yield the floor and 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.

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

Mr. ENZI. Mr. President, I make a motion to proceed to S.J. Res. 36.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant 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 V, United States Code, of the rule submitted by the National Labor Relations Board relating to representation election procedures.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours of debate equally divided and controlled between the two leaders or their designees.

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise today to ask for disapproval to stop the National Labor Relations Board's ambush election rule. This rule I have been objecting to was put into place by an NLRB that is bound and determined to stack the odds against American employees and to put employers and employees in an unfair situation. Despite the fact that unemployment has remained above 8 percent for the past 3 years, and small business growth is the most important factor in reversing the lackluster trend, the National Labor Relations Board has chosen to impose new rules to aid big labor at the expense of employers, and particularly small business employers and the jobs they would create.

If the Senate does not act now to stop this rule by passing my resolution, it will go into effect on Monday, April 30, 10 months after it was first proposed. The changes that are being made are going to be a big surprise for the employers and employees who get

caught in this net, particularly, as I mentioned, the small employers who do not have the human resource departments or in-house counsel. I would expect that we elected representatives of the people are going to face a lot of questions about what we did to stop this blatant effort to stack the odds in big labor's favor—and we will be asked. This rule will shift the law significantly in favor of big labor.

Let me take a moment to explain. Under current practice, there is a 25-day waiting period between the setting of an election by a hearing officer and the actual secret ballot election. Employers could use this time to familiarize themselves with the requirements and restrictions of the law. This is very important because there are many ways that an unknowledgeable employer with the best intentions could make a misstep that would be heavily penalized by the NLRB. Employers also use the time to communicate with their employees about the decision they are making and correct misstatements and falsehoods that they may be hearing from union organizers.

Parties also use this time to seek review of a decision made by a hearing officer or an NLRB regional director. Under the new regulation, the 25-day waiting period is abolished and employers may face an election in as few as 10 days.

Is it fair to the employees to only have 10 days to learn how this will affect his or her life, and how much of his or her money this will cost?

Under current law, both parties are able to raise issues about the election at a preelection hearing, covering such issues as which employees should be included in the bargaining unit and whether particular employees are actually supervisors. Under the new regulation, parties will be barred from raising these questions until after the election. Employees will be forced to vote without knowing which other employees will actually be in the bargaining unit with them. This is important information that weighs heavily in most employees' vote.

Additionally, because of the NLRB's decision to allow micro-unions, such as specialty health care, unions will essentially be granted any bargaining unit they design and employers will have a very limited time to weigh in.

Under current law, when either party raises preelection issues, they are allowed to submit evidence and testimony and file posthearing briefs for the hearing officer to consider, and have 14 days in which to appeal decisions made with respect to that election.

Under the new regulation, the hearing officer is given the broad discretion to bar all evidence and testimony unrelated to the question of representation and all postelection briefs, and no appeals or requests for stays are allowed. This can be quite a disadvantage for employees as well.

What this all adds up to is an extremely small window of time from filing a petition to the actual election, little opportunity for employers to learn their rights or communicate with employees their rights, and less opportunity for employees to research the union and the ramifications of forming a union. The NLRB is ensuring that the odds are stacked against employees and businesses. This vote is an opportunity to tell the NLRB to reverse course.

If we pass this resolution, as I hope we will, the Senate will not be the only branch of government telling the NLRB it is off track. Last month, a District of Columbia Federal court told the NLRB that several provisions of its notice-posting regulation were well exceeding their authority and struck them down. This was a judge appointed by President Obama. Two weeks ago, another Federal court—this time in South Carolina—also ruled against the NLRB. It found that the entire notice-posting regulation violated congressional intent. Following up on these two rulings, the DC Court of Appeals stayed the entire rule until appeals are completed. The court in that case was frustrated that the NLRB did not postpone the rule itself, given the multiple negative treatments in the courts.

Unfortunately, that reckless sense of blind mission is consistent with this administration's NLRB. It is kind of like ''Thelma and Louise'' driving off a cliff. I, for one, don't want to see the NLRB drive our economy off a cliff. I hope this resolution will pull them back and encourage them to focus on their statutory mission.

The NLRB enforces the National Labor Relations Act, which is the carefully balanced law that protects the rights of employees to join or not join a union, and also protects the rights of employers to free speech and unrestricted flow of commerce. Since it was enacted in 1935, changes to this statute have been rare. When they have occurred, it has been the result of careful negotiations with stakeholders. This change is one-sided and super quick—an ambush to set up ambush elections.

The National Labor Relations Board is not an agency that typically issues regulations. Listen to this: In fact, in over 75 years the National Labor Relations Board has finalized only three regulations through formal rulemaking, two of which occurred last year. Let me repeat that. In over 75 years, the National Labor Relations Board has finalized three regulations through informal rulemaking, and two of them occurred just last year—under this current National Labor Relations Board. As I mentioned, one of those was already struck down by one court and stayed by another.

Most of the questions that come up under the law are handled through decisions of the board. Board decisions often do change the enforcement of the law significantly, but they are issued in response to an actual dispute and question of law. In contrast, the ambush election is not a response to a real problem because the current election process for certifying whether employees want to form a union is not broken. This rule was not carefully negotiated by stakeholders. Instead, it was finalized in just over 6 months despite the fact it drew over 65,000 comments in the 2-month period after it was first proposed.

Labor law history provides an interesting contrast to this rushed regulatory approach. In the late 1950s, Congress became concerned about undemocratic practices, labor racketeering, and mob influence in certain labor unions. To address this the Senate created a special committee—the Select Committee on Improper Activities in the Labor or Management Field. That operated for 3 years and heard more than 1,500 witnesses over 270 days of hearings.

Based upon their investigations, the Senate negotiated and passed legislation to protect the rights of rank-and-file union members and employers. The legislation is known as the Landrum Griffin Act.

The issue of how long a period of time there should be between the request for an election and the actual election came up during those negotiations. My colleagues may be surprised to learn it was Senator John F. Kennedy who argued vigorously for a 30-day waiting period prior to the election. As he said:

> There should be at least a 30 day interval between the request for an election and the holding of an election . . . in which both parties can present their viewpoints. . . . . The 30 day waiting period is an additional safeguard against rushing employees into an election where they are unfamiliar with the issues.

Again, that was a quote by Senator John F. Kennedy. Fairness to the employees—that is what Senator John F. Kennedy was talking about. The 30-day waiting period provision he supported did not ultimately become part of the law, and, obviously, it is not a law today. Instead, the NLRB adopted a practice of a 25-day waiting period in almost every case. But this caution about the need for employees to have a chance to become familiar with the issues is just as true today.

Employees who are not aware of the organizing activity at their worksite, and even those who are, need to have an opportunity to learn about the union they may join. They will want to research the union to ensure it has no signs of corruption. They will want to know how other work sites have fared with this union and whether they can believe the promises the union organizers may be extending. Employees should have every chance to understand the impact of unionization.

For example, they will no longer be able to negotiate a raise individually with their employer. Doing their jobs better than a fellow employee may no longer bring any benefit whatsoever. Union rules may even hinder sales.

I once had an opportunity to visit a shoe factory. I was in the retail shoe business, and we visited a shoe factory. As we went through it, I saw some boxes of some of the shoes we normally carry and was kind of interested in what the new fashion looked like. So I went over and opened a box, and the roof caved in. Not actually, but it seemed as if the roof caved in because it had to be somebody who had union authority to open that box. It couldn't be the supervisor. So I actually shut down the factory for about 30 minutes just by picking up a box to look at the shoes that were probably going to be coming to my store at one point in time.

Grievances cannot be brought straight to the employer but will, instead, have to go through the filter of union management. Once the union is certified, the National Labor Relations Board has instituted significant restrictions for when it may be decertified; in other words, when the employees can fire a union as their representative. 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. So there is a very small window in which employees have any opportunity to get rid of a union they do not support. They are going to be rushed into judgment, and then they are stuck with it.

Four decades ago Senators recognized employees deserved the opportunity to gather this and all other relevant information before casting their votes. Unfortunately, the NLRB is choosing to ignore this caution, and rank-and-file employees will suffer. Fairness to the employee?

This situation is exactly what the Congressional Review Act was intended for. When an agency takes regulatory action that is not supported by the people and their representatives, the Congressional Review Act gives Congress the chance to repeal that regulation.

In this case those advocating for the rule are doing so because they cannot pass the bill they really want, which is card check. Card check is where you have people go in and stand over employees' shoulders while they check a box that says they want to be in a union. Then, with enough signatures or enough boxes checked, there is no secret ballot election. So many have referred to this as ''back-door card check''—this particular NLRB regulation—and for good reason. Both proposals seek to restrict all communication with employees prior to a union election for union organizers only. Under both scenarios, employees are likely to hear only one side of the story, and employers can be cut out of the process altogether.

But the other side could not pass card check because once the American public found out about what they were trying to do, they objected. It took a little while because the card check legislation was deceptively named ''The Employee Free Choice Act.'' In reality it would have forced employees into the exact opposite of free choice. Any Senator who opposed this card check legislation should also be voting for this resolution to stop ambush elections.

Another reason the Congressional Review Act was designed for just this situation is there is simply no other way we would be allowed to have a vote on this issue in this Senate. Back in December, the House of Representatives passed Chairman KLINE's legislation that would have effectively killed the ambush election regulation and codified a 35-day waiting period before an election. The Workforce Democracy and Fairness Act was passed with bipartisan support, but it has no chance of being called up for a vote in the Senate. So this vote is the one chance Senators will have to stand up for employees and small businesses that want fairness.

By any measure, the current law and certification system provides that fairness. The National Labor Relations Board keeps data on elections timing and sets up annual targets to process elections and decide complaints swiftly. Last year, they exceeded two of those targets and came within three-tenths of a percentage point of meeting the third. There is simply no justification for this regulation.

Last year, initial elections and union representation elections were conducted in a median of 38 days after the filing of the petition. Almost 92 percent of all initial elections were conducted within 56 days of the filing of the petition. Not only are the vast majority of elections occurring in a timely fashion, but unions are winning more than ever. Unions win more than 71 percent of elections—their highest win rate on record. The current system does not disadvantage labor unions at all, but it does ensure employees—whose right it is to make the decision of whether or not to form a union—have a full opportunity to hear from both sides about the ramifications of that decision.

This resolution will preserve the fairness and swift resolution of claims which occur under current law. It will not disadvantage unions or roll back any rights. Let me repeat that: This resolution will not disadvantage unions or roll back any rights. What it will do is prevent the small business employers in America from being ambushed and employees from being misled with insufficient information into union contracts they cannot get out of.

Under a successful Congressional Review Act disapproval, the agency in question is prohibited from issuing any substantially similar regulation. That means the National Labor Relations Board could not just reissue this regulation and could not finalize many of the other bad ideas they initially proposed. I will be speaking about some of those later on in this debate.

Let's not wait for the courts to strike down this rule, as they have the NLRB's other regulatory effort—which would make two out of three in the last 75 years. With the President's appointment of the National Labor Relations Board members when we were not in a Senate recess period, the Senate did not confirm the people pushing this effort—though, mostly, this was done by previous board members. But with the President's recess appointments in place, the National Labor Relations Board is poised to push forward other bad ideas aimed at helping union bosses, not employees, and not job creators. It is time to stop this agency and level the odds.

I am pleased to have 44 fellow Senators cosponsoring this resolution. I will now yield time to other Members who would like to speak in favor of it, first allowing the Senator from Iowa, the chairman of the committee, an opportunity to speak, probably, against it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield myself whatever time I may consume.

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

Mr. HARKIN. Mr. President, I also want to clear up one parliamentary question. The occupant of the chair stated we had 2 hours evenly divided. I believe that is today. But on the agreement for the entire debate on the Congressional Review Act, if I am not mistaken, it is 4 hours evenly divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I thank the Chair.

Mr. President, this Congressional Review Act challenge is the latest chapter in an unprecedented Republican assault on unions. The amount of time this Congress has wasted scrutinizing and bullying the National Labor Relations Board over the last 2 years is simply astonishing. This time the debate is about whether the NLRB acted appropriately when it streamlined its procedures for setting up a union election and eliminated unnecessary bureaucracy to make the agency more efficient.

This seems like a commonsense and logical step that if taken by any other agency my colleagues on both sides of the aisle would be applauding as a step forward for good government and efficiency. But because these reforms were put forward by the NLRB—an agency my Republican colleagues seem to do anything to undermine—we are all standing here today debating the merits of this eminently sensible action. It is a real shame.

At a time when we should be working together to rebuild our economy and addressing the real challenges facing working families across this Nation, instead Republicans are distracting this body with partisan attacks on the National Labor Relations Board and on unions.

I would welcome the opportunity to spend this time on the Senate floor debating how to make life better for middle-class families. I would even welcome the opportunity to have a real debate about unions and the important role they play in our country. What I deeply regret is that we are instead going to spend time discussing the wild misinformation that has been spread about National Labor Relations Board rules that were properly undertaken, well within the agency's authority and completely sensible. So let me take a moment to try to set the record straight.

In December, after receiving public input, the NLRB announced that some internal agency procedures governing union elections would be changed. These are modest changes that not only make the procedures more rational and efficient but also ensure that workers and employers alike will have an opportunity to make their voices heard in an environment free of intimidation. These changes, while modest, are desperately needed. They will address the rare but deeply troubling situation where an unscrupulous employer uses delay and frivolous litigation to try to keep workers from getting a fair election. Let me briefly explain how the process works and how the new rules will help.

Ever since the passage of the National Labor Relations Act in 1935, workers have had a Federally protected right to choose whether to form a union, and our national policy, as stated in that act, has been to encourage collective bargaining. Workers who are interested in forming a union can request an election if at least 30 percent of the workers in that workplace sign a petition and present that to the National Labor Relations Board. About 90 percent of the time, the employer and the union reach an agreement covering when the election will be held, the timing of it, and who is in the bargaining unit.

That is the ideal situation. That is what happens the majority of the time. Although we would never know it from the rhetoric surrounding these rules, the new procedures address only the roughly 10 percent of situations where these preelection issues are in dispute and the rules say nothing about 90 percent of the elections, where the two parties reach a voluntary agreement on election terms.

This chart shows us only a tiny fraction of election petitions will be affected by these rules. As I said, 90 percent of the time the proposed union and the employers reach an agreement when the election is going to be held, how it is going to be held and other procedures. They voluntarily agree on that. Only 10 percent of the time do we have employers, some that are highly unscrupulous that will do anything to prevent their workers from having any kind of a voice in the running of the facility, that go to extreme lengths to frustrate the will of those who want to form a union. Again, the rules we are talking about don't even affect 90 percent of the businesses.

This 10 percent of the time when the parties can't reach an agreement, the NLRB then holds a hearing to decide who should be in the bargaining unit. The NLRB's proposed rules deal with the mechanics of that hearing and they attempt to cut back on the frivolous litigation that has plagued the hearing process. That is the proposed rule. They deal with the mechanics of that and cut back on this frivolous litigation. Under the old rules, management could litigate every single issue they could imagine at the preelection hearing. They could file posthearing briefs over any issue no matter how minor, and they could appeal any decision to the NLRB here in Washington. In many cases, the election would be put on hold while the Board reviewed the case. The workers then had to wait for the resolution of this litigation before they could even vote.

When the management side took advantage of every opportunity for delay, the average time before workers could vote was 198 days. Again, we are talking about this 10 percent. When management took advantage of every opportunity, the average time before workers could even vote was 198 days. We have some cases where it has been as long as 13 years before employees were able to vote in a union election. While the election process drags on, workers are often subjected to harassment, threats, and, yes, firing.

A study by the Center for Economic and Policy Research found that, among workers who openly advocate for a union during an election campaign, one in five is fired. We know what kind of signal that sends to the rest of the workers. A Cornell University study found that workers were required to attend an average of ten anti-union meetings during worktime before the election. By law, workers have the right to organize. As I said, our official policy, as stated in the National Labor Relations Act, is to encourage collective bargaining, but in practice we allow delay and intimidation to make that right meaningless.

The current NLRB election reforms do not solve this problem entirely, but nevertheless they are an important step forward. They help clear the bureaucratic redtape that has wasted government resources and denied workers the right to a free choice. Under the new rules, employers and unions can still raise their concerns about the petition at a preelection hearing, but they can't play games to stall the election. For example, under the new rules, employers can't waste time before the election arguing over whether an individual worker is eligible to vote. That worker then can vote a provisional ballot, and the two sides can debate the issue after the election if it matters to the outcome. What we have had in the past is, let's say we had a proposed bargaining unit that was 200 people. Let's say they got 100 of them to sign a petition. They usually try to get about 50 percent. They present it to the NLRB. Management then says: Person A shouldn't be in that bargaining unit because they are a supervisor, and person B over here shouldn't be in here because that person is a clerk and not a handler—or whatever it might be that wouldn't correspond to the bargaining unit.

Let's say they raise that issue on five people. Under the present situation, they could then take this to the NLRB, have hearings on each one of those. If they didn't like the outcome, they could then take it to Washington, DC and drag it out.

Under the new rules, what they would say is: OK. If management is challenging those five people, we will set their ballots aside, and we will have an election. If the election was 150 to 20 that they form a union, then those 5 wouldn't make any difference one way or the other. But if the election were close and those five would, then the NLRB would step in and say: Wait a minute. The certification would be put on hold until they decided whether those people were rightfully in the bargaining unit to vote. Again, these are some of the games that have been going on.

Another example is appeals. All parties still have the right to appeal any decision they disagree with. But now, all appeals would be consolidated after the election, which allows the Board to conserve its resources and keep the election process moving forward.

These commonsense changes remove unnecessary delays from the process, they cut down on frivolous legal challenges, and give workers the right to a fair up-or-down vote in a reasonable period of time. The new rules don't encourage unionization and they don't discourage it. They just give workers the ability to say yes or no, without having to wait several months or even years to do so.

There is rampant misinformation about this rule. To be clear, the rule does not allow a so-called ambush election, where an employer is taken by surprise and has no ability or opportunity to communicate with workers about the pros and cons of a union. As anyone who has ever been around a workplace that is part of an organizing drive would know, employers always know what is going on, and they have ample opportunity to express their views. They can require their workers to listen to an anti-union message all day long every day, and that is perfectly legal, while the union isn't even allowed into the facility to talk to other workers.

This rule also does not change the content of what an employer can or cannot say to its workers. It doesn't restrict an employer's free speech rights in any way.

Finally—I wish to make this clear—the rule does not mandate that elections be held within any particular

timeframe. For anyone who has actually read the new rules, it is clear it does nothing of the sort.

What these rules do accomplish is to help ensure that employers and employees have a level playing field, where corporate executives and rank-and-file workers alike have an equal chance to make their case for or against a union. Some workplaces will choose a union, some will not. But protecting the right of workers to make that choice brings some balance and fairness to the system. Indeed, many employers have recognized that the new rules are fair and balanced. Catholic Health Care West, a health care company with 31,000 employees, filed comments stating:

> Reforms proposed by the NLRB are not pro-union or pro-business. They are pro-modernization.

Further, Catholic Health Care West said they 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.

Mr. Willie West, founder and owner of West Sheet Metal Company in Sterling, VA, wrote an article in the Hill newspaper stating that:

> [t]hese seemingly minor changes certainly do not create uncertainty for me and they will not affect my ability to create jobs. In fact, if the NLRB standardizes the election process, it seems to me this will reduce uncertainty and turmoil in the workplace—especially for small businesses.

Mr. West is exactly right. The rules are an improvement for small businesses and for those who want a cooperative relationship with their employees. Again, keep in mind, 90 percent of the time they have no problems. We are only talking about this 10 percent of the time. That is what these rules are aimed at.

The new rules promote consistency among NLRB field offices. They simplify procedures for all parties, making it easier for businesses to plan. The old rules gave an advantage to the businesses with the most money and those most willing to manipulate the system to frustrate their employees' right to vote. Some of these businesses in that 10 percent could afford expensive lawyers to exploit the system and delay elections. The old rules worked well for anti-union law firms—I will grant you that—but not for small businesses on a budget.

By creating a fair, more transparent process, the NLRB is leveling the playing field for small businesses.

Most important, the rules also take a small step to level the playing field for ordinary Americans. The people who do the work in this country deserve a voice in the decisions that affect their families and their futures. Polls show that 53 percent of workers want representation in the workplace, but fewer than 7 percent of private sector workers are represented and one of the reasons is the broken NLRB election system. Even though more workers than ever are expressing an interest in having a voice on the job, the number of union representation elections conducted by the NLRB declined by an astounding 60 percent between 1997 and 2009.

When workers do file for NLRB elections, 35 percent give up in the face of extreme employer intimidation and withdraw from the election before a vote is even held. Let me repeat that. Workers have gone around, they have gotten signatures, they have gotten the requisite 30 percent. They usually get a lot more than that, 40 to 50 percent. They file with the NLRB. One out of every three of those give up in the face of extreme employer intimidation. Why? Because one out of every five is being fired because there is no real penalty against the employer for firing someone for union organizing. It is against the law to fire an employee because they were exercising their right to form a union, to be in union organizing. But it happens all the time. Why do employers not worry about it? Because there are no penalties. The penalty is backpay minus any offsets.

I had a young man in Iowa I remember very well up in Mason City. He had been involved in organizing a union at his workplace. He got fired. He filed with the NLRB saying he was wrongly dismissed because of his union-organizing activities.

They had a hearing. It dragged on for 3 years before the NLRB could reach a decision, and the decision was, yes, he was fired because of his union-organizing activities.

What was the penalty on the employer? They had to pay him 3 years' backpay minus whatever he earned in the meantime as a worker.

How many people can go through years without working? Of course, he had to work. He had to go to work, and he had to show how much money he made in the meantime that had to be deducted from what his employer had to pay him. Therefore, they had to pay practically nothing. Yet using that as an example, they were able to frustrate the organizing of a union. One-third give up in the face of extreme employer intimidation. These are the problems that need to be addressed.

It is not just a problem for unions either, but for our entire middle class and for the future of our economy. If we take a look at what is happening to the middle class in America, it is being decimated. The American people are insisting—even though we are not doing much of it in Washington, I can assure you the American people are insisting that we have a national dialog about the growing division between the haves and have-nots in this country, about the detrimental impact this is having on the standard of living of American middle-class families. This has led to important discussions about tax loopholes for corporations and millionaires. But as we learned from battles from Wisconsin to Ohio and beyond, it is very much a conversation about workers' rights.

Unions have always been the backbone of the American middle class since we started having a middle class. Since 1973, private sector unionization rates have declined from 34 percent of the labor force to 7 percent; from 1 out of every 3 workers in America belonging to a union to now only 7 percent, 1 in about 15. While unionization rates declined, so did the middle-class share of national income.

During some hearings we had last year—we had a number of hearings in our committee about this. When we track union membership—this, the blue line, from 1973 to today—and track the percent of workers covered by collective bargaining agreements, and then track the middle-class share of national income, look how they all go down the same. As unionization declined the number of workers in collective bargaining declined, and so did their share of the national income. That is what has happened to the middle class in America. Simply, the fate of America's unions parallels the fate of America's middle class.

Unions are not a relic of a bygone era, they are a vital element of a fair and successful 21st-century economy. If we want to strengthen our economy and rebuild the middle class, we should try to figure out how to make unions stronger, how to get more people in collective bargaining, not attack collective bargaining rights across the country. We should be fighting to ensure that every hard-working American has a right to be treated with dignity and respect on the job—and, yes, to have a voice on that job. The current NLRB election reforms may fall short of that lofty goal, but, as I said, they are an important step forward, and they deserve support.

I urge my colleagues to vote no on this Congressional Review Act challenge to NLRB's rules. Now that these rules are to go into effect—and I am confident they will go into effect—it is time for this body to stop wasting time, using the NLRB as an election year political football.

I think these attacks on this modest rule go right after the intelligence of working Americans. These attacks urge this body to help prevent unions from being organized. But ordinary Americans and the middle class want us to stop this political posturing and move forward on building economic opportunity for the middle class—and, yes, to support the right of people who want to form a union, to get rid of all these delays, and to make sure we have rules in place which basically reflect 90 percent of the employers in this country.

Ninety percent of the employers reach agreements with their employees on having an election. It is that 10 percent that gets to be frustrating. This is the purpose of this rule, to make everybody sort of falls in the 90 percent, so

we have a fair and expeditious election process, one that is understandable, one that does not lead to all this frivolous litigation and delay.

We have another couple or 3 hours of debate on this matter. After this is over, I hope we can start focusing on ways to genuinely help the middle class in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, most of the small businesspeople I know consider themselves to be part of the middle class. I appreciate the statistics the chairman provided about 90 percent of the elections arriving at agreement prior to the election. What this rule is going to do is change it so that only 10 percent make agreements beforehand because there is no incentive for the union to participate at all. They have the right to just take it over.

There are some statistics about unions and the middle class, and kind of a myth, that the current election procedures discourage unionization and are the main cause of private sector union decline. In the 1950s private sector union membership reached its height of 35 percent of the unionized workforce. Today it is less than 7 percent of the private sector workforce that is unionized, and the decline of unionization in the private sector can be attributed to several social, political, and economic factors, including present-day workplace laws at both the State and Federal level that have greatly improved working conditions; a decline in the manufacturing base; the new nature of employment, where people are more transient in their careers; and the desire for contemporary employees to have a more cooperative relationship with their employers, and vice versa. It is kind of a teamwork factor that most businesses operate on today.

I think it was also said that employers have unfair access to employees and regularly bombard employees with anti-union propaganda. I think it was said it could happen 24 hours a day. The fact is employers' speech regarding unionization is closely monitored and regulated. For example, employers are restricted from visiting employees at their homes, inviting employees into certain areas of the workforce to discuss unionization, and making promises or statements that could be construed as threatening, intimidating, or coercive. That is the current law. Employers are required to provide unions with a list of employee names and home addresses for representation election purposes.

I think it was also said changes are needed because current procedures discourage employees from forming unions. The fact is all employees have the guaranteed right to discuss their support of unionization and to persuade coworkers to do likewise at work. The only restriction is that they not neglect their own work or interfere with the work of others when doing so. Employees as well as unions have the unlimited right to campaign in favor of unionization away from the workplace.

The National Labor Relations Board election rule will postpone these legitimate questions after the representation election is held and could result in more post-election litigation. So there are a lot of factors that were mentioned. I am not going to go into all of them.

As I have stated throughout the debate, the National Labor Relations Board's ambush election rule is an attempt to stack the odds against American employers, particularly small businesses that do not have a specialist in that area or in-house counsel. Most small businesses today cannot afford either of those. They can be put into this situation of having to figure it all out in less than 10 days. That is just to figure out the rules so they do not get some heavy fines from the National Labor Relations Board.

Coupled with two other changes the administration is forcing, some employers will be caught in a perfect storm. Taken together, ambush elections, the National Labor Relations Board's micro-union decision, and the Department of Labor's proposed rule on persuader activity create a major shift in favor of organized labor.

The Supreme Court has expressly stated that 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 board under the National Labor Relations Act. Yet the overarching goal of the National Labor Relations Board and the Labor Department's efforts is to put up barriers that can have the effect of limiting employer free speech.

Under the specialty health care decision permitting micro-unions, unions can now gerrymander a bargaining unit so it is made up of a majority of employees who support the union. In this decision, the standard for whether a union's petition for a bargaining unit is appropriate was changed to make it very difficult for employers to prove it is not appropriate. The decision will lead to smaller units which will be easier to organize and cause fragmentation and discord in the workplace. Allowing micro-unions will increase the number of bargaining units in the workplace. The result means an employer could face multiple simultaneous organizing campaigns, all with shortened election periods, thanks to this ambush rule. Those two combined can be pretty dangerous.

Under the Department of Labor's proposed regulation to require increased reporting of persuader activity, an employer, especially a small employer, will rethink obtaining advice from lawyers or consultants on what to do when faced with a union organizing campaign. Taking away the ability to consult outside parties, combined with a shortened election period, makes it nearly impossible for an employer to not only educate his employees, but also to ensure his actions are within the law.

For over 50 years the Department of Labor has been exempted from reporting requirements advice provided to employers. The proposed rule will significantly affect that definition. The complexities of the National Labor Relations Act almost require an employer to seek advice on what he is permitted to do or say to employees during a union election, especially if the election period is as short as 10 days.

The proposed rule on persuader activity will chill employer speech to the point that employers will not seek, and attorneys will not provide, advice on any labor-related issue. So unions have turned to these regulatory initiatives after losing the public and political battle over the Employee Free Choice Act, otherwise known as card check. Organized labor's end game remains the same, making it easier to organize by taking away the employer's free speech right and the employee's right to fair information.

Supporters of organized labor have acknowledged the winning strategy is to gain voluntary recognition of the union from employers instead of allowing employees to vote in a secret ballot election, despite a 71-percent win rate. Ambush elections, increased reporting on persuader activity, and the decision to allow micro-unions will set the bar for an employer winning elections impossibly high, essentially coercing them into voluntarily recognizing the union.

I do thank the Senator for mentioning that in 90 percent of the elections there is an agreement before the election done in a relatively short period of time that takes care of all the disputes. I don't know if the purpose of Congress is to make sure 100 percent of situations never occur or 90 percent or 99 percent, but everything cannot be solved by doing a new rush to action regulation, particularly by an organization that doesn't do those regulations normally.

In 75 years there have only been three regulations. Two of them were done by the Labor Relations Board in the last year, and one of those has already been set aside by the courts. So this is a rush-to-action situation, and I hope my colleagues will join me in this resolution of disapproval of the Congressional Review Act.

It is a very difficult bar to reach because the Senate will have to pass the resolution of disapproval twice with a majority of votes. That gives the other side the opportunity to see who might support it the first time and see if they can talk them out of it the second time. But after that, it has to go through the House, and then this is the surprising part to me—if it passes both bodies where both bodies have said they do not think the agency correctly interpreted what we put in law, meaning Congress, who are the only ones with the right to pass a law—what we

put into law, they are trying to change, and that third step is that it requires the signature of the President in order for the Congressional Review Act to become effective. We are an equal branch of government to the administration. The administration writes the rule. We disapprove of the rule because we say it doesn't follow the laws we have already passed, and then the administration which wrote the law gets to say whether the votes of the people in the House and in the Senate had any effect at all.

The Congressional Review Act has a definite place, but it should have been done using the authority of Congress itself, not the authority of the Congress and the administration combined. We are at a point where there is a heavy hand in the administration, and that will have a drastic effect on business in this country. And if business fails, there will be less employees, not more.

Mr. HARKIN. Mr. President, how much time do have I remaining?

The PRESIDING OFFICER. The majority has 36 minutes 25 seconds.

Mr. HARKIN. Mr. President, we are going to have a lot of time to flush out some of these arguments again tomorrow when the vote gets near, but I thought I might pick up on a couple of things here that my good friend from Wyoming said. We do a lot of work together, and he is a great Senator and a good friend of mine. He just happens to be wrong on this issue, but other than that, he is a good friend of mine. This is a good, healthy debate on policy.

There is a lot of talk about these ambush elections. Now we are going to have ambush elections. Well, that is not so. The current median time from when a petition is filed and when the election occurs is about 37 to 38 days. Again, I heard from my friend saying this could be ambush elections, and all that kind of stuff. Even one of the Nation's largest management-side law firm disagrees. One of the attorneys from Jackson Lewis told the Wall Street Journal that he thinks the time would be shaved between 19 and 23 days under the proposal.

Mr. Trauger, vice president of the National Association of Manufacturers, said the elections would be held in 20 to 25 days under the new rule. So that is not an ambush election at all. All this rule does is remove these extra legal hurdles that can cause excessive delays.

We keep hearing about rulemaking, and saying: Well, this board has only issued three of these rules in the past 75 years, two of these rules in the last couple of years. It makes it sound as though the NLRB has ridden off the range here in terms of reasonableness. But the fact is that when the board promulgated rules in the past, they did it through the adjudicative process, not through rulemaking.

The Supreme Court and the U.S. Courts of Appeal have criticized the board in the past for underutilizing its rulemaking authority. Courts have said the rulemaking process is more transparent and more inclusive. So through rulemaking this board has solicited broader public input in its decisions.

What the NLRB has done in the last couple of years is opened up the process for comment periods and rulemaking through the Administrative Procedures Act, something the courts have been asking and advising the NLRB that they should have been doing all along rather than relying on the adjudicative process.

So, yes, my friend may be right about two of the three last couple of years, but actually that is a move in the right direction. That is a move for transparency and openness and letting all different sides have their comments before they issue a final rule rather than doing it through adjudication.

There was this quote about John Kennedy about a 30-day waiting period. Well, I don't know, I have not looked at then-Senator Kennedy's entire record. I suppose there are some things I might agree with him on and some things I probably would not agree with him on. I don't know what his thought processes were. All I can tell you is that no matter what he said at that time as a Senator, the final bill did not have a waiting period. The Senate put it in, the House did not, and when it went to conference, they dropped it. So I think the rejection of that proposed amendment could be more reasonably understood as an indication that Congress did not believe a minimum time between petition and election is necessary.

Sure, you can quote Kennedy, and I guess I can quote President Dwight D. Eisenhower, and here is what he said:

> Only a fool would try to deprive working men and women of the right to join a union of their choice.

Well, we better not try to prevent them from joining a union of their choice.

I have also heard this charge that somehow these rules tilt this more in favor of the unions than management. No, they don't. Again, we have mostly been talking here about the certification process. When union organizers get the signatures, they file with NLRB and we have an NLRB process. Basically that is what we are talking about here. But I would point out to my friend on the other side of the aisle that these procedures we are talking about also apply to decertification elections as well. So since the same rules will apply to decertification elections, the proposed rule will ensure that employees who have union representation will be able to have a timely up-or-down vote to also get rid of the union. So, to me, it is both. It is both on the certification and the decertification side. It makes for things to be much more expeditious, much clearer, and more understandable. That is why I think many management firms and businesses see this as a reasonable rule because when they would try to decertify, they don't have to go through all of this frivolous litigation on the other side. It applies to both certification and decertification, so it doesn't tilt the playing field one way or the other.

Again, I applaud the National Labor Relations Board for moving in the direction of more rulemaking, making it more open, making it more transparent than what they have done in the past. But you know what it boils down to? As long as I have been here, since 1985 in this body, we have had ups and downs on the National Labor Relations Board. Let's face it, what happens is the National Labor Relations Board has three members from the President's political party and two from the other side. So when you have a Democratic President in, then NLRB gets attacked by Republicans. When a Republican President is in, it gets attacked by Democrats, and it becomes kind of a political football. I understand that, and we should all understand that is what this is too. That is what this is all about.

I was just notified that a Statement of Administration Policy, SAP, from the administration just came through. It said even if this vote were held and the other side won—if it was voted to overrule the NLRB—the President would veto it. And, surely, no one thinks there is a two-thirds vote here to override the President's veto on this issue. We are kind of wasting our time here. It is sort of another political shot when there are so many important things we should be talking about in terms of jobs, job creation, the economy, fair taxation, keeping our jobs from going overseas, education, job retraining, and yet we are spending our time talking about this. Well, be that as it may, the facts are on the side that this rule is eminently reasonable, fair, and I think will lead to a more predictable and less litigious and less conflicting process when people want to form a union in this country.

As I said, 90 percent of the time we don't have these problems. But for those 10 percent, it can be devastating, and it can thwart individual workers who want to form a union. So I am hopeful we can have a little bit more debate on this. I hope the vote tomorrow will be conclusive and that we will turn this down and move ahead with more important business confronting this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, we are having an interesting duel of statistics here, because to take care of the 10 percent that the Senator from Iowa says has a problem, we will turn the other 90 percent on their head. It also doesn't surprise me that the President has put out a Statement of Administration Policy, a SAP. I always thought those were pretty aptly named, but not surprised my resolution would be opposed.

As I explained, this is a regulation written by the administration so I

would expect the administration would not like and would veto it. There has been only been one Congressional review action that has succeeded and that was regarding the rule on ergonomics. And what happened was the Department of Labor rushed through a 50-day regulation, and then we had a change of Presidents and the new President didn't like it, so he was willing to sign the Congressional Review Act resolution of disapproval.

This is not a waste of time. This is an important action. It is to warn agencies and boards that the ones that make the laws are Congress, and we delegate that rulemaking authority, and it was delegated to the administration of the National Labor Relations Board, and they are abusing their authority.

What has changed? Well, there is the pre-election hearing. In the new rule it says: ''A pre-election hearing is solely to determine whether a question of representation exists.'' The important question, such as which employee should be included in the bargaining unit or the eligibility of an employee, won't be heard prior to an election.

A hearing officer may unilaterally bar testimony or evidence he or she deems not relevant to a question raised at a pre-election hearing—under this new regulation.

The effect?

A hearing officer will have wide latitude to prohibit certain evidence introduced at a pre-election hearing, even if such evidence is undisputed or stipulated, essentially leading to the conclusion that an election is proper.

Under the new rule:

Parties are prohibited from seeking a review of a regional director's decision and direction of an election by the Board. All issues to review would be heard after an election. Parties could seek a pre-election appeal if the issue would otherwise escape Board review.

The effect?

Parties with a legitimate legal bar to an election will be forced to run an unnecessary election. An unintended consequence is that an employer would have to commit an unfair labor practice in order to have their issues reviewed by the full Board.

If you ask me, that is a pretty high bar they are putting in there. The new rule says:

The 25-day waiting period between the direction of the election and election date is eliminated.

The impact?

The 25 days allowed parties to digest and understand the parameters of the regional director's decision to direct an election, and for the Board to rule on the parties' requests for the review of the decision.

Although not included in the Final Rule, the Board originally proposed that a pre-election hearing will occur 7 days after the filing of a petition absent special circumstances.

The effect? It forces employers to scramble to retain counsel. Again, we are talking about small businessmen here. There is no limit on how small of a business you can organize in this. It forces employers to scramble to retain counsel, develop a strategy, prepare for a hearing, and develop evidence. Many employers, especially small ones, will be unable to provide a reasonable response so quickly, leading them to agree to a stipulated election. There is not anything in this provision that gives any protection for the person in the middle class running a small business and trying to keep his business afloat. There used to be some protections, but this new regulation—and, again, agencies do write a lot of rules, but they don't write ones of this significance—is only the third time it has been done by the National Labor Relations Board. It was done in a hurry-up situation. Two out of the three were done by this administration. One of those has already been set aside by the courts. That is not a very good record. Now we are trying to do this one on a hurry-up basis. I think there ought to be more consideration for it.

Part of the role of Congress is to take a look at what the administration is doing with their regulations, which we ultimately give them the authority to do, to see if they are being done properly. So this is just a major part of the need for oversight. Thankfully, there is a process whereby we can get the right to debate this oversight. That is what we are doing at this point.

I yield the floor to Senator BARRASSO for such time as he needs.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I rise in support of my colleague from Wyoming and the excellent work he is doing and continues to do, as well as the leadership he continues to provide for all the Senate and certainly for the people of Wyoming. He is the captain of our team. I agree with him and wish to associate myself with the remarks of the Senator from Wyoming and express my concerns about the new ambush election rule issued by the National Labor Relations Board.

The National Labor Relations Board is the Federal agency charged with conducting labor elections and investigating unfair labor practice charges. The appointed members of this board are meant to help facilitate a level playing field in the private sector workplace. Unfortunately, recent actions have demonstrated that the board is much more interested, in my opinion, in pursuing regulatory changes that favor unions. They should be focused on ensuring that workers are able to make informed decisions about their place of employment, not on showing favoritism.

Let's take a look at the ambush election rule. On December 22 of last year, the National Labor Relations Board issued a new rule. The new rule greatly shortens the time period between the filing of a petition for union representation and when that election is held. Under the current rules, most union elections take place within about 38 days. Under the new rules, the time could be cut almost in half. The ambush election rule also narrows the scope of preelection hearings while limiting the rights of a party to preelection appeals.

I believe this misguided rule undermines the basic fairness in the representation election process. It limits the amount of information received by employees regarding the impact of unionization on their workplace. The rule also significantly restricts the ability of employers to educate their employees and to share their perspective.

I believe this causes harm to workers. The decision on whether to join or form a union is a very important decision for workers. Employment decisions directly affect an individual's ability to support their family, to pay their bills, and to sustain their livelihood. Workers deserve to have all the information needed to make a well-informed decision.

In order to seriously consider their options, employees must have the opportunity to hear from both sides on the implications of unionization. The ambush election rule, in my opinion, attempts to quickly rush employees through the union election process, without giving those employees the full picture and a clear understanding of the issues.

I have great concerns about what I believe is a disregarding of employer input. The ambush election rule disregards the rights of small businesses and employers across this country. The new rule is attempting to silence employers from discussing vital information with their employees about unionization and the impact on their lives and on their jobs. Under the new rule, employers would have a very limited amount of time to share their views, to provide counterarguments, and to explain what unionization would mean in the workplace. Employers should be allowed time to fully explain the information to their employees. Ultimately, I believe the purpose of the recently released rule is to leave employers unable to effectively communicate with workers about important workplace issues. The Board is infringing upon the free speech rights of the employers.

I believe this new rule prevents employers from getting counsel. In this tough economic environment, small business owners are facing an incredible amount of pressure and responsibility. Job creators are working hard to ensure their products and services are competitive. They are working to find available markets for their goods and services. They are trying to deal with the financial health of their businesses.

Many small business owners are unaware of the complicated Federal laws they must adhere to during the union election process. Due to the variety of competing priorities and limited resources, small businesses all across this country often don't employ inhouse legal counsel or human resource professionals familiar with unionization laws. Under the new rule,

however, the time constraints will make it even more difficult for them to find appropriate counsel, to consult on the issues, and to prepare for the election process. Employers will be scrambling to find a labor attorney or a human resource professional to help explain their rights and to ensure that their actions are permissible under current law. As a result, many employers will be left at risk for unintentionally violating certain Federal labor laws or silenced.

The National Labor Relations Board should not be forcing employers to preemptively analyze Federal labor laws and figure out how best to communicate their views of unionization in case a union petition happens to pop up. Job creators should be focusing their scarce time and resources on managing and growing their businesses, on trying to put Americans back to work at a time of over 8 percent unemployment.

I view this whole new rule as unnecessary. There is no reason for the new rule. The median timeframe for union elections has been 38 days from the filing of the petition. About 91 percent of all the elections held in 2011 occurred within 56 days. These numbers indicate the petitions and elections are handled, and have been handled, in a timely manner. Furthermore, the current election procedures are not impeding the ability of unions to win the representation elections. According to the National Labor Relations Board's own statistics, unions won about 71 percent of elections held in 2011.

When I take a look at what is happening with the National Labor Relations Board, what comes to mind are the recent recess appointments made by the President. This new rule we are facing and discussing is not the first time the Obama administration has attempted to use the NLRB to pursue the union's agenda. The administration continues to take actions and push through policies that are unwise and even, in my opinion, unconstitutional, in order to do the bidding of unions.

In an action that was both unprecedented and unconstitutional, President Obama recess appointed three new members to the National Labor Relations Board during a pro forma session of this Senate. President Obama appointed three individuals. The nominations of two of them, Sharon Block and Richard Griffin, were sent to the Senate only a few days before the pro forma session began. As a result, the Senate had no opportunity—none at all—to hold hearings or debate the nominees. President Obama completely disregarded the constitutional requirement of advice and consent for executive nominees. The appointments were a heavy-handed effort by this administration to curry favor, in my opinion, with the unions.

I come to the floor as someone who has talked at great length about the impact of regulations and how they make it harder and more expensive for our small businesses to hire people around the country. Businesses are already having trouble keeping track of all the changing rules and trying to abide by all the new requirements they face on almost a daily basis. The only certainty being offered to the job creators in the United States is that the Obama administration is going to continue to change the rules of the game on businesses to meet its own agenda. The ambush election rule is the exact type of regulatory change that makes employers nervous and reluctant to expand their businesses, to create new jobs, to hire and put people back to work. This Federal Government should be focused on giving employers stability, predictability, and opportunities for growth instead of stacking the deck, as we see it, in favor of labor unions.

I come to the floor, as I know my colleagues will as well, in a call to action to employ the Congressional Review Act. Under the Congressional Review Act, Congress is able to overturn the ambush election rule by passing a resolution of disapproval. I am proud to be an original cosponsor of S.J. Res. 36, introduced by Senator ENZI. The resolution of disapproval rescinds the new union election rule issued by the National Labor Relations Board. Unless Congress takes action, the new rule is scheduled to take effect on April 30 of this year—just the end of this month. I call upon the Senate to pass S.J. Res. 36 and prevent this dangerous rule from silencing employers and hindering the ability of American workers to make informed decisions.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to have several letters of support printed in the RECORD, along with a list of 18 organizations that support the resolution.

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

CONGRESSIONAL REVIEW ACT (S.J. RES. 36) DISAPPROVAL OF NLRB AMBUSH ELECTION RULE

SUPPORT LETTERS (17)

Associated Builders and Contractors, Associated General Contractors of America, Association of Equipment Manufacturers, Coalition for a Democratic Workplace, U.S. Chamber of Commerce, Food Marketing Institute, H.R. Policy Association, National Association of Home Builders, National Association of Manufacturers, National Association of Wholesaler-Distributors, National Council of Chain Restaurants, National Federation of Independent Business, National Grocers Association, National Retail Federation, National Restaurant Association, National Roofing Contractors Association, Retail Industry Leaders Association.

Conservative and Free Market Groups: American Commitment, Americans for Tax Reform, Alliance for Worker Freedom, Competitive Enterprise Institute, WorkPlaceChoice.org, Taxpayers Protection Alliance, Frontiers of Freedom, The Heartland Institute, Ohioans for Workplace Freedom, 60 Plus Association, Eagle Forum, Institute for Liberty, Center for Freedom and Prosperity, Independent Women's Voice, Americans for Prosperity, Let Freedom Ring, Center for Individual Freedom, ConservativeHQ.com, Less Government, National Center for Public Policy Research, Citizens for the Republic, The James Madison Institute, Heritage Action for America, The Club for Growth, The American Conservative Union, National Taxpayers Union, The Committee for Justice.

ADDITIONAL SUPPORT (SIGNATORIES OF CDW LETTER)

National Organization (119): 60 Plus Association, Aeronautical Repair Station Association, Agricultural Retailers Association, AIADA, American International Automobile Dealers Association, Air Conditioning Contractors of America, American Apparel & Footwear Association, American Bakers Association, American Concrete Pressure Pipe Association, American Council of Engineering Companies, American Feed Industry Association, American Fire Sprinkler Association, American Foundry Society, American Frozen Food Institute, American Hospital Association, American Hotel and Lodging Association, American Meat Institute, American Nursery & Landscape Association, American Organization of Nurse Executives, American Pipeline Contractors Association, American Rental Association, American Seniors Housing Association, American Society for Healthcare Human Resources Administration, American Society of Employers, American Staffing Association, American Supply Association, American Trucking Associations, American Wholesale Marketers Association, AMT—The Association For Manufacturing Technology, Assisted Living Federation of America, Association of Millwork Distributors, Associated Builders and Contractors, Associated Equipment Distributors, Associated General Contractors of America, Association of Equipment Manufacturers, Automotive Aftermarket Industry Association, Brick Industry Association, Building Owners and Managers Association (BOMA) International, Center for Individual Freedom.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, February 16, 2012.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, urges you to support and co-sponsor S.J. Res. 36, a resolution of disapproval that would repeal recent revisions the National Labor Relations Board (NLRB or Board) made to regulations governing union representation elections.

These regulations replace a process that, in the vast majority of cases, worked fairly and efficiently. In fiscal year 2010, the average time for union representation elections was just 38 days, with more than 95 percent of all elections occurring within 56 days. However, rather than look at targeted solutions for the small percentage of cases that take too long, the Board made sweeping changes that will apply to all elections.

While the substantive regulations adopted by the NLRB are detailed and complex, the end result is that election time will likely decrease significantly at the expense of important due process and free speech rights. The simple fact is that employees deserve a fair campaign period to hear from all sides and employers deserve an opportunity to have critical election-related questions settled before an election occurs. Organized labor has long sought to radically reduce or

even eliminate this campaign period, which was precisely the goal of the ''card check'' provisions of the deceptively named ''Employee Free Choice Act'' (EFCA). Congress was right to reject EFCA and it should likewise reject the NLRB's new election regulations.

Due to the critical importance of this issue to the business community, the Chamber strongly urges you to support and co-sponsor S.J. Res. 36.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

APRIL 16, 2012.

DEAR SENATOR: On behalf of millions of job creators concerned with mounting threats to the basic tenets of free enterprise, the Coalition for a Democratic Workplace urges you to support S. J. Res. 36, which 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 placate organized labor by effectively denying employees' access to critical information about unions and stripping employers of free speech and due process rights. The rule poses a threat to both employees and employers. Please vote in favor of S. J. Res. 36 when it comes to the Senate floor next week.

The Coalition for a Democratic Workplace, a group of more than 600 organizations, has been united in its opposition to the so-called ''Employee Free Choice Act'' (EFCA) and EFCA alternatives that pose a similar threat to workers, businesses and the U.S. economy. Thanks to the bipartisan group of elected officials who stood firm against this damaging legislation, the threat of EFCA is less immediate this Congress. Politically powerful labor unions, other EFCA supporters and their allies in government are not backing down, however. Having failed to achieve their goals through legislation, they are now coordinating with the Board and the Department of Labor (DOL) in what appears to be an all-out attack on job-creators and employees in an effort to enact EFCA through administrative rulings and regulations.

On June 21, 2011, the Board proposed its ambush election rule, which was designed to significantly speed up the existing union election process and limit employer participation in elections. At the time, Board Member Hayes warned that ''the proposed rules will (1) shorten the time between filing of the petition and the election date, and (2) substantially limit the opportunity for full evidentiary hearing or Board review on contested issues involving, among other things, appropriate unit, voter eligibility, and election misconduct.'' Hayes noted the effect would be to ''stifle debate on matters that demand it.'' The Board published a final rule on December 22, 2011, with an April 30, 2012 effective date. While it somewhat modified the original proposal, the final rule is identical in purpose and similar in effect.

The NLRB's own statistics reveal the average time from petition to election was 31 days, with over 90% of elections occurring within 56 days. There is no indication that Congress intended a shorter election time frame, and indeed, based on the legislative history of the 1959 amendments to the National Labor Relations Act, it is clear Congress believed that an election period of at least 30 days was necessary to adequately assure employees the ''fullest freedom'' in exercising their right to choose whether they wish to be represented by a union. As then Senator John F. Kennedy Jr. explained, a 30–day period before any election was a necessary ''safeguard against rushing employees into an election where they are unfamiliar with the issues.'' Senator Kennedy stated ''there should be at least a 30-day interval between the request for an election and the holding of the election'' and he opposed an amendment that failed to provide ''at least 30 days in which both parties can present their viewpoints.''

The current election time frames are not only reasonable, but permit employees time to hear from both the union and the employer and make an informed decision, which would not be possible under the ambush election rule. In fact, in other situations involving ''group'' employee issues, Congress requires that employees be given at least 45 days to review relevant information in order to make a ''knowing and voluntary'' decision (this is required under the Older Workers Benefit Protection Act when employees evaluate whether to sign an age discrimination release in the context of a program offered to a group or class of employees). Under the rule's time frames, employers, particularly small ones, will not have enough time to secure legal counsel, let alone an opportunity to speak with employees about union representation or respond to promises made by union organizers, even though many of those promises may be completely unrealistic. Given that union organizers typically lobby employees for months outside the workplace without an employer's knowledge, these ''ambush'' elections would often result in employees' receiving only half the story. They would hear promises of raises and benefits that unions have no way of guaranteeing, without an opportunity for the employer to explain its position and the possible inaccuracies put forward by the union.

For these reasons, we urge you to support S.J. Res. 36 and Congress to pass this much needed resolution. If left unchecked, the actions of the NLRB will fuel economic uncertainty and have serious negative ramifications for millions of employers, U.S. workers they have hired or would like to hire, and consumers.

The Coalition for a Democratic Workplace and National Organization (119): 60 Plus Association, Aeronautical Repair Station Association, Agricultural Retailers Association, AIADA, American International Automobile Dealers Association, Air Conditioning Contractors of America, American Apparel & Footwear Association, American Bakers Association, American Concrete Pressure Pipe Association, American Council of Engineering Companies, American Feed Industry Association, American Fire Sprinkler Association, American Foundry Society, American Frozen Food Institute, American Hospital Association, American Hotel and Lodging Association, American Meat Institute, American Nursery & Landscape Association, American Organization of Nurse Executives, American Pipeline Contractors Association, American Rental Association, American Seniors Housing Association, American Society for Healthcare Human Resources Administration, American Society of Employers, American Staffing Association, American Supply Association.

American Trucking Associations, American Wholesale Marketers Association, AMT—The Association For Manufacturing Technology, Assisted Living Federation of America, Association of Millwork Distributors, Associated Builders and Contractors, Associated Equipment Distributors, Associated General Contractors of America, Association of Equipment Manufacturers, Automotive Aftermarket Industry Association, Brick Industry Association, Building Owners and Managers Association (BOMA) International, Center for Individual Freedom, Center for the Defense of Free Enterprise Action Fund, Coalition of Franchisee Associations, College and University Professional Association for Human Resources, Consumer Electronics Association, Council for Employment Law Equity, Custom Electronic Design & Installation Association, Environmental Industry Associations, Fashion Accessories Shippers Association, Federation of American Hospitals, Food Marketing Institute, Forging Industry Association, Franchise Management Advisory Council, Heating, Air-Conditioning and Refrigeration Distributors International, HR Policy Association, INDA, Association of the Nonwoven Fabrics Industry, Independent Electrical Contractors, Industrial Fasteners Institute, Institute for a Drug-Free Workplace.

Interlocking Concrete Pavement Institute, International Association of Refrigerated Warehouses, International Council of Shopping Centers, International Foodservice Distributors Association, International Franchise Association, International Warehouse Logistics Association, Kitchen Cabinet Manufacturers Association, Metals Service Center Institute, Modular Building Institute, Motor & Equipment Manufacturers Association, NAHAD—The Association for Hose & Accessories Distribution, National Apartment Association, National Armored Car Association, National Association of Chemical Distributors, National Association of Convenience Stores, National Association of Electrical Distributors, National Association of Manufacturers, National Association of Wholesaler-Distributors, National Automobile Dealers Association, National Club Association, National Council of Chain Restaurants, National Council of Farmer Cooperatives, National Council of Investigators and Security, National Council of Security and Security Services, National Council of Textile Organizations, National Federation of Independent Business, National Franchisee Association, National Grocers Association, National Lumber and Building Material Dealers Association, National Marine Distributors Association, Inc., National Mining Association, National Multi Housing Council.

National Pest Management Association, National Ready Mixed Concrete Association, National Retail Federation, National Roofing Contractors Association, National School Transportation Association, National Small Business Association, National Solid Wastes Management Association, National Stone, Sand & Gravel Association, National Systems Contractors Association, National Tank Truck Carriers, National Tooling and Machining Association, National Utility Contractors Association, North American Die Casting Association, North American Equipment Dealers Association, Northeastern Retail Lumber Association, Outdoor Power Equipment and Engine Service Association, Inc., Plastics Industry Trade Association, Precision Machined Products Association, Precision Metalforming Association, Printing Industries of America, Professional Beauty Association, Retail Industry Leaders Association, Snack Food Association, Society for Human Resource Management, SPI: The Plastics Industry Trade Association, Textile Care Allied Trades Association, Textile Rental Services Association, Truck Renting & Leasing Association, U.S. Chamber of Commerce, United Motorcoach Association, Western Growers Association.

State and Local Organizations (60): Arkansas State Chamber of Commerce, Associated Builders and Contractors, Inc. Central Florida Chapter, Associated Builders and Contractors, Inc. Central Pennsylvania Chapter. Associated Builders and Contractors, Inc. Chesapeake Shores Chapter, Associated

Builders and Contractors, Inc. Connecticut Chapter, Associated Builders and Contractors, Inc. Cumberland Valley Chapter, Associated Builders and Contractors, Inc. Delaware Chapter, Associated Builders and Contractors, Inc. Eastern Pennsylvania Chapter, Associated Builders and Contractors, Inc. Florida East Coast Chapter, Associated Builders and Contractors, Inc. Florida Gulf Coast Chapter, Associated Builders and Contractors, Inc. Georgia Chapter, Associated Builders and Contractors, Inc. Greater Houston Chapter, Associated Builders and Contractors, Inc. Hawaii Chapter, Associated Builders and Contractors, Inc. Heart of America Chapter, Associated Builders and Contractors, Inc. Indiana Chapter, Associated Builders and Contractors, Inc. Inland Pacific Chapter, Associated Builders and Contractors, Inc. Iowa Chapter, Associated Builders and Contractors, Inc. Keystone Chapter, Associated Builders and Contractors, Inc. Massachusetts Chapter, Associated Builders and Contractors, Inc. Michigan Chapter, Associated Builders and Contractors, Inc. Mississippi Chapter, Associated Builders and Contractors, Inc. Nevada Chapter, Associated Builders and Contractors, Inc. New Orleans/Bayou Chapter, Associated Builders and Contractors, Inc. Ohio Valley Chapter, Associated Builders and Contractors, Inc. Oklahoma Chapter, Associated Builders and Contractors, Inc. Pacific Northwest Chapter, Associated Builders and Contractors, Inc. Pelican Chapter, Associated Builders and Contractors, Inc. Rhode Island Chapter, Associated Builders and Contractors, Inc. Rocky Mountain Chapter, Associated Builders and Contractors, Inc. South East Texas Chapter, Associated Builders and Contractors, Inc. Virginia Chapter, Associated Builders and Contractors, Inc. Western Michigan Chapter, Associated Builders and Contractors, Inc. Western Washington Chapter, Associated Builders and Contractors, Inc. North Alabama Chapter.

Associated Industries of Arkansas, Associated Industries of Massachusetts, CA/NV/AZ Automotive Wholesalers Association (CAWA), California Delivery Association, Capital Associated Industries (NC), Employers Coalition of North Carolina, First Priority Trailways (MD), Garden Grove Chamber of Commerce, Georgia Chamber of Commerce, GO Riteway Transportation Group (WI), Greater Columbia Chamber of Commerce (SC), Greater Reading Chamber of Commerce & Industry (PA), Kansas Chamber of Commerce, Little Rock Regional Chamber of Commerce (AR), London Road Rental Center (MN), Long Beach Area Chamber of Commerce, Minnesota Grocers Association, Montana Chamber of Commerce, Nebraska Chamber of Commerce & Industry, Nevada Manufacturers Association, New Jersey Food Council, New Jersey Motor Truck Association, North Carolina Chamber, Northern Liberty Alliance (MN), Ohio Chamber of Commerce, Texas Hospital Association.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, February 27, 2012.

Hon. MICHAEL ENZI,
Ranking Member, U.S. Senate, Committee on Health, Education, Labor and Pensions (HELP), Washington, DC.

DEAR RANKING MEMBER ENZI: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing in support of S.J. Res. 36, a resolution of disapproval in response to the National Labor Relation Board's (NLRB) rule related to ''ambush'' elections. The ambush election rule significantly alters the pre-election labor union process in ways that would particularly harm small businesses, and we appreciate your resolution of disapproval to nullify this rule.

Despite Congress refusing to pass card check legislation, it seems clear that the NLRB is intent on implementing card check by regulation. The Board's rule on ''ambush'' elections will significantly undermine an employer's opportunity to learn of and respond to union organization by reducing the so-called ''critical period'' from petition-filing to election, from the current average time of 31 days to as few as 10–21 days. NFIB believes that employee informed choice will be compromised because the shortened time frame will have business owners scrambling to obtain legal counsel, and they will have hardly any time to talk to their employees. This shortened time frame will hit small businesses particularly hard, since small employers usually lack labor relations expertise and in-house legal departments.

With the proposed ''ambush'' election rule, the NLRB has demonstrated that it has little understanding or concern for the unique demands that these actions would place on small business. It is always a challenge for small business owners to stay updated with new regulations and labor laws, especially in the current economic environment. NFIB's monthly economic surveys indicate that the small business economy is still at recession levels, and nearly 20 percent of small business owners surveyed indicate that economic and political uncertainty is their number one concern. Unfortunately, the pro-union actions of the NLRB will only create more uncertainty for small business owners at a time when the country needs them to be creating more jobs.

Thank you for introducing this legislation to help America's small businesses. I look forward to working with you to protect small business as the 112th Congress moves forward.

Sincerely,

SUSAN ECKERLY,
Senior Vice President, Public Policy.

Mr. ENZI. I also ask unanimous consent to have printed in the RECORD an article by Phil Kerpen in the Daily Caller entitled ''Will any Senate Democrat stand up to Obama's NLRB?''

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

[From the Daily Caller, Apr. 19, 2012]

WILL ANY SENATE DEMOCRAT STAND UP TO OBAMA'S NLRB?

(By Phil Kerpen)

With the spectacle of Senate Budget Chairman Kent Conrad being forced to back down on actually offering a budget, it's clearer than ever that Senate Democrats are pursuing a deliberate strategy of doing nothing, blocking House-passed bills and giving President Obama a free hand to use regulators and bureaucrats to push his agenda forward. The Senate has already failed to stand up to the EPA's back-door cap-and-trade energy taxes and the FCC's self-created legally dubious power to regulate the Internet. Next week we'll find out if there are any Senate Democrats willing to stand up to the NLRB bureaucrats who are imposing the failed card-check legislation in bite-size pieces via bureaucratic decree.

The NLRB is giving the EPA a run for our money in the race to see which agency can cause the most damage to our free-market economy. Not only did the NLRB infamously sue Boeing for opening a new plant in a right-to-work state, it is now suing the state of Arizona to overturn the state's constitutional guarantee of secret ballot protections in union organizing elections. It has also pursued a dizzying array of regulations and decisions designed to force workers into unions against their will.

The NLRB suffered a setback this week when a district court struck down its rule forcing employers to display posters in the workplace touting the benefits of unionization. Next week it could be dealt an even bigger blow if just a handful of Senate Democrats stand up for the economic interests of their constituents and the basic constitutional principle that the people's elected representatives should make the laws in this country.

The vote is on Senator Mike Enzi's (R–WY) Congressional Review Act (CRA) resolution of disapproval, S.J. Res 36, which would simply overturn the NLRB's ambush elections rule, which allows union organizers to spring elections on employers and workers. Because of the CRA's special procedures, the resolution cannot be filibustered and therefore needs just 51 votes to pass. All but two Republicans—Lisa Murkowski (R–AK) and Scott Brown (R–MA)—are cosponsors, but not a single Democrat has signed onto the resolution.

The ambush rule at issue was forced through the NLRB on a 2–to–1 party-line vote late last year, just before infamous union lawyer Craig Becker's recess appointment to the board expired. It could be the last action of the NLRB that will have legal force for some time, because after Becker expired at the end of the year, the board lacked the quorum necessary to make decisions and issue rules. (Obama tried to re-establish a quorum by non-recess-appointing another radical union lawyer, Richard Griffin, among others, but those appointments should be found invalid in court.)

The ambush rule is a prime example of the NLRB advancing an element of legislation already rejected by Congress and putting the interests of labor bosses above those of workers. After the first version of card check that eliminated private ballot elections entirely crashed into a wall of public opposition, a revamped version of the legislation retained elections but allowed union organizers to catch workers and employers by surprise with ambush elections. That version also failed in Congress, but the NLRB is pretending it passed and moving forward just the same.

The current average period before an election after a union files a petition is 38 days. This gives both the union and management an opportunity to explain the facts and ensure workers understand the high stakes in a representation election. The new rule will shorten it to as little as 10 days and eliminate procedural safeguards employers currently have to make sure union elections are duly authorized and eligible workers are properly defined before an election takes place.

NLRB Chairman Mark Pearce has indicated that if the rule stands he intends to go much further. ''We keep our eye on the prize,'' Pearce said in January, promising to force employers to make confidential employee information, including phone numbers and email addresses, available to union organizers. That would potentially expose workers to harassment, intimidation or even violence.

The vote on S.J. Res 36 will give the Senate an opportunity to exercise its constitutional duty under Article I, Section 1 and stop the usurpation of legislative power by unaccountable federal bureaucrats at the NLRB. Unfortunately, it appears likely that once again Democratic senators will find it more convenient to obstruct and allow the Obama administration a free hand to govern by regulation.

Voters should watch next week's vote with this question in mind: If my senator will not do the job of legislating, shouldn't I elect someone who will?

Ms. COLLINS. Mr. President, I rise today to speak in favor of Senate Joint Resolution 36, which would reject the National Labor Relations Board's, NLRB, rule on representation procedures, the so-called ''ambush election'' rule. I am pleased to be an original cosponsor of this important legislation, introduced by Senator ENZI with 44 cosponsors.

On December 22, 2011, the NLRB finalized new regulations, which will become effective on April 30, 2012, significantly limiting the time for holding union representation elections. This change would result in employees making the critical decision about whether or not to form a union in as little as 10 days.

Back in 1959, then-Senator John F. Kennedy explained that ''the 30-day waiting period [before a union election] is an additional safeguard against rushing employees into an election where they are unfamiliar with the issues . . . there should be at least a 30-day interval between the request for an election and the holding of the election'' to provide ''at least 30 days in which both parties can present their viewpoints.'' I agree with our former President and Senator. An expedited timeframe would limit the opportunity of employers to express their views, and leave employees with insufficient information to make an informed decision.

According to the NLRB, in 2011 union representation elections were held on average within 38 days. That is already below the NLRB's stated target of 42 days. Therefore, this begs the question of why yet another regulation is even necessary.

Businesses, our nation's job creators and the engine of any lasting economic growth, have been saying for some time that the lack of jobs is largely due to a climate of uncertainty, most notably the uncertainty and cost created by new federal regulations.

This ambush election rule will particularly negatively affect small businesses. Small business owners often lack the resources and legal expertise to navigate and understand complex labor processes within such a short time frame. In our current economy, it is critical that we do everything possible to advance policies that promote U.S. economic growth and jobs.

The Joint Resolution of Disapproval will not change current law. It simply will protect employers and employees by allowing them to conduct representation elections in the same manner that has been done for decades.

The NLRB's goal should be to ensure fair elections and a level playing field for all.

Mr. ENZI. Unless there is further debate, I yield back the balance of our time for today.

Mr. HARKIN. Mr. President, this side yields back the balance of our time for today as well.

The PRESIDING OFFICER. All time has been yielded back.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2011—MOTION TO PROCEED

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

Mr. BARRASSO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BLUMENTHAL. 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. BLUMENTHAL. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

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

TRAGEDY AT L'AMBIANCE PLAZA

Mr. BLUMENTHAL. Mr. President, on this day, almost exactly at this hour, 25 years ago in Bridgeport, CT, the L'Ambiance Plaza became a scene of devastation and destruction and death. Almost every year in these 25 years we have commemorated that destruction and tragedy with a ceremony. We did the same this morning in Bridgeport. We went first to the site and then to city hall and then to lay a wreath at the memorial for the 28 workers who were killed on this day 25 years ago. L'Ambiance is ground zero for worker safety.

I rise today to talk about all who have been injured or lost their lives because of unsafe work conditions.

L'Ambiance Plaza was a tragedy, but it was not the result of human error, it was the result of an employer cutting corners to put profits above safety. It was an avoidable and preventable catastrophe.

One of the tasks we have as public officials is to ensure basic safety for our citizens, particularly for workers who leave their homes in the morning hoping for nothing more than to come home at night to their families, put food on the table and a roof over the heads of their children. Those 28 workers who perished on this day 25 years ago wanted nothing more than those simple opportunities that should be guaranteed in the United States of America, the greatest Nation in the history of the world.

In protecting workplace safety, we have an agency called the Occupational Safety and Health Administration, known as OSHA. It is charged by this Congress and every Congress since its creation with setting standards and providing for enforcement of those standards so as to ensure basic safety for workers when they leave home every day and go to their jobs.

In Bridgeport, at L'Ambiance, a technique of construction known as lift slab was in use. It was under review by OSHA. It had been under review for 5 years before the L'Ambiance collapse. In 1994, years after L'Ambiance, it was prohibited unless certain conditions were met. If that standard had been in effect on this day 25 years ago, 28 lives would have been saved.

This morning I was in Bridgeport for that ceremony with many of the families who must live with the tragedies of their loved ones having perished needlessly and tragically on this date. There were speeches. There was a bell-ringing ceremony. There were tributes not only to the workers and their families but also to their brothers and sisters who searched with a ferocity and determination in the hours and days for their remains after it became clear they could not be rescued. But none of today's ceremonies or any of the other ceremonies in the past 25 years can bring back those workers who perished because lift-slab construction was used on that site. And when the upper story fell first, all of the bottom stories collapsed as well, meaning that those who worked under that top story could not be saved.

Eventually, when OSHA adopted the standard to be applied to lift-slab construction, it said no one could work under that top story when it was put in place. OSHA, in short, recognized the hazards of lift-slab construction well before L'Ambiance collapsed, and its inaction over the process of adopting those regulations—the 8.7 years it took to adopt the standard—contributed significantly to the collapse that occurred 25 years ago to this day.

I wish I could say OSHA has learned from this horrific incident at L'Ambiance. I wish I could say the standard setting that is so necessary to be achieved promptly and effectively now is done routinely. Unfortunately, the contrary seems to be true.

I wish to thank Senator HARKIN, the chairman of the Senate Committee on Health, Education, Labor, and Pensions, for a hearing last week that illuminated so dramatically how much work there is still to be done.

The GAO has done a study showing that average length of time to complete these standards is more than 7 years. That figure takes into account the standards set since 1981 to the year 2000. The final number of regulations published by OSHA has declined every decade since the 1980s. While 24 final standards were published in the 1980s, only 10 final standards were published between 2000 and 2010.

Workers are still at risk because regulations are delayed for years. One example is that the dangerous health effects resulting from the inhalation of silica dust, found in common sand, have been widely known for many years. Silica dust has been classified as a carcinogen to humans by the U.S. National Toxicology Program. It is a known cause of lung cancer and silicosis, an often fatal disease. Yet, despite the scientific evidence and the

hazards associated with silica dust, its use on worksites across the country is ineffectively regulated by inadequate OSHA standards, and those standards have been on the books since 1972.

Preventing the dangers of silica is simple and easy. Employers simply must ensure that when cutting materials, the blade must be wet to ensure the silica dust is not airborne—simple and easy solutions that can be achieved by standards OSHA has a responsibility to set.

According to OSHA agency officials, they began work on updating the effective silica standards back in 1997, more than 14 years ago. The most recent proposal for a new silica standard was submitted to OMB in February 2011. OMB has been processing that draft for over a year. In the meantime, workers are put in danger, workers contract disease, and workers are put at risk of fatal disease. These lengthy delays are simply unacceptable. As the L'Ambiance tragedy demonstrates, standards delayed is safety denied. Workers and their families suffer real-life consequences when the Federal Government fails to implement effective standards to protect people in their workplaces. OSHA itself estimates that up to 60 worker deaths per year could be prevented by strengthening the silica regulation and other regulations from 1972. Yet the new rule continues to be delayed by procedural and political roadblocks.

There is still work to be done, and I hope we will make progress, under Senator HARKIN's leadership, on an OSHA rule making standards more effective and more easily adopted.

There are a number of simple and easy steps that can be adopted. Expediting approval of safety standards is one of them. Despite a general consensus within industries on permissible exposure limits—that is, PELs—to dangerous chemicals, OSHA rules for hundreds of those chemicals haven't been updated for nearly four decades. OSHA should direct and Congress should direct OSHA to update obsolete PELs to reflect consensus among industries, experts, and reputable national and international organizations.

Easier court approval also must be enabled. The current standards for judicial review are a major factor in effecting the timeline of OSHA's standard-setting process. The existing ''substantial evidence'' standard requiring that OSHA research all industrial processes associated with the issue being regulated is disproportionately burdensome when compared to the requirements placed upon other Federal agencies, and the standards should be re-evaluated.

Finally, deadlines for timelines for standard setting should be adopted, directed by the Congress, to minimize the time it takes OSHA to issue occupational safety and health standards. Experts and agency officials agree that statutory timelines for issuing standards should be imposed by Congress and enforced by the courts.

I look forward to working with my colleagues on these measures and others, and I hope the memory of those 28 workers who were killed 25 years ago on this day will inspire and move us to take action as quickly and effectively as possible. But each year others are added to that list in other sites in Connecticut—49 last year alone—and around the country, hundreds in the States of my colleagues in this body. Let their memories also inspire us to redouble our efforts to protect people in the workplaces around Connecticut and the country.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. UDALL of Mexico. 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. UDALL of New Mexico. I ask unanimous consent to speak for 10 minutes as in morning business.

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

POSTAL REFORM

Mr. UDALL of New Mexico. Mr. President, I rise today in support of my amendment to strike section 208 from the postal reform bill. Section 208 would authorize the U.S. Postal Service to move to 5-day delivery service within 2 years.

The U.S. Postal Service faces significant financial problems. Changes must be made for the Postal Service to adjust to a digital world. The budgetary concerns are very real—we all know this—but an imminent reduction in service to 5 days a week is not the answer. No. 1, a shift to 5-day service could result in the loss of up to 80,000 jobs nationally. Is this the time to be proposing 80,000 layoffs? No. 2, 5-day service would undercut a market advantage the U.S. Postal Service currently has over its competitors. No. 3, especially in rural America, many of our businesses and most vulnerable citizens depend on 6-day postal delivery. Newspapers, advertisers, pharmacy delivery services, and senior citizens all could be hurt by the loss of Saturday service.

Last week I met with the community of Mule Creek in New Mexico. Mule Creek is small and rural. Folks there told me that they have no cell phone service, no high-speed Internet. They depend on their post office. It is the lifeline, the center of their community—and not just 5 days a week. For many working people, Saturday is the only day they can sign for packages, including for delivery of prescription drugs.

I know some of my colleagues believe moving to 5-day service is necessary because of the Postal Service's financial problems, but we need to give the changes we are making in the bill a chance to take effect. Two years simply isn't enough time before we make such a drastic and far-reaching change. We should not rush prematurely to 5-day service.

I urge support for my amendment to protect jobs, to strengthen the competitiveness of the Postal Service, and to protect the millions of Americans who depend on that service.

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. CORKER. 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. CORKER. Mr. President, how much time do I have? I understand it might be 10, 15 minutes.

The PRESIDING OFFICER. The time is not controlled.

Mr. CORKER. Mr. President, I rise today to speak about amendment No. 2083, which I am offering to the bill that is before us.

I think all of us know the U.S. Postal Service is absolutely not sustainable in its current form. Mail volume has greatly declined over the past decade and will continue to do so over the next decade. The U.S. Postal Service has known this for a long time. They knew that mail volume was declining and that the market for their products was changing. But the economic crisis made things far worse than they could imagine.

Now the Postal Service is on the edge of financial ruin. But we didn't get here only because of the economic crisis; it is because the U.S. Postal Service's business model is fundamentally broken. The USPS lost $5.1 billion in this last fiscal year and $3.3 billion in the first quarter of the current year. I know some have tried to blame the requirement that the USPS prefund their retirement health benefits for the USPS's financial losses. But the fact is that these recent losses are not due to the prefunding requirement because Congress has allowed the USPS to delay this last year's payment. The U.S. Postal Service has also nearly reached its statutory borrowing limit.

Faced with this situation, it is abundantly clear that the USPS must make radical changes in its existing infrastructure and business model. Again, USPS should have, could have, and indeed has wanted to begin making these changes to its outdated, excessive infrastructure, but Congress—all of us here or at least some of us here have blocked these attempts. We should give the USPS the flexibility to meet these challenges and make business decisions on how to deal with the paradigm shift in their primary market rather than further limiting their ability to adapt.

My amendment to S. 1789 gives the U.S. Postal Service greater flexibility in three primary areas: facilities and service, pricing, and labor.

On facilities and service, it allows the U.S. Postal Service to continue closing post offices using the existing procedures for post office closures—they already exist—instead of creating further barriers to closure, which this bill does. These procedures are well thought out and give ample opportunities for public comment and appeal.

It also allows the Postal Service to proceed with its proposed change in delivery service standards—something it has proposed—which is a key component of its 5-year plan of profitability.

This amendment also allows the Postal Service to immediately implement 5-day delivery, if it chooses—a move the U.S. Postal Service believes may save nearly $2 billion a year. The underlying bill, on the other hand, requires a 2-year delay and further study of this issue, which the Postal Service already knows needs to happen. Mr. President, we don't need a study to tell us what we already know. The Postal Service needs flexibility in its delivery schedule.

A number of interested parties, including the Postal Service and the President of the United States—the President—support moving to a 5-day delivery. Furthermore, my amendment allows the Postal Service to close processing and distribution centers, something the Postal Service has identified as needed action for nearly a decade.

On pricing, my amendment removes the arbitrary CPI-based cap put in place by the 2006 Postal Accountability and Enhancement Act. Put simply, this gives the Postal Service more flexibility to adjust their prices as markets change.

Current law and S. 1789 actually mandate the Postal Service provide some services at a loss. It is unbelievable the calls we have been receiving in our office that basically point to the tremendous corporate welfare that is in existence—people calling me not wanting these changes because it affects their business. A congressional mandate that the U.S. Postal Service provide certain services without covering their costs makes very little sense.

Please note, this would not allow the Postal Service to arbitrarily raise rates at will. They would still be subject to Postal Regulatory Commission—the PRC—regulation.

Finally, on labor, my amendment gives the Postal Service greater flexibility to reduce its workforce as needed and negotiate contracts that make sense for its financial situation. Since labor costs make up approximately 80 percent of the Postal Service's cost structure, it is clear that any good-faith postal reform proposal must include labor reform.

First, it prohibits the inclusion of a no-layoff clause—and let me underline this—in future collective bargaining agreements. It does not alter CBAs currently in place that contain these clauses. This is only for future clauses. As mail volume continues to decline, the Postal Service must have the flexibility to change the size and makeup of its workforce as needed.

Second, this amendment eliminates a provision in existing law that requires fringe benefits for Postal Service employees be at least as good as those that existed in 1971. These benefits represent a huge portion of fixed labor costs which currently place a major burden on Postal Service operations. Eliminating this provision will give the Postal Service more options in contract negotiation rather than hamstringing them.

My 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 CBO—which just contacted us today—this bill saves $21 billion for the Postal Service over the next decade. Let me say that one more time. CBO has just contacted us. The Postal Service is now in tremendous financial straits, and we have a bill before us that hamstrings them and keeps them from doing the things we all know if this were a real business we would allow to happen. My amendment gives them the flexibility to do the things the Postal Service needs to do and that most every American understands they need to do and the amendment saves $21 billion over the next 10 years.

It is my understanding, by the way, there is no attempt to offset the cost of this bill over the next 10 years.

In conclusion, it is clear the Postal Service must make drastic changes, and I applaud those portions of S. 1789 that allow the USPS greater flexibility. But there are far too many provisions in the underlying bill that would put more restrictions on the U.S. Postal Service, not fewer, and limit the organization's ability to adapt to changing times and so I urge support of my amendment.

I thank the Chair for his time, and 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.

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

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

Ms. COLLINS. Mr. President, it pains me greatly to disagree with my friend and colleague from Tennessee, with whom I have a great friendship and great respect, but what he is essentially offering comes pretty close to a complete substitute for the provisions in our bill, and I wish to go through the provisions to make sure our colleagues understand fully what the choices are that are presented by Senator CORKER's amendment.

First, let me say I do strongly oppose his amendment because of the impact I believe it would have on postal customers, whether they are in rural America, whether they are a big mailer, a small mailer, a residence or a business, and what the impact ultimately will be on postal revenue. Let us first discuss the issue of 6-day delivery.

There are a lot of different views on this issue. Senator CORKER has presented one, as has Senator MCCAIN, of moving immediately to 5-day delivery. On the other hand, there are Members who have filed amendments who want to prevent the Postal Service from ever moving to 5-day delivery. Here is what is in our bill.

Our bill recognizes the Postal Service should, if possible, avoid deep cuts in its service. Certainly, eliminating 1 day a week of delivery is a deep cut in the service it is providing. It recognizes, however, that if the Postal Service cannot wring out the excessive cost that is in its current system, it may have no choice but to eliminate Saturday delivery in order to become solvent.

What we do is allow a 2-year period during which time the Postal Service would implement the many cost-saving provisions in our bill, including a workforce reduction of 18 percent—which is about 100,000 employees—through compassionate means, such as buyouts and retirement incentives, and then have the GAO and the PRC—the Postal Regulatory Commission—certify that despite undertaking all these cost-saving moves, it is not possible for the Postal Service to return to solvency without this deep service cut. But to move immediately to eliminating Saturday delivery would come at a real cost and it may not be necessary. It may not be necessary at all.

I would also point out the experts in this area are the members of the Postal Regulatory Commission. The experts are not at CBO. The experts are the regulators of the Postal Service—the PRC. When the PRC examined the issue of eliminating Saturday delivery, here is what it found. First of all, it found the potential savings were far less than the Postal Service estimated. In fact, they were half as much as the Postal Service estimated.

Second, they found that eliminating Saturday delivery put rural America, in particular, at a disadvantage because rural America often does not have access to broadband, to Internet services, and to alternative delivery systems. So the PRC, which looked at this issue very carefully and issued a report, found the savings were less by half and the consequences were far more severe for rural America.

Saturday delivery also gives the Postal Service itself a competitive advantage over nonpostal alternatives. If we are here trying to save the Postal Service, why would we jeopardize an asset the Postal Service has that its competitors do not? That is why we came up with this carefully crafted compromise on this issue.

I believe cutting Saturday delivery should be the last resort, not the first

option, because it will inevitably drive away customers. That is one reason the American Newspaper Association is so opposed to doing away with Saturday delivery. It is one reason many of the mail order pharmaceutical companies are so opposed, because many seniors depend on receiving their vital medications through the mail.

Again, we have said if there are no other alternatives, this measure could proceed. But I can't imagine any large business operating this way—cutting service first. My colleagues often talk about how important it is to let the Postal Service act like a ''real business.'' But this is the last thing a real business would do. Real businesses know their most valuable asset is their customer base. Businesses do literally everything else before slashing service and raising prices or anything else that might alienate or drive away their remaining customers, and they do not do this out of the goodness of their hearts but because they understand what drives their bottom line.

The fact is, if more customers leave the Postal Service, the revenue will plummet. Again, reducing service—eliminating Saturday delivery—should be the last resort, not the first option. That is exactly what our bill does.

The Senator's amendment would also repeal the CPI link to postal rates. I am at a loss as to why the Senator would propose that. Eliminating that protection, that orderly system, would be devastating for many mailers. Again, mailers need predictable, steady, stable rates.

Think of a catalog company that prints its catalogs so many months in advance. It now can count on what the postal rates are going to be. Under the amendment of the Senator from Tennessee that stability, that predictability would be gone.

The reason in 2006 that we rewrote the rate-setting system was that it had been an extremely litigious, time-consuming system. Both the mailers and the Postal Service hated the system that we had prior to 2006. Both agreed at the time that it was important to have stability and predictability in rates and to have a system that didn't involve this very expensive, litigious rate-setting system. So we went to the CPI link system so we could have stable, predictable, and transparent pricing increases.

This amendment repeals the section of the current law on rate setting that mailers have repeatedly testified is the heart of the 2006 reforms and something they need if they are to continue to use the Postal Service. That is why the mailers, the largest customers of the Postal Service, are such strong supporters of the predictable system that we put in place in 2006.

Let me turn to another issue. There is so much I could say on all of these, but I can see a lot of Members have come to the floor.

The Senator's amendment would also eliminate the standards we put into the bill to protect overnight delivery within certain delivery areas. We have recently learned that the Postal Service's own preliminary analysis, submitted confidentially in secret to its regulators at the PRC, reveals that its service reduction plan to slow mail delivery and shut down postal plants will lead to more than a 9-percent decrease in first-class mail and a 7.7-percent reduction in all classes of mail.

In this preliminary estimate the Postal Service said the first-year losses alone would be $5.2 billion; that the Postal Service would lose if we proceed with this plan. Now that those numbers have become public, the Postal Service is backpeddling and criticizing its own estimates. But those are the estimates that are in its own survey that was filed with the PRC.

They don't surprise me because they are consistent with what I am hearing from major postal customers, and once those customers turn to other communications options and leave the mail system they will not be coming back, revenue will plummet, and the Postal Service will be sucked further into a death spiral.

There are many other comments I could make about the amendment offered by the Senator from Tennessee. I think his amendment essentially constitutes a substitute to the bill that is before us in that it makes so many fundamental changes. I believe it would be devastating for the Postal Service; that it would cause large and small mailers to leave the Postal Service, setting off the death spiral from which the Postal Service might never recover.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, just 20 seconds, not to rebut anything that has been said.

I think the Senator from Maine and I have a very different view about the ways to solve the post office issues. But I just want to thank her for her tone. I want to thank the Senator from Connecticut, too, for the way they continue to work together to try to produce legislation in this body. So I thank them both for being the way they are. They are two of the Senators I admire most here. I thank them.

I have a very different point of view on this issue, but I thank them for the way they continually work together to try to solve problems. I look forward to continuing to work with them on this issue.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I just want to say briefly, thanks to my friend from Tennessee not just for his kind words, which mean a lot to me, but for coming to the floor to discuss his amendment.

There are different points of view about this issue. I think, as I said very simplistically at the beginning of the debate, some think our bipartisan committee bill does too little. Some think it does too much. I think we have hit the right common-ground spot. And I repeat what I said earlier in the day: There is some due process in this. We don't allow for what might be called shock therapy for the Postal Service because we don't think it will work, and we think it would have the net effect of diminishing the revenues of the Postal Service by cutting business.

But here is the report we received today from the U.S. Postal Service itself, just to indicate to my friend from Tennessee and others who may be following the debate.

This substitute bill of ours, S. 1789, is not just fluff. The Postal Service itself estimates that over the coming 3 years; that is, by 2016 fiscal year, our bill, if enacted, will enable the Postal Service to save $19 billion annually. They were hoping for $20 billion, but $19 billion is pretty close. I think we have done it without the dislocation to the millions of people in our society who depend on the mail and depend on mailing industries for their jobs, as well as the hundreds of thousands of people who work for the Postal Service, 18 percent of whom we hope will receive incentives that will be adequate for them to think about retirement.

But this is a bill that creates a transition that will keep the Postal Service alive—and we think even healthier—without the kind of sudden jolts the amendment offered by my friend from Tennessee would impose.

So I would respectfully oppose the Corker amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

HONORING OUR ARMED FORCES

Mr. AKAKA. Mr. President, before I discuss my pending amendment to the Postal Service reform bill, I would like to take a moment to honor four brave soldiers based out of Schofield Barracks from Hawaii who died in a helicopter crash in Afghanistan on Thursday. They made the ultimate sacrifice in service to our country, and we will never forget them.

My thoughts and prayers, and I know the thoughts and prayers of many others in Hawaii and others across the United States, are with their families tonight. We honor and thank them and are so sorry for their loss.

Mr. President, I rise to discuss my amendment No. 2034 regarding Federal workers' compensation, which is cosponsored by nine Senators, including Senators INOUYE, HARKIN, MURRAY, FRANKEN, LEAHY, SHAHEEN, KERRY, LAUTENBERG, and BROWN of Ohio.

I have serious concerns with the provisions of the postal reform bill that would make changes to the Federal workers' compensation program, known as FECA, not just within the Postal Service but across the entire government.

These provisions would cut benefits to elderly disabled employees and eliminate a supplement for dependents. Many who are already injured would

have their benefits cut retroactively. This is particularly unfair because most employees affected by these far-reaching cuts are not even Postal Service employees. Many are Defense and State Department employees injured supporting missions overseas, Federal law enforcement officers, and firefighters injured saving lives or prison guards attacked by inmates.

Sponsors of this bill argue that changes to workers compensation must be included in this legislation to place the Postal Service on a sound financial footing. However, the fact is that the changes would have very little effect on the Postal Service's deficit. According to the Congressional Budget Office, these changes would actually cost the Postal Service an additional $21 million in the first 3 years.

Any changes to benefits for those injured in service to their country should be done in a careful, comprehensive manner. There are complex issues that deserve more analysis before we simply cut benefits people have planned for and depend on.

At a hearing I held last July witnesses raised serious concerns with reducing FECA benefits, especially at the retirement age. They testified that disabled employees may not be able to save enough in time for a reduction in income because they missed out on wage growth, Social Security, and the Thrift Savings Plan. Because of this disadvantage, the Federal Government, like most States, provides benefits that last as long as the injury, even if that is past the normal retirement age.

At the request of a bipartisan group of members from the House Committee on Education and Workforce, the Government Accountability Office is currently reviewing both pre- and post-retirement-age FECA benefits to determine fair benefit amounts. Acting on this proposal now without waiting for GAO's analysis is irresponsible. As a result, we may set benefit levels too low, seriously harming disabled employees, or too high, taking funding away from other priorities.

We must be extremely cautious not to make arbitrary cuts to benefits that could have serious detrimental effects on elderly disabled employees.

Last November, the House passed a Republican-led bipartisan FECA reform bill, H.R. 2465, by voice vote. The bipartisan sponsors of this bill chose not to make any changes to benefits without more information on appropriate benefit levels. I believe their actions were correct, and the Senate should enact similar legislation by passing my amendment.

My amendment would strike the government-wide FECA provisions in this bill and replace them with the House-passed FECA reform bill, which makes a number of commonsense reforms that will improve program efficiency and integrity without reducing benefits.

Among other things, my amendment contains program integrity measures recommended by the inspector general at the Department of Labor, the Accountability Office, and the administration that will save taxpayers money.

My amendment would also update benefit levels for funeral costs and disfigurement that have not been increased since 1949, and it would protect civilian employees serving in dangerous areas, such as Iraq and Afghanistan, by giving them more time to file a claim and making sure injuries from terrorism are covered even if the employee is off duty.

Everyone understands the Postal Service is in the midst of a serious financial crisis that must be addressed. Chairman LIEBERMAN and Ranking Member COLLINS have done a great job in bringing this on. However, breaking our promises to injured Federal employees to save the Postal Service just a tiny fraction of its deficit I believe is wrong. I urge my colleagues to support my amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I have the greatest respect for the Senator from Hawaii. I know he cares deeply about this issue. But it is simply time for us to reform the Federal workers' compensation program for postal workers and for other Federal workers. For this reason, I oppose his amendment because it does not begin to solve the problems that have been repeatedly documented in the program by the inspectors general at the Postal Service, at the Department of Labor, by GAO, and by the Obama administration, which has called for many of the reforms we have incorporated into this bill. Senator AKAKA's amendment takes on only very minor reforms which are already included in the bill. It does not even attempt to constrain the rapidly growing costs of the program, and it truly does nothing to effectively combat the fraud in the program.

Let me start with some background to show the growing, the escalating cost of the Federal workers' compensation system. From 1997 to 2009, the program's costs grew by an astonishing $1 billion, as this chart shows. That was a 52-percent increase in program expenditures. It is one of the reasons why President Obama's administration has submitted changes to this program over and over. Our bill, according to the CBO, would reduce the program's outlays for workers' comp by $1.2 billion over the next 10 years.

I note the Obama administration supports across-the-board reforms, just as we have put in our bill. It makes no sense to have one system for postal workers and one system for Federal employees when they all participate in the same program now. The Postal Service, however, makes up more than 40 percent of all workers' comp cases for the Government, and the number of postal employees on the long-term rolls has increased by 62 percent since 2009. Paying more than $1 billion a year in workers' comp payments, the Postal Service is the largest program participant, providing over one-third of the program's budget. These changes are supported by the leaders at the Postal Service. The amendment would block desperately needed reforms to a program that has not been updated in over 35 years.

Let me talk a little bit about the structure of benefits in the program and why there is a problem. Under the current program, a worker who has dependents and is out on workers' comp receives a payment at the rate of 75 percent of his preinjury salary, and these benefits are tax free. Currently, more than 70 percent of beneficiaries are receiving compensation at that level.

In addition to that, it is important to understand that 75-percent tax-free benefit rate is higher than that paid by any comparable State workers' compensation system and, given our current Tax Code, 75 percent of salary tax free is equivalent, for most people, to a full salary after taxes.

We do want to make sure we have a workers' comp program that takes care of our injured workers that is compassionate, that helps them recover and return to work. But the current program of the Federal Government does not accomplish those roles.

First of all, it does not encourage injured workers to get the help they need to recover and to return to work, as these statistics will demonstrate. Right now, the program, across the board, Federal and postal workers, has 10,000 beneficiaries age 70 or older, 2,000 of whom are postal employees. They are receiving higher payments on workers' comp than they would under the standard retirement program. That is almost one-quarter of all beneficiaries in the program who are over age 70. Of the beneficiaries, 430 of them are over age 90, and 6 of the workers' comp beneficiaries are age 100 or older. These employees are not going back to work. If they were still working, it would be a miracle. They would be retired. It is not fair to postal and Federal employees who work their entire lives, retire at age 60 or 65, and receive a retirement benefit that is 26 percent lower than the median benefit received by workers' compensation recipients. That is unfair. That means people who remain on workers' comp make more money than if they had continued working and much more than they would make in the retirement systems for Federal and postal workers.

I wish to make sure that as we reform the system, we are fair. One of the major reforms is to move people at age 65 from workers' comp to the normal retirement system, but we have exempted from these reforms those who are least able to prepare for it, those who are totally disabled and unable to return to work, and those who are age 65 and over. I think that is a very fair approach.

Another protection we have included for those current claimants who would

be affected by the reforms in the bill is a 3-year waiting period. If a claimant is not already grandfathered and therefore is not disabled and unable to return to work, then that individual would experience no reduction in benefits for 3 years, regardless of that individual's age. Again, the reforms we have included in our bill closely track the reforms proposed by President Obama's administration.

Finally, let me just say this program has proven to be highly vulnerable to fraud. GAO reported as recently as November that the vulnerabilities in the program increase the risk of claimants receiving benefits they are not entitled to. There are many reasons for that. I will go into that further at another time. But the Department of Labor inspector general reported that the removal of a single fraudulent claim saves, on average, between $300,000 and $500,000. What is more, these vulnerabilities are not new and they are not rare. When the IG looked at 10,000 claimant files one decade ago, there were irregularities in almost 75 percent of them, and it resulted in benefits being reduced or ended for more than 50 claimants.

This is a troubled program. It needs to be reformed. It needs to be made more fair. It needs to be more fair to individual workers. There needs to be more of a focus on return to work, and it needs to be more fair to workers who spend their entire careers working for the Postal Service or the Federal Government and then retire and receive a far lower benefit than an elderly individual who remains on workers' comp.

I urge the defeat of the amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I would like to address a number of statements my good friend Senator COLLINS has made about the FECA provisions in this bill.

First, it has been argued these changes are necessary to save the Postal Service money. However, since most employees affected by these cuts are not postal employees, the savings expected from these changes would have very little effect on the Postal Service's deficit. In fact, according to CBO, these changes would actually cost the Postal Service an additional $21 million in the first 3 years.

In addition, it has been said on the floor that the FECA recipients over retirement age get 26 percent more income than similar employees who work their entire career and retire under the normal retirement systems. This statistic comes from a recent GAO report that looked at only a small sample of nonpostal workers, eligible for CSCS retirement.

In fact, according to GAO, their recent report only examines 8 percent of the active Federal workforce and does not even look at the Postal Service workers. Cuts should not be made to FECA benefits until GAO completes a more comprehensive study, now underway, which examines the impact of benefit reductions on FERS participants. The Senate has not considered FECA legislation since 2006, and the only hearing was the one I held last year.

The Federal workers' comp program, similar to most State programs, allows injured workers to continue receiving compensation as long as the injury lasts, even if that is past normal retirement age. This is necessary because disabled workers on FECA do not earn Social Security credit and cannot participate in the Thrift Savings Plan, and they miss out on normal wage growth. We must make them whole for their injuries by making up for lost wages and their inability to save for retirement. It is simply not the case that workers of retirement age who still receive FECA benefits are somehow scamming the system.

The PRESIDING OFFICER. The Senator is notified the Senate is under a previous order to move to executive session at 5 p.m.

Does the Senator seek more time to conclude his remarks?

Mr. AKAKA. Mr. President, I will wrap up.

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

Mr. AKAKA. In fact, in 1974, Congress repealed an earlier statute to allow a reduction at age 70. Congress cited concerns about the hardship the reductions caused on senior citizens as well as concerns about age discrimination when repealing the past less severe version of this legislation. No matter a person's age, they have every right to that benefit.

I agree that we should be taking a closer look at ways to prevent fraud and abuse in this program, but reducing benefits for people at retirement age has nothing to do with reducing fraud. My amendment allows the Department of Labor to obtain wage data from the Social Security Administration—this will help prevent fraud.

It has been argued that these cuts bring the FECA program more in line with the state programs. However, most state programs have no benefit reductions for recipients at retirement age. In fact, 33 state programs do not reduce benefits at any age. At our subcommittee hearing last July, the minority requested witness stated that these states seem to have no interest in cutting benefits for senior citizens.

Finally, proponents of these cuts have emphasized repeatedly that these provisions are very similar to an Obama administration proposal. This was actually a Bush administration proposal that the Obama administration simply kept in place. More importantly, this bill cuts benefits more deeply than that proposal, and most concerning—unlike the administration proposal—this bill would apply reductions retroactively to many employees who already have been injured.

Moreover, the Department of Labor has admitted that the changes to benefit amounts in the their proposal were round numbers based on rough calculations—I believe that is hardly the basis to determine what elderly disabled people will have to live on for the rest of their lives.

We simply do not have the information we need to decide on fair benefit levels and should wait for the more extensive GAO study now underway. Breaking our promises to injured federal employees to save the Postal Service a tiny fraction of its deficit is not the solution. My amendment 2034 offers a reasonable alternative by replacing the FECA provisions in this bill with the bipartisan FECA reform bill that passed the House by voice vote last year. The House chose not to make benefit cuts without the additional information they sought from GAO, and we should follow their lead.

This amendment would make commonsense reforms that will improve program efficiency and integrity without reducing benefits and I urge my colleagues to support it.

I wish to say the chairman of our committee, JOE LIEBERMAN, and the ranking member have worked hard at this, and my whole effort is to deal with many of the workers of the Federal Government who are not in the Postal Service as well. I ask that my amendment be considered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent for just three moments to speak on this amendment.

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

Mr. LIEBERMAN. Mr. President, I wish to thank Senator AKAKA for coming to the floor and speaking on behalf of his amendment. He is one of the most hard-working, constructive members of our committee, the committee from which the underlying bill has come. He is one of the finest people I have ever met. I have the greatest admiration and affection for him.

So unlike Senator COLLINS, it is with some reluctance that I must say I oppose this amendment. I will speak very briefly since Senator COLLINS has spoken well on it.

I think the current system goes beyond taking care of those who need workers' compensation, and it has come to a point where it is unfair not just to those who are paying for the system but to others who are working in the Postal Service today.

I thank Senator COLLINS. She has worked very hard and very thoughtfully. The proposal she made turned out to be so balanced and constructive that folks in the Obama administration who had been working on a similar proposal for all Federal employees asked that we extend the workers' compensation reforms in the Postal Service bill to all Federal employees. Dare I call this a Collins-Obama proposal? I don't know. I just raised that prospect.

In any case, I support the underlying bill in this regard and very respectfully

and affectionately oppose the Akaka amendment.

I yield the floor, and I thank the Chair.

EXECUTIVE SESSION

NOMINATION OF BRIAN C. WIMES TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN AND WESTERN DISTRICTS OF MISSOURI

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read the nomination of Brian C. Wimes, of Missouri, to be United States District Judge for the Eastern and Western Districts of Missouri.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate, equally divided and controlled in the usual form.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I see the distinguished Senator from Missouri on the floor, Mr. BLUNT. I know he has a Republican leadership meeting he needs to get to. I yield such time as he needs on the Republican reserved time, with the understanding that when he finishes, it will go back to me.

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

The Senator from Missouri.

Mr. BLUNT. Mr. President, I thank my good friend for yielding and for taking consideration of my schedule.

I rise to support Judge Brian Wimes as the nominee for the Eastern and Western Districts of Missouri. He spent his entire career working in the public sector. He has been involved in many groups and organizations dedicated to serving disadvantaged individuals.

He was born in Kansas City, MO. He earned his bachelor's degree in political science from the University of Kansas. We don't hold that against him. He got his law degree from the Thurgood Marshall School of Law at Texas Southern University in 1994.

When he graduated, he became the attorney advisor for the litigation branch of the Federal Bureau of Prisons at the Department of Justice here in Washington. Judge Wimes represented the Bureau in civil actions by inmates throughout the country.

In 1995, he left the Bureau and became an assistant prosecuting attorney for the Jackson County prosecutor's office in Kansas City.

Beginning in 2001, Judge Wimes served as the Jackson County drug court commissioner for more than 5 years. The drug courts in our State, and in other places, have served a good and integral role in combating drug abuse. The drug court is a program that offers nonviolent first-time offenders a chance to participate in an outpatient-based treatment program rather than to face prosecution. More than 1,200 people have graduated from the Jackson County drug court. More than 96 percent of those people were conviction free 5 years after their graduation.

As a prosecutor, Judge Wimes received national honors, including being named Rookie Prosecutor of the Year during his first year in the Jackson County prosecutor's office.

In 2002, he was honored as a member of Ingram magazine's 40 under Forty. In 2009, the Call Newspaper recognized him as one of the 25 most influential African Americans in Kansas City.

He has been deeply involved in Big Brothers and Big Sisters and Hope House Domestic Violence Shelter. He is a member of St. Monica's Catholic Church.

In 2007, Judge Wimes was appointed by my son Governor Matt Blunt to serve on the 16th Judicial Circuit Court of Jackson County, MO. If Matt Blunt made any mistakes as Governor, this was not one of them. Judge Wimes has continued not only to serve on the court but to serve on boards in Kansas City for the Kansas City Youth Court, which is affiliated with the UMKC School of Law as well as the Criminal Justice Advisory Board of the Penn Valley Community College in Kansas City, the Mental Health Association of the Heartland.

I believe his experience makes him a highly qualified judicial nominee, and he will serve the American people well in this job. I am supportive of him.

Mr. President, I have a statement on another matter that I also mentioned to my friend from Vermont that I will make while I am here, and I ask that it appear separately in the RECORD.

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

(The remarks of Mr. BLUNT are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, regaining my time on this side, I appreciate the Senator from Missouri speaking about Brian Wimes. Today, the Senate will finally vote on the nomination of Brian Wimes to fill a judicial vacancy in the U.S. District Court for the Western and Eastern Districts of Missouri. This nomination has had the support of both his home state Senators, Senator MCCASKILL and Senator BLUNT. The Judiciary Committee voted to report the nomination favorably over four months ago. There is no justification for this unnecessary delay.

The Senate is still so far this year only considering judicial nominations that could and should have been confirmed last year. We will conclude the first four months of this year having only considered judicial nominees who should have been confirmed before recessing last December. We have yet to get to any of the nominees we should be considering this year because of Republican objections to proceeding more promptly.

With nearly one in 10 judgeships across the Nation vacant, the judicial vacancy rate remains nearly twice what it was at this point in the first term of President George W. Bush when we lowered vacancy rates more than twice as quickly. The Senate is 33 confirmations of circuit and district court judges behind the number at this point in President Bush's fourth year in office. We are also 66 confirmations from the total of 205 that we reached by the end of President Bush's fourth year.

As I noted earlier this month, the Federal judiciary has been forced to operate with the heavy burden of 80 or more judicial vacancies for nearly three years now. There are 22 judicial nominees on the Senate Executive Calendar ready for final consideration and a vote, not just this one. Action on those 22 nominees would go a long way toward easing the burden on the Federal courts and ensuring that all Americans have Federal judges available so that they can have the quality of justice that they deserve.

Some Senate Republicans seek to divert attention by suggesting that these longstanding vacancies are the President's fault for not sending us nominees. The fact is that there are 22 outstanding judicial nominees that can be confirmed right now, but who are being stalled. Let us act on them. Let us vote them up or down. When my grandchildren say they want more food before they finish what is on their plate, my answer is to urge them to finish the food already on their plate before asking for seconds or dessert. To those Republicans that contend it is the White House's fault that they are not agreeing to proceed to consider the judicial nominees we do have more quickly, I say let us complete Senate action on these 22 judicial nominees ready for final action. There are more working their way through Committee, and the Senate can act responsibly to help fill some of the most pressing vacancies plaguing some of our busiest courts if we proceed to these nominations now.

For instance, the Ninth Circuit is by far the busiest circuit in the country. The Senate has yet to vote on the long-delayed nomination of Judge Jacqueline Nguyen of California to fill one of the judicial emergency vacancies plaguing the Ninth Circuit. Hers was one of the nominations ready to be confirmed last year that will be delayed five months before her confirmation to fill that judicial emergency vacancy. Republicans have insisted that her vote be delayed until next month. There are two additional Ninth Circuit nominees to fill judicial emergency vacancies who are ready for final votes but for which Senate Republicans have not agreed to schedule votes. Paul Watford of California and Justice Andrew Hurwitz of Arizona were both voted favorably from the Senate Judiciary Committee earlier this year.

There is no good reason for delay. The 61 million people served by the Ninth Circuit are not served by this delay. The Circuit is being forced to handle double the caseload of any other without its full complement of judges. The Senate should be expediting consideration of the nominations of Judge Jacqueline Nguyen, Paul Watford, and Justice Andrew Hurwitz, not delaying them.

The Chief Judge of the Ninth Circuit, Judge Alex Kozinski, a Reagan appointee, along with the members of the Judicial Council of the Ninth Circuit, have written to the Senate emphasizing the Ninth Circuit's ''desperate need for judges,'' urging the Senate to ''act on judicial nominees without delay,'' and concluding ''we fear that the public will suffer unless our vacancies are filled very promptly.'' The judicial emergency vacancies on the Ninth Circuit are harming litigants by creating unnecessary and costly delays. The Administrative Office of U.S. Courts reports that it takes nearly five months longer for the Ninth Circuit to issue an opinion after an appeal is filed, compared to all other circuits. The Ninth Circuit's backlog of pending cases far exceeds other Federal courts. As of September 2011, the Ninth Circuit had 14,041 cases pending before it, more than three times that of the next busiest circuit.

If caseloads were really a concern of Republican Senators, as they contended last year when they filibustered the nomination of Caitlin Halligan to the D.C. Circuit, they would not be delaying the nominations to fill judicial emergency vacancies in the Ninth Circuit. If caseloads were really a concern, Senate Republicans would consent to move forward with all three of these Ninth Circuit nominees to allow for up or down votes by the Senate without these months of unnecessary delays.

Delay is harmful for everyone, but mostly to the American public. Right now, 150 million Americans live in districts and circuits with vacancies that could be filled if Senate Republicans would simply vote on the 22 judicial nominations ready for final Senate action.

I also note that of the current vacancies without a nomination, 28 involve Republican home state Senators. This is a President who has tried to work with home state Senators from both parties on his nominations. There are also an additional seven nominations on which the Senate Judiciary Committee cannot proceed because Republican Senators are withholding support.

I congratulate Senator MCCASKILL for her success in getting this vote on the nomination of Judge Wimes. He is currently a judge on the 16th Judicial Circuit Court of Missouri. He previously served as the Jackson County Drug Court Commissioner and as an assistant prosecuting attorney in the Jackson County Prosecutor's Office. Judge Wimes has the strong support of Senator CLAIRE MCCASKILL and is also supported by Senator BLUNT. He and his family have been waiting for this day since the Judiciary Committee in an overwhelming, bipartisan manner voted to send his name to the Senate on December 15th of last year.

Today's vote is pursuant to the agreement reached by the Majority Leader and the Republican leader last month. To make real progress, however, the Senate needs go beyond the nominations included in that limited agreement to include the other 16 judicial nominations currently before the Senate for a final vote and the three judicial nominees who should be reported by the Judiciary Committee this week. Let us work in a bipartisan fashion to confirm these qualified judicial nominees so that we can help alleviate the judicial vacancy crisis and so they can serve the American people.

Mr. GRASSLEY. Mr. President, this afternoon we are considering the nomination of Brian C. Wimes, of Missouri, to be United States District Judge for the Eastern and Western Districts of Missouri. Again, we are moving forward under the regular order and procedures of the Senate. With today's nomination we will have confirmed 78 judicial nominees during this Congress. With the confirmations today, the Senate will have confirmed more than 75 percent of President Obama's judicial nominations. I would note that in 3 years of President Obama's term, we will have confirmed four nominees as a District Judge in Missouri. This is the same number President Bush had confirmed in his 8 years.

Judge Wimes is a 1990 graduate of the University of Kansas. He received his law degree in 1994 from Thurgood Marshall School of Law, Texas Southern University. Upon graduation from law school, Judge Wimes became an attorney advisor in the litigation branch of Federal Bureau of Prisons in Washington, DC. He represented the Bureau in civil actions by inmates throughout the country. In 1995, the nominee left the Bureau and became an assistant prosecuting attorney for the Jackson County Prosecutor's Office in Kansas City, MO until 2001. During his time there, he served as coordinator for the drug abatement response team; was the East Patrol community prosecutor, acting as office liaison to the community; and, in 1999, became the senior trial attorney for the drug unit. In this position he prosecuted cases involving major crimes with an emphasis on drug-related homicides.

In 2001, Judge Wimes became the drug court commissioner for the court for Jackson County, MO. He was appointed for two, 4-year terms. He presided over 400 assigned cases to drug court, with a caseload of 120 to 150 docketed cases per week.

After serving as the drug court commissioner for Jackson, Judge Wimes was appointed by then-Governor Matt Blunt to serve as the circuit court judge for the 16th Judicial District, Jackson County, MO. He was appointed in 2007, and retained in the 2008 election cycle.

As a circuit court judge, Judge Wimes has presided over approximately 29 criminal trials and 25 civil trials that have gone to judgment. From 2008 to 2009, Judge Wimes was assigned to the family court division and heard over 500 domestic cases to judgment as well.

A substantial majority of the ABA Standing Committee on the Federal Judiciary gave him a unanimous rating of qualified.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Brian C. Wimes, of Missouri, to be United States District Judge for the Eastern and Western Districts of Missouri?

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. KIRK), the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted ''nay.''

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

The result was announced—yeas 92, nays 1, as follows:

[Rollcall Vote No. 67 Ex.]

YEAS—92

Akaka	Brown (MA)	Coons
Alexander	Brown (OH)	Corker
Ayotte	Burr	Cornyn
Barrasso	Cantwell	Crapo
Baucus	Cardin	Durbin
Begich	Carper	Enzi
Bennet	Chambliss	Feinstein
Bingaman	Coats	Franken
Blumenthal	Coburn	Gillibrand
Blunt	Cochran	Graham
Boozman	Collins	Grassley
Boxer	Conrad	Hagan

Harkin	Lugar	Rockefeller
Hatch	Manchin	Rubio
Heller	McCaskill	Sanders
Hoeven	McConnell	Schumer
Hutchison	Menendez	Sessions
Inhofe	Merkley	Shaheen
Isakson	Mikulski	Shelby
Johanns	Moran	Snowe
Johnson (SD)	Murkowski	Stabenow
Johnson (WI)	Murray	Tester
Kerry	Nelson (NE)	Thune
Klobuchar	Nelson (FL)	Udall (CO)
Kohl	Paul	Udall (NM)
Kyl	Portman	Warner
Landrieu	Pryor	Webb
Lautenberg	Reed	Whitehouse
Leahy	Reid	Wicker
Levin	Risch	Wyden
Lieberman	Roberts	

NAYS—1

Lee

NOT VOTING—7

Casey	Kirk	Vitter
DeMint	McCain	
Inouye	Toomey	

The nomination was confirmed.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

The Senator from Minnesota.

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

POSTAL REFORM

Ms. KLOBUCHAR. Madam President, I rise to discuss the importance of addressing the financial challenges now facing the U.S. Postal Service and our critical need to ensure that it remains a strong and reliable resource for the people of our country.

The American Postal Service was created over two centuries ago as a function of the Federal Government, acknowledged in the U.S. Constitution. In those last 220 years, the way we send mail and exchange correspondence has changed dramatically. We no longer need a stamp or an envelope; we can just shoot an e-mail or sign onto Facebook.

But even with all these changes, the fact remains that no matter who you are or where you live, odds are that the post office plays a vital role in your daily life. Seniors rely on the Postal Service to receive their medications, businesses rely on it to ship and receive goods, and countless jobs hinge on its services, both directly and indirectly.

No matter how far we have come with technology in this digital age, there are some things that simply cannot be sent by e-mail. That is why reliable timely mail service is something all Americans should be able to count on.

I have heard from numerous people in my State about the negative impact the closure of certain post offices or mail processing facilities would have on their communities. I have heard from State and local leaders about the impact of closing the mail processing facilities in Duluth and Bemidji. I have heard from farmers who actually get their goods and ship their products through those mail processing centers.

That is why I have worked with Senator SANDERS and roughly 25 of my colleagues in the Senate, including Senator DURBIN—one-fourth of the entire Senate—to negotiate changes to this original bill. I thank Chairman LIEBERMAN and Senators COLLINS and CARPER for their great leadership. I am glad about some of the changes they have made.

The substitute amendment would, in fact, keep at a minimum 100 mail processing plants that are currently scheduled to close, and they would remain open for at least 3 years. Overnight delivery standards in regional areas will be protected. A large number of rural post offices that are being studied for closure will remain open.

I am a cosponsor of the amendment to the legislation that would provide important safeguards before closing mail processing facilities, and I have also cosponsored the McCaskill-Merkley amendment that would establish a 2-year moratorium on closing rural post offices and recognize the concerns of rural residents.

There is no doubt that changes need to be made to the Postal Service to make it more competitive in the digital world. I think a lot of those changes are contained in the substitute amendment. We can even make it stronger. I strongly believe we can reach a balance that makes necessary reforms, while maintaining the quick service on which Americans have come to rely.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

NLRB RULES

Mrs. MURRAY. Madam President, I come to the Senate floor this evening to express my strong opposition to the resolution of disapproval filed by Senate Republicans that seeks to overturn critical new NLRB rules that will protect workers across America. I strongly urge my colleagues to oppose it. Some of our colleagues on the other side of the aisle frequently complain about how we spend our time on the Senate floor. Today, I have to say I am disappointed that we are being forced to spend valuable time on this issue.

Middle-class families across America are continuing to struggle in this very tough economy, and it is hard to understand why Senate Republicans want to spend time attacking an agency's mission to protect workers and employers and is critical to protecting access to the middle class for workers and families.

Thankfully, as we all know, our economy seems to be stepping back from the precipice. But for so many workers today paychecks still have not caught up, benefits continue to slip away, hours are getting cut, and job security is eroding. That is why I was very glad that at the end of last year, the NLRB voted to adopt modest commonsense rules that would make it easier for workers to fight for fair treatment in the workplace and help bring NLRB into the 21st century.

These new rules aren't going to solve every problem, but they are a step in the right direction and will help workers and families across the country. The new NLRB rules will strengthen and streamline the voting process by reducing unnecessary litigation and intentional delays. It will streamline pre- and postelection procedures, and it will facilitate the use of electronic communications and document filing. Those are all commonsense steps that should not be controversial.

I am extremely disappointed that Senate Republicans want to now eliminate these rules and roll back the clock on worker protections. The resolution we are going to vote on would eliminate steps to standardize and add transparency to the employee election process. It would eliminate steps that reduce frivolous litigation and create a more cohesive and productive workplace for workers and businesses. It will fundamentally weaken NLRB processes and procedures that workers and businesses rely on when they are trying to settle disputes.

It is bad for business, bad for working families, and it should not pass. Workers across this country deserve a fair process in the workplace. The NLRB rule this resolution would eliminate removes some of the unfair and unnecessary roadblocks so many workers face every day. I have to say that while we are discussing this issue, I want to express my disappointment and anger at the recent report from the inspector general about improper and politicized activities by a current Republican member of the NLRB board, an individual who previously worked for another board member who is a former staffer for a Republican Member of the Senate. That report details multiple instances of ethics misconduct, including the sharing of confidential information with outside parties. I am hopeful that issue will be fully investigated. I am deeply worried about the actions some people will take to undermine an agency with a mission to protect the rights of workers and employers. And honestly, I find it to be a sad statement about the nature of our politics today, because the NLRB is doing a lot of good work for workers in America and it shouldn't be tarnished with this sort of ethics issue.

This agency has borne the brunt of political attacks over the last year from special interest groups and elected officials trying to score political points at the expense of workers and families. Many of these attacks have been inaccurate; many have been unfair. Some have used the case involving Boeing and workers in my home State

of Washington to weaken the agency, even while the NLRB work is what allowed the two sides to come together and find a solution to that challenge. So I think this is wrong and these attacks should end.

The NLRB election rules are modest, they are commonsense steps toward a fairer system for workers and businesses and will help us move toward a system that works for everyone, and they will help make sure our workers can simply exercise their rights to bargain for fair wages, for benefits and equitable treatment under the law. That is what our workers expect, it is what they deserve, and it is what the NLRB is working to deliver.

Once again, I urge our colleagues to vote against that resolution of disapproval. It is the wrong way to go for workers. It is the wrong way to go for businesses and for the middle class.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, let me join in the remarks by the Senator from Washington. This National Labor Relations Board rule which will be voted on by the Senate tomorrow is one that was needed. The rule change was needed and the attempt on the floor, of course, is to undo this decision by the National Labor Relations Board.

If they say justice is denied, look at the current situation when it comes to a vote by workers on collective bargaining. If delayed at every potential opportunity, and sometimes it happens, workers have to wait, on average—average—198 days—that is 6½ months—to have a simple vote deciding if they would be represented by the union. In some extreme cases they have been forced to wait 13 years for the right to vote on collective bargaining.

One in five workers who openly advocate for unions during an election campaign is fired. As a result of these tactics, 35 percent of workers give up and withdraw from the election before a vote is held. The proposed NLRB rule changes will remove unnecessary delays to the process, cut down on unnecessary litigation, and provide workers a meaningful vote in a reasonable period of time. The proposed rules will apply the same way to workers attempting to decertify a union as they do to workers trying to form a union. So from the business side, if they think workers no longer wish to belong to a union, there will be a timely vote on that as well. It applies the same way to unions and employers.

This rule is fundamentally fair, and that is why I encourage my colleagues to join with me and Senator MURRAY and many others in voting against this effort by Senator ENZI to overturn the proposed National Labor Relations Board rule.

As I said earlier, Madam President, the rule applies the same way to unions and employers. But it does not require that elections be held within a specific time period and it does not deny companies the opportunity to express their opinion about union representation. The only real impact of the rule changes will be to better protect workers' right to make a determination for themselves through a reasonable fair timely election.

The NLRB rules create a uniform process for resolving pre- and post-election disputes to provide consistency and remove unnecessary obstacles to workers' right to vote.

NLRB hearing officers will be empowered to dismiss claims that would not impact the election. At the pre-election hearing, employers and unions can raise their concerns about the petition, but they can't play games to stall the election.

The rules consolidates the pre-election and post-election appeals into a single postelection procedure, which saves the parties from having to file and brief appeals that may be costly and useless based on the outcome of the election.

The new rules make Board review of the regional directors' decisions discretionary. This change will require parties to identify compelling reason for Board review, allowing the Board to devote its limited time to cases where its review is warranted.

The new rules apply to both elections seeking to certify a union and elections seeking to decertify a union. Further, the new rules do not alter in any way an employer's ability to communicate with workers during the election period and do not require that elections be held within a certain period of time.

In the view of organized labor, these rules, even in their scaled back form, are one of few positive actions taken by Congress or the administration in the last year. Unions argue that the old rules are subject to manipulation, causing significant pre-election delay and leading to petitions being withdrawn prior to an election or avoidance of Board processes altogether. If an employer takes advantage of every opportunity for delay, the average time before workers vote is 198 days.

Business groups are opposed to the new NLRB rules arguing it will limit their ability to present their side in an election. Most of their points against the rule relate to provisions of the proposed rule that were not included in the final rule. Their position also stems from general opposition to the NLRB for the now settled Boeing issue, new worker rights posting requirements, the President's NLRB recess appointments, and other NLRB decisions.

IMMIGRATION

Mr. DURBIN. Madam President, this Wednesday the Supreme Court will hear a challenge to Arizona's controversial immigration law. I thought about this law over the weekend in Springfield, IL. There is an annual event where a special award is given to those sons and daughters of Illinois who have given great service to our State and Nation. Admiral Ron Thunman, one of my neighbors in Springfield, was a graduate of Springfield High School and enlisted in the Navy. He worked his way up to the rank of vice admiral in the U.S. Navy and at one point commanded our submarine fleet. To think of this young man from the middle of the Midwest ending up in charge of our submarine fleet is a great testament to his ability and to the opportunity the Navy gave him to serve his country.

When Admiral Thunman got up to receive his award—this Lincoln Award—he said: I stand here humbled by the memory of my father who was an illegal immigrant to this country from Norway, who came here jumping off a ship as a sailor and lived in the United States illegally until the time he was prepared to volunteer to serve our Nation in World War II.

Admiral Thunman tells that story over and over. What a reminder it is that the sons and daughters of immigrants to this country, as well as those immigrants themselves, literally made America what it is today.

One hundred one years ago, my mother arrived on a boat from Lithuania. Her boat came to Baltimore, MD, and my grandmother took herself, her sister, and brother, to East St. Louis, IL, where I grew up many years later. That is my story. It is an American story that is repeated over and over. Immigrants are part of America. It is the diversity of America that gives us our strength.

Those who hate and loathe immigrants have always been here. Probably as soon as the Mayflower landed, they looked over their shoulder and said, We hope nobody else is coming. But the fact is people have been coming from all over the world, and they still would rather come to this country than leave it, which is quite a testament to this Nation. Senator LIEBERMAN made that point on the floor the other day.

This week, the Supreme Court is going to take up an important question on immigration—the Arizona law. Under the Arizona law, any undocumented immigrant can be arrested and charged with a State crime—an Arizona crime—solely on the basis of their immigration status. It is a crime for an illegal immigrant in Arizona to fail to carry documents proving their legal status under this law. Under our Constitution, States don't have the right to pass their own laws preempting Federal laws on immigration. That is why the Justice Department filed the case the Supreme Court will hear this week.

Let us be clear. It is wrong to criminalize people because of their immigration status. That is not the way we treat immigrants in America. It is not right to make criminals of people who go to work every day, cook our food, clean our hotel rooms, care for our aging parents in nursing homes, and care for our children as well. It is not right to make criminals of those who worship with us in our churches, synagogues, and mosques, and people who

send their children to the same schools as our children.

Here is the reality. This approach that Arizona law suggests will not help combat illegal immigration. Law enforcement doesn't have the time or resources to prosecute and incarcerate millions of people. Making undocumented immigrants into criminals will simply drive them farther into the shadows. The Arizona Association of Chiefs of Police took a look at the new Arizona law and came out in opposition to it. They said it makes it more difficult for them to maintain order and enforce law in Arizona. Immigrants, because of this law, the chiefs of police have said, will be much less likely to cooperate, and they need their cooperation to continue to fight crime.

There is another troubling aspect of the Arizona immigration law. According to experts, the law encourages racial profiling. I chair the Senate Judiciary Committee's Subcommittee on Constitution, Civil Rights, and Human Rights. Last week, at a hearing on racial profiling, we had the first hearing on the subject since 9/11/2001. One of the subjects we examined at the hearing is the state of Federal, State, and local measures in recent years under the guise of combating illegal immigration that have subjected Hispanic Americans to an increase in racial profiling. The Arizona immigration law is a prime example, and let me explain why.

Arizona's law requires police officers to check the immigration status of any individual if they have ''reasonable suspicion'' the person is undocumented. What is the basis for reasonable suspicion? Arizona's guidance on the law tells police officers to consider factors such as how someone is dressed and their ability to communicate in English.

Two former Arizona attorneys general, joined by 42 other former State attorneys general, filed a brief in the Arizona case and they said ''application of the law requires racial profiling.''

One of the witnesses in our hearing was Ron Davis, chief of police at East Palo Alto, CA. Chief Davis, along with 16 other current and former chief law enforcement officers, the Major Cities Chiefs of Police Association, and the Police Executive Research Forum, filed a brief in the Arizona case. Here is what the brief filed by the chiefs of police in the Arizona case before the Supreme Court said:

> The statutory standard of ''reasonable suspicion'' of unlawful presence in the United States will as a practical matter produce a focus on minorities, and specifically Latinos.

Let me be clear: I believe—and I think most Americans share this belief—the vast majority of law enforcement officers in America perform their jobs admirably and courageously. When they wake up in the morning and put that badge on, they literally put their lives on the line for you, for me, and for all of us in America. Unfortunately, the inappropriate actions of a few, who engage in racial profiling, create mistrust and suspicion, and that hurts all police officers. The evidence clearly demonstrates that racial profiling doesn't solve crimes, it doesn't work, and that is what Chief of Police Ron Davis told us as well. That is why so many law enforcement leaders strongly oppose racial profiling and the Arizona immigration law.

Instead of measures that harm law enforcement and promote racial profiling, such as the Arizona immigration law, we need to support practical solutions to fix America's broken immigration system. And if I could say one word in defense of Arizona, it is the fact that our failure—Congress's failure, Washington's failure—to deal with immigration has brought on this effort by many States and localities. We have our own responsibility.

Let me tell you where I think we should start. We should start our reform on immigration with the DREAM Act. Eleven years ago, I introduced this bill, legislation that allows a select group of immigrant students with great potential to contribute to America. The DREAM Act would give these students a chance to earn legal status, and ultimately citizenship, if they came to the United States as children or have been long-term U.S. residents with good moral character, have graduated from high school and have completed 2 years of college or military service in good standing.

Russell Pearce, the author of the Arizona immigration law, had this to say about the DREAM Act, and I quote:

> The DREAM Act is one of the greatest legislative threats to America's sovereignty, national security and economic future.

Well, I see it differently, and so do people such as GEN Colin Powell and former Defense Secretary Robert Gates. They support the DREAM Act because it would make America a stronger Nation, giving these talented immigrants a chance to serve our military and to improve and contribute to our economy. Tens of thousands of highly qualified, well-educated young people would enlist in the armed services if the DREAM Act becomes law. Studies have found DREAM Act participants would contribute literally trillions of dollars to the U.S. economy during their working lives.

The best way to understand the need for the DREAM Act is to meet the Dreamers. Today I want to introduce you to a Dreamer from Arizona. Here she is. Her name is Dulce Matuz. She was brought to the United States by her parents from Mexico as a young child. At Carl Hayden High School in Phoenix, AZ, Dulce became a dedicated member of the school's robotics club where she found her true love—engineering.

She went on to graduate from Arizona State University, and we see her standing here with the mascot. She earned a bachelor's degree in electrical engineering. As a senior, Dulce received an internship to work on the NASA space station. But after she graduated, reality set in. Because Dulce is undocumented—one of the Dreamers—she can't work as an engineer in America. She can't become licensed in any State. She has no country.

In 2008, Dulce cofounded the Arizona DREAM Act Coalition, an organization of more than 200 DREAM Act students in predicaments like hers. She continues to volunteer at the high school she attended. Today, Dulce is 27 years old. Last week, this amazing young woman was named one of the hundred most influential people in the world by Time magazine.

Time published a profile of Dulce written by the actress Eva Longoria. Here is what the profile said:

> Dulce represents the finest of her generation, an undocumented Latina confronted with legal barriers to pursuing her engineering dream. She chose to fight for the right to contribute to the country she has called home since she was very young. Dulce takes on powerful opponents with grace and conviction, saying, ''We are Americans, and Americans don't give up.''

Dulce is right. Americans don't give up. We have been fighting for the DREAM Act now for 11 years. We are not going to give up until it is signed into law by a President of the United States. I am honored that this President, President Barack Obama, when he was a Senator was a cosponsor of my legislation. I know where his heart is when it comes to the DREAM Act.

Unlike the Arizona immigration law, the DREAM Act is a practical solution to a serious problem with our broken immigration system. I hope the Supreme Court will strike down the Arizona immigration law, and I again beg my colleagues to support the DREAM Act. It is the right thing to do, and it will make America a stronger nation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak as if in morning business for up to 10 minutes.

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

GI BILL CONSUMER AWARENESS

Mr. BROWN of Ohio. Madam President, late last month I brought to Washington 55 or so college presidents from Ohio—presidents of 2-year and 4-year private and public colleges and universities—to discuss a whole host of issues. One subject that always comes up when you talk about young people, when you talk about college, when you talk about universities, is access to higher education, that far too many of our young people simply can't afford to go to college.

My wife, a graduate of Kent State some 30 years ago, was privileged in those days even though nobody in her family had ever gone to college. Her dad carried a union card, was a utility worker in Ashtabula, OH, working as a

maintenance worker in a local powerplant. She was able to go to school because in those days college was more accessible—Pell grants, some loans, tuition was significantly lower—and she was able to be the first in her family to go to college, and she went to Kent State University. Today it is much harder. Tuition is far too high. Pell grants haven't kept up with the cost of education the way they might have 30 years ago.

One of the options we have, the subsidized Stafford loan, which is available to students based on need and is often the main pathway to college for a number of them, is under stress, if you will. If we do nothing, if Congress doesn't do anything, the interest on these critical loans will double for borrowers beginning July 1, 2012. So the interest rates will actually double on those students if Congress does nothing. The interest rate right now is 3.4 percent. That is why they are called subsidized Stafford loans.

We know that investing in our young people this way, giving them an opportunity to go to college, which they couldn't otherwise, could make such a difference in their lives. A number of people don't want to go to college. That is fine. Those who want to go should have that opportunity.

Student debt in this country has reached about $870 billion, exceeding credit cards and auto loans. As more and more students continue to enroll in higher education, balances are expected to continue climbing. This means fewer of our young adults will be able to buy a home, start a business, or continue on to graduate school. Already, students graduate from 4-year colleges and universities in Ohio with, on average, about $27,000 in student loan debt. If the interest rates double, it will add another $2,000 in debt for the average borrower and as much as an additional $5,000 for the neediest borrower on subsidized Stafford student loans. A number in this institution in the Senate on the Democratic side are trying to convince our colleagues how important it is that we stop this interest rate from doubling. We must act before July 1.

Just as we have an obligation to keep college affordable for middle-class Americans and working-class Americans, we have as great an obligation to keep college accessible to American veterans. This year more than 500,000 servicemembers and veterans are expected to take advantage of the post-9/11 GI bill, a bill we passed out of the Veterans' Affairs Committee to ensure that all veterans could afford the rising cost of college. The VA is expected to spend some $11 billion in education benefits and other GI bill benefits this year alone.

We know in the 1940s and 1950s what the first GI bill did—signed near the end of World War II—how it created a whole generation of prosperity and a strong middle class. We know that the GI Bill of Rights, which the House and Senate passed I believe 3 years ago, has begun to help large numbers of veterans again. Unfortunately, servicemembers and veterans are often aggressively recruited by some educational institutions that use misleading information. For instance, if you visit the Web site gibill.com, it directs a veteran to enter his or her personal and contact information to obtain information about the GI bill's educational benefits. It looks just like a government Web site, but it is not. It turns around and sells that veteran's information, often to for-profit colleges.

Earlier today, I was welcomed at a VFW post in Cleveland by Jason Plezko, the commander of that post. I met with Brad Sonenstein, a U.S. Air Force veteran now studying at Kent State, and Joshua Rider, the assistant director of the Center for Adult and Veteran Services at Kent State University. Brad explained how he was inundated with offers and letters when he was exploring how to utilize his well-earned GI benefits. Those offers overwhelmingly came from for-profit colleges. He said they were more interested in their own bottom line than helping those who served in the front lines. That is simply not right.

No one is in a better position to make a decision as to what is best for them as a veteran than the veteran herself or the veteran himself. We can play a role in assisting them. The GI Bill Consumer Awareness Act provides veterans with more and better information about their benefits, calls for improved education counseling, and gives colleges new resources to hire people such as Joshua Rider to help returning veterans. It requires all institutions of higher education to disclose critical information, such as the average student loan debt, the transferability of credits, and accurate job-placement data. We do that at our State universities. We do that at most of our not-for-profit private schools. We do that at our 2-year community colleges.

Those using the GI bill tend to be older than the average student population. They choose to serve our Nation, often right out of high school rather than going straight to college. Because of this many have families and careers and other challenges their classmates don't have. Giving our veterans the tools to make the best possible decisions benefits all of them. That is the importance of the GI Bill Consumer Awareness Act.

I particularly thank Senator MURRAY, chair of the Veterans' Committee, for her work on this legislation. This body should pass it immediately.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

SURFACE TRANSPORTATION ACT

Mr. WHITEHOUSE. Madam President, I would like to first express my appreciation to the Senator from Ohio for his work on these education issues, particularly the importance of the Stafford loan and avoiding the interest rate jump that is scheduled to take place. And I would point out that had we passed the so-called Buffett rule bill so that Americans who earn well over $1 million a year would actually all pay a fair share of taxes, that would have created somewhere between $47 billion and $163 billion in revenues, and that would readily pay for keeping the student loan rate down. So I hope we can find another way to do it, but that would have been one good way.

The reason I am on the floor this evening is because I was at Wickford Junction in Rhode Island earlier today, where a new commuter rail station has been built, largely through the energy and effort of my senior Senator, JACK REED, over many years. Secretary LaHood, the U.S. Secretary of Transportation, came to be present at that event, and that reminded me, of course, of the highway bill, which is probably the biggest jobs bill we could pass here in Congress.

We tend to talk a good game on jobs. Recently, we even referred to a bill as a JOBS bill. It had kind of a trick: It was actually called Jumpstart Our Business Startups, J-O-B-S. They made an acronym so that it sounded like a jobs bill when what it really did was to allow people to market stocks without the usual safeguards that protect investors and consumers.

So we do a lot to try to convince people we are working on jobs here in Congress, but the one bill that indisputably is really going to be helpful to the American economy to provide jobs would be the highway bill that the Senate passed—2.9 billion jobs protected or created. In my State of Rhode Island, it is 9,000 jobs, and I promise you we could use those 9,000 jobs in Rhode Island right now. The bill passed the Senate with flying colors, with every kind of credit you could associate with a piece of legislation. It passed 74 to 22. A 75th Senator indicated that he would have supported it but he was called out of town for a funeral. And obviously, with a 74-to-22 lopsided vote, his vote was not necessary. But, in effect, 75 Senators are on record supporting that bill, which in this Senate, as everybody knows, is a considerable landslide of a majority.

Now, 2.9 million jobs is a serious thing in this economy, with 9,000 in Rhode Island that we desperately need. And the bill left not only with the support of a unanimous Environment and Public Works committee, where it came from originally—and I commend both Senator BOXER and Senator INHOFE, the chair and the ranking member, for pulling that together. As people who watch the Senate know, Senator BOXER and Senator INHOFE come from rather different political persuasions, and yet they were able to agree on this and bring a bill out of committee unanimously.

It then came to the floor and went forward. We had 5 weeks of floor debate. We added 40 amendments either

by vote or agreement. It was very bipartisan, it was very transparent, and we ended up with that 75-to-22 expression of support by the Senate for that bill.

There was a rather different story on the House side. They knew the March 31 deadline was approaching—it had been a matter of law for a long time—and they blew the deadline. They had no bill going into it. They tried several times to come up with something, and they couldn't do a thing. They had no bill at all.

So without a bill, one would hope they could have passed the Senate bill. They certainly had the votes. All they had to do was call it up and pass it. Democrats and Republicans would have voted for it, and we would be getting those jobs out there right now. Instead, they had no bill, and they chose to pass an extension. The extension is actually pretty harmful. They actually passed two, and they are both harmful.

The first short-term extension—I spoke to my DOT director in Rhode Island. He was at Wickford Junction as well, and we have done a couple of other events in the past week or so to try to bring attention to this. He has a list of roughly 95 or 96 projects they want to get done in Rhode Island in the summer building season, the highway construction season. He estimates that probably 40 of those jobs are going to fall off the list because they don't know what their long-term funding is, and they can't commit to those jobs until this gets settled. So these short-term extensions are very harmful. They cost jobs. They are job killers. Yet the House has passed two of them.

To make it even more complicated, they threw on the last one—a requirement that the Keystone Pipeline be bulldozed through all the regulatory and environmental reviews that are necessary. Say what you want about the Keystone Pipeline, it is a completely contentious, controversial issue here in Congress. They did not make an effort to resolve it on the House side. This was not something where they brought people together, came to a resolution on the Keystone Pipeline, and then added it to the bill. No. They just took their Republican version of it without any effort to be bipartisan and stuffed it into the highway extension.

So they have missed the chance to pass really good bipartisan legislation out of the Senate, they have passed a job-killing extension that is very harmful to folks doing highway work around the country, and they have complicated it further by throwing a controversial issue on top.

If you are serious about jobs—and I know we talk a lot about it in the Senate—if you are serious about jobs, we should stop that nonsense and take up the Senate bill and pass it in the House and get everybody to work. In the absence of that, we need to make sure that we move to conference very quickly, that we appoint conferees, and that we get going.

This is important to Rhode Island. As I said, we desperately need these highway jobs. So I am going to continue, along with many of my colleagues, coming to the Senate floor to put the pressure on to do something that is very simple: pass a highway bill. This is not complicated. We have been doing it since Eisenhower was President, and the fact that we can't do it now says a lot about the capacity for governance of the House of Representatives under this Speaker.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

POSTAL SERVICE REFORM

Ms. KLOBUCHAR. Madam President, after our work on this important bill to reform the Postal Service is complete, we will be turning to another important bill, one that has a long history of bipartisan support. That bill, the Violence Against Women Act, is a law that has literally changed the way we think about violence against women in the United States.

The Violence Against Women Act is one of the great legislative success stories of this generation. Since it was first passed in 1994—and I will tell you that then-Senator BIDEN was involved in drafting that legislation and led that effort, he and someone we miss very dearly in Minnesota, Paul Wellstone. He and his wife Sheila were also involved in getting this important bill passed. Since that time, annual domestic violence rates have fallen by 50 percent as communities nationwide have stopped looking at these issues as family issues and started treating domestic violence and sexual assault as the serious crimes they are.

Before I came to the Senate I spent 8 years as chief prosecutor for Minnesota's largest county, Hennepin County. During that time, both prevention and the prosecution of domestic violence were one of my top priorities. We were very proud of the Domestic Violence Service Center, which was cutting edge in the Nation, a one-stop shop where people could go when they were victims of domestic violence, a place for their kids; shelters, prosecutors would be able to charge out complaints, police would be there for protective orders. It was a way to help people who were at the point where they thought no one was there for them, for women to be able to come in and find one place that was safe for them.

As we all know, there is still a lot of work to be done. According to a recent survey conducted by the Centers for Disease Control and Prevention, 24 people per minute are victims of rape, physical violence, or stalking. Approximately one in four women has experienced severe physical violence by an intimate partner at some point in their lifetime, and 45 percent of the women killed in the United States every year are killed by an intimate partner. Every year close to 17,000 people lose their lives to domestic violence.

These statistics mean domestic violence and sexual assault and stalking are still problems in America. As far as we have come, we can still do better. That is why it is such a good thing that we passed the Violence Against Women Act reauthorization out of our Judiciary Committee and the bill now has the support of 61 Senators, including 8 Republicans. I am hopeful we will be able to pass this bill quickly after we take it up later this week. It has taken too long.

Combating domestic violence and sexual assault is an issue on which we should all be able to agree. Many of the provisions in the reauthorization bill make important changes to the current law. The bill consolidates duplicative programs and streamlines others. It provides greater flexibility in the use of grant money by adding more ''purpose areas'' to the list of allowable uses. It has new training requirements for people providing legal assistance to victims, and it takes important steps to address the disproportionately high domestic violence rates in the Native American communities.

The bill also fills some gaps in the system. I am pleased to say it includes legislation I introduced with Senator HUTCHISON to address high-tech stalking, cases where the stalker uses technology such as the Internet, video surveillance, and bugging to stalk their victims. Sadly, we are seeing more of this. This bill will give law enforcement better tools for cracking down on stalkers.

Just as with physical stalking, high-tech stalking may foreshadow more serious behavior down the road. It is an issue to take seriously, and we in law enforcement must be as sophisticated as those who are breaking the law. That is why we need to update this law.

We also should not lose sight of the fact that the VAWA reauthorization has strong support from law enforcement. The Fraternal Order of Police, the Federal Law Enforcement Officers Association, the National Sheriffs' Association, and the International Association of Chiefs of Police support this bill.

Recent events in my State have shown me and the entire population of Minnesota in the worst possible way just how closely domestic violence is linked with the safety of our law enforcement officers. I don't think people always think about that. They realize when police officers are out driving on the road, drunk drivers are out driving on the road—that it is risky. Because the police are constantly on the road. What they don't realize is one of the leading causes of death of officers is domestic violence-related incidents.

A couple of months ago I attended the funeral of Shawn Schneider, a young police officer from Lake City, MN. Officer Schneider died responding to a domestic violence call—a 17-year-old girl who was being abused by her boyfriend. When Officer Schneider arrived at the scene, he was shot in the

head. The girl survived, but Officer Schneider literally gave his life to save another. I attended that funeral, and I will never forget the heartbreaking scene of his two young sons walking down the church aisle with the little girl, his daughter, in a blue dress covered with stars. I think it reminds all of us that domestic violence just doesn't hurt the immediate victim, it hurts entire families, entire communities.

This has never been a partisan bill. It is crucial to pass this bill. We have made a lot of progress over the years, and we have been able to work across the aisle to build on VAWA's success. That is something that means a lot to me, and it certainly means a lot to the millions of people who are victims of domestic abuse and sexual assault every single year.

I urge my colleagues to support our efforts to bring this bill to the floor quickly. We can pass it this week. We can provide desperately needed help to victims of domestic assault, domestic violence, and other such crimes.

I yield the floor. 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.

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of S. 1789 but no earlier than Wednesday, April 25, the Senate adopt the motion to proceed to Calendar No. 312, S. 1925.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. LEAHY. Mr. President, today marks the beginning of the 31st annual National Crime Victims' Rights Week. It is a time to recognize the losses faced by victims of crimes and their families and to acknowledge the efforts being made to help them recover and rebuild their lives in the wake of tragedy. It is a time to reflect on all we have accomplished and focus on what we have to yet do to help victims.

Of course, one of the best tools for delivering that help is the Crime Victims Fund. Unfortunately, in recent months, some have sought to violate the Victims of Crime Act. They want to take money out of the trust fund for purposes and programs not authorized by the Victims of Crime Act. I have worked with Senators from both sides of the aisle. We have been able to stop this raid on crime victims' funding. I wish to commend Senators MIKULSKI and HUTCHISON, the chair and ranking member of the Subcommittee on Commerce, Justice, Science of the Committee on Appropriations for their important efforts in this regard in the appropriations bill we reported to the Senate last week.

The Senate Appropriations Committee, on which I serve, has reported a bill that preserves the Crime Victims Fund, and we succeeded in increasing the funding next year for victims' compensation and assistance to $775 million. To be able to increase Federal assistance by $70 million from last year's cap is extraordinary in these economic times, and it is an indication here in the Senate of our commitment to crime victims. This is a matter on which I have worked with Senator CRAPO as well as Senator MIKULSKI over the years. I appreciate their leadership in this effort.

The Crime Victims Fund is not taxpayers' money. It comes from penalties and fines. It comes from wrongdoers. We designed it to help victims of crime. We created it as a trust fund for crime victims' needs and services. I have tried to respect the trust fund and to protect it, to ensure that it is used and available for crime victims and their families who depend on its support in times of need. We all know the States are being forced to tighten their belts, and when they do, victims' services are being cut all over the country. Without the Federal assistance from this trust fund, victims' compensation programs and victims' assistance programs and services will be unavailable to many.

Another important law that strengthens crime victims' rights and improves crime victims' services is currently pending before the Judiciary Committee. The Justice For All Reauthorization Act strengthens the rights guaranteed to crime victims in the criminal justice process and ensures that basic services, like the rapid testing of rape kits, help victims receive the justice, safety, and closure they deserve. I look forward to working with Senators from both sides of the aisle to move that legislation forward as well.

Currently pending before the Senate is the majority leader's motion to proceed against the Violence Against Women's Act, S. 1925. I introduced this legislation with Senator CRAPO last year. We have 61 bipartisan cosponsors from both parties. When we enacted the Violence Against Women Act nearly 18 years ago, it sent a powerful message that we will not tolerate crime against women and forever altered the way our Nation combats domestic and sexual violence. Our legislation offers support to the victims of these terrible crimes and helps them find safety and rebuild their lives. The bill we will debate this week is based on the recommendations of victims and the tireless professionals who work with them every day.

April is also Sexual Assault Awareness Month and our bill takes the important step of focusing increased attention on sexual assaults, including those against the most vulnerable among us.

As I listened to Senator MURRAY, Senator FEINSTEIN, Senator SHAHEEN, and Senator GILLIBRAND—and, as a matter of fact, I spoke with Senator HAGAN last week about the pending motion to proceed to the VAWA reauthorization legislation—I thought how fortunate we all are to serve with them and with Senators MIKULSKI, BOXER, SNOWE, LANDRIEU, COLLINS, STABENOW, CANTWELL, MURKOWSKI, MCCASKILL, KLOBUCHAR, and AYOTTE. In fact, 16 women senators are cosponsors of our Violence Against Women Reauthorization Act, and their input has strengthened this critical legislation. I appreciate their strong bipartisan support for this measure and their willingness to speak out time and again on the need to pass this bill without delay.

We recently honored the senior Senator from Maryland for her services as the longest-serving woman Senator and as the woman who has also served the longest in Congress. I can remember back before 1993, when Senator Carol Mosely Braun became the first woman to serve as a member of the Senate Judiciary Committee. We are fortunate now to have both Senator FEINSTEIN and Senator KLOBUCHAR as active members of our Committee.

I remember when nine women Senators joined together to contribute to the book ''Nine and Counting'' about their paths to the U.S. Senate. These women have served as role models for many other young women and young girls. Even as Senator Clinton has gone on to become our Secretary of State, there have been other changes. Six of the nine Senators who were subjects of the book in 2001 still serve in this institution today. They have been joined by nine additional women Senators from around the country. This book, ''Nine and Counting,'' was a title for looking to the future. Today, 17 women serve in the U.S. Senate. That is a great step forward. They have farther to go, of course, but it is a lot better than when I came to the Senate when we had no women serving. Sixteen of them have joined from both sides of the aisle to bring their leadership and their strong support, but also their experience, to the Violence Against Women Reauthorization Act.

Our bill includes a number of provisions they have championed and suggested. To will give one example, our bill includes the provisions that Senator KLOBUCHAR and Senator HUTCHISON suggested and introduced as the Stalkers Act of 2011. That provision is new to VAWA. It would not have been included if we had simply introduced a one-sentence reauthorization of VAWA rather than a comprehensive bill. I thought it was a good provision, intended to update the Federal antistalking statute to capture the

more modern forms of communication that perpetrators use to stalk their victims.

In the spirit of National Crime Victims' Rights Week, our reauthorization bill takes steps to recognize victims' needs that are not being served and find ways to help them. That approach is not radical or extreme. The fact that the bill reaches more victims should not be a basis for partisan division; it is something we ought to celebrate. I have said on the floor before, a victim is a victim is a victim.

In my earlier career I would go to a crime scene at 3 o'clock in the morning with the police, as the chief law enforcement officer of our county. We might have a badly battered woman—if she survived; sometimes the victim did not survive—but I never heard the police say, ''Well, if we are going to do something on this, we have to figure out whether this victim is a Democrat or a Republican, or we have to figure out whether this victim is gay or straight, or we have to figure out''—no. They said, ''For this victim, let us find out who did this and let's get them and let's see what we can do,'' or if the victim is still alive, what we could do to protect the victim. That is what the Violence Against Women Act has always done and what I have tried to do for crime victims for many years.

As we have done on every VAWA reauthorization bill, we have learned from past experience how to make it better and now we make it better by taking responsible and moderate steps, in this case to protect immigrant and native women, and ensuring services to victims regardless of sexual orientation or gender identity, again under the mantra ''a victim is a victim is a victim.''

At the same time, we recognize the difficult economic times and the need to ensure that taxpayer dollars are being spent responsibly. That is why the bill consolidates 13 programs into 4 in an effort to reduce duplication and bureaucratic barriers. It cuts the authorization level for VAWA by more than $135 million a year, a decrease of nearly 20 percent from the last reauthorization. We will still provide sufficient authority to fund VAWA programs at over $400 million a year, which is consistent with the funding level provided in the appropriations bill for the coming year. Our legislation also includes significant accountability provisions, including audit requirements, enforcement mechanisms, and restrictions on grantees and costs.

Since its introduction last November, more than 700 State and national organizations have written to endorse the Violence Against Women Reauthorization Act. They are 200 national organizations, including 500 State and local organizations—the National Task Force to End Sexual and Domestic Violence, the National Association of Attorneys General, the National District Attorneys' Association, the National Sheriffs' Association, the International Association of Chiefs of Police, the Federal Law Enforcement Officers Association, and 25 national religious organizations. Last week, the mayors of three of the Nation's largest cities—New York, Chicago, and Los Angeles—wrote to the Senate urging us to pass the VAWA reauthorization. We have heard from 47 State attorneys general, Republican and Democratic alike, urging Senate passage of this legislation. That is because they recognize this Federal law is meaningful and that this reauthorization addresses the ongoing, unmet needs of victims in their States.

I ask unanimous consent that at the conclusion of my remarks these letters be printed in the RECORD.

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

(See exhibit 1.)

Mr. LEAHY. In fact, today I was advised by Bruce Cohen in my office that we have received the statement of administrative position. It is a very strong statement from the White House, and it is a strong statement in support of the Violence Against Women Reauthorization Act. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. LEAHY. I am glad we are finally moving to this.

The last two reauthorizations, each one an improvement on the one before, passed this body unanimously. We should do the same. It is not a partisan issue. I ask other Senators, if they haven't spoken with victims of abuse, to speak to those who are; talk to the police chiefs; talk to the people who have to deal with this; talk to the people who have survived some of these horrendous attacks. Ask them if they think this is needed. Ask those who have been protected from further abuse because of the steps we have taken in the Violence Against Women Act—ask them if we need it.

The Presiding Officer and the other 98 Senators come in this building and we are protected by one of the finest police forces that exists, the Capitol Hill Police force. We don't have to worry; nobody is going to attack us. In the Presiding Officer's State and my State and all of the other States, unfortunately, thousands of people cannot rest easily that way. They know their attacker and often they know their attacker is waiting to do it again. We can easily stand up and say here in the Senate: No, we won't stand for this violence against women. Let's take the steps that we can take, the men and women in this body. Let's take the steps we can take to stop the violence.

EXHIBIT 1

APRIL 19, 2012.

Hon. HARRY REID
Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: As mayors who collectively represent over seven and a half million women, we believe it is imperative that the Senate pass S. 1925, the Violence Against Women Reauthorization Act of 2011. Despite considerable progress over the past two decades in addressing the epidemic of violence against women, we recognize that much more needs to be done and that this legislation will strengthen our national commitment to tackling the challenges that remain.

Since 1994, the Violence Against Women Act (VAWA) has provided a comprehensive, coordinated, and community-based approach toward reducing domestic violence, sexual assault, stalking, and other forms of violence. Over the past two decades, its programs and services have provided lifesaving assistance to hundreds of thousands of victims. Through victim support programs, local and state funding assistance, and the U Visa program, VAWA has strengthened the ability of the criminal justice system to investigate and prosecute crimes and hold violent perpetrators accountable. These efforts have contributed to dramatic reductions in the incidence and impact of violence against women, including an over 50 percent decline in the annual rate of domestic violence. As we seek to make further progress, we believe it is essential that we provide services to victims regardless of their gender, race, language, Immigration status, or sexual orientation.

As mayors, we have seen the tremendous positive impact of the Violence Against Women Act in our communities. In New York, VAWA funding has helped open three Family Justice Centers, which are one-stop domestic violence centers with staff from government agencies and nonprofit organizations to assist victims of domestic violence. In Los Angeles, VAWA funding has also helped expand its Domestic Abuse Response Team—a collaborative effort between law enforcement officers and victim advocates to respond to domestic violence calls at the scene of the crime and provide crisis intervention. The Chicago Police Department uses its funding to train staff to assist victims of domestic abuse in an effort to provide the best resources to these victims. These are just a few examples of the vital services and assistance that this landmark law has enabled communities all over the country to provide to combat this terrible problem.

Despite the progress that has been made, much more needs to be done. Still today, nearly one in five women have been sexually assaulted or raped in their lifetime, and 45 percent of the women killed in the United States die at the hands of an intimate partner. This level of violence is simply unacceptable. We believe that S. 1925—like the 2000 and 2005 reauthorizations that preceded it—will help us better address continuing problems and remaining unmet needs. This legislation will expand services to immigrant and lesbian, gay, and transgendered communities, who not only experience the highest rates of violence but often have the most difficulty in accessing services. in recognition of the persistent problem of sexual violence, S. 1925 also will strengthen the capacity of local, state, and federal law enforcement to investigate and prosecute these crimes. While these tools will be essential in

achieving justice, they are also a reminder of the wide impact that domestic violence has on the community at large including law enforcement. In each of our cities, police officers have been injured or murdered while responding to domestic violence incidents.

For these reasons, we believe that it is critical that the Senate move quickly to take up and pass S. 1925 in order to strengthen our national commitment to all victims of domestic violence.

Sincerely,

RAHM EMANUEL,
Mayor, City of Chicago.
ANTONIO R. VILLARAIGOSA,
Mayor, City of Los Angeles.
MICHAEL R. BLOOMBERG,
Mayor, City of New York.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL,
Washington, DC, January 11, 2012.

DEAR MEMBERS OF CONGRESS, Since its passage in 1994, the Violence Against Women Act (''VAWA'') has shined a bright light on domestic violence, bringing the issue out of the shadows and into the forefront of our efforts to protect women and families. VAWA transformed the response to domestic violence at the local, state and federal level. Its successes have been dramatic, with the annual incidence of domestic violence falling by more than 50 percent.

Even though the advancements made since in 1994 have been significant, a tremendous amount of work remains and we believe it is critical that the Congress reauthorize VAWA. Every day in this country, abusive husbands or partners kill three women, and for every victim killed, there are nine more who narrowly escape that fate. We see this realized in our home states every day. Earlier this year in Delaware, three children—ages 12, 2½ and 1½—watched their mother be beaten to death by her ex-boyfriend on a sidewalk. In Maine last summer, an abusive husband subject to a protective order murdered his wife and two young children before taking his own life.

Reauthorizing VAWA will send a clear message that this country does not tolerate violence against women and show Congress' commitment to reducing domestic violence, protecting women from sexual assault and securing justice for victims.

VAWA reauthorization will continue critical support for victim services and target three key areas where data shows we must focus our efforts in order to have the greatest impact:

Domestic violence, dating violence, and sexual assault are most prevalent among young women aged 16–24, with studies showing that youth attitudes are still largely tolerant of violence, and that women abused in adolescence are more likely to be abused again as adults. VAWA reauthorization will help us break that cycle by consolidating and strengthening programs aimed at both prevention and intervention, with a particular emphasis on more effectively engaging men and local community-based resources in the process.

A woman who has been sexually assaulted can be subjected to further distress when the healthcare, law enforcement, and legal response to her attack is not coordinated and productive. Whether it is a first responder without adequate training, a rape kit that goes unprocessed for lack of funding, or a phone call between a crisis counselor and a prosecutor that never takes place, sexual assault victims deserve better. We must develop and implement best practices, training, and communication tools across disciplines in order to effectively prosecute and punish perpetrators, as well as help victims heal and rebuild their lives.

There is a growing consensus among practitioners and researchers that domestic violence homicides are predictable and, therefore, often preventable. We can save the lives of untold numbers of potential homicide victims with better training for advocates, law enforcement, and others who interact with victims to recognize the warning signs and react meaningfully.

The fight to protect women from violence is one that never ends. It is not a year-to-year issue, which is why we think it is critical that Congress reauthorize the Violence Against Women Act. We know a great deal more about domestic violence, dating violence, sexual assault and stalking than we did 17 years ago. Reauthorizing VAWA will allow us to build on those lessons and continue to make progress and save lives.

VAWA was last reauthorized in 2006 and time is of the essence for reauthorization of this important law. We urge Congress to take on this critical mission and reauthorize VAWA.

Thank you.

Sincerely,

Joseph R. ''Beau'' Biden III, Delaware Attorney General; Arthur Ripley Jr., American Samoa Attorney General; Dustin McDaniel, Arkansas Attorney General; John W. Suthers, Colorado Attorney General; Irvin Nathan, Washington DC Attorney General; William J. Schneider, Maine Attorney General; Tom Horne, Arizona Attorney General; Kamala Harris, California Attorney General; George Jepsen, Connecticut Attorney General; Pam Bondi, Florida Attorney General; Sam Olens, Georgia Attorney General; David Louie, Hawaii Attorney General; Lisa Madigan, Illinois Attorney General; Tom Miller, Iowa Attorney General; Jack Conway, Kentucky Attorney General.

Douglas F. Gansler, Maryland Attorney General; Bill Schuette, Michigan Attorney General; Jim Hood, Mississippi Attorney General; Steve Bullock, Montana Attorney General; Catherine Cortez Masto, Nevada Attorney General; Jeffrey Chiesa, New Jersey Attorney General; Lenny Rapadas, Guam Attorney General; Lawence Wasden, Idaho Attorney General; Greg Zoeller, Indiana Attorney General; Derek Schmidt, Kansas Attorney General; James ''Buddy'' Caldwell, Louisiana Attorney General; Martha Coakley, Massachusetts Attorney General; Lori Swanson, Minnesota Attorney General; Chris Koster, Missouri Attorney General; Jon Bruning, Nebraska Attorney General; Michael Delaney, New Hampshire Attorney General; Gary King, New Mexico Attorney General.

Eric Schneiderman, New York Attorney General; Wayne Stenehjem, North Dakota Attorney General; Mike Dewine, Ohio Attorney General; John Kroger, Oregon Attorney General; Guillermo Somoza-Colombani, Puerto Rico Attorney General; Alan Wilson, South Carolina Attorney General; Robert E. Cooper, Jr., Tennessee Attorney General; Mark Shurtleff, Utah Attorney General; Vincent Frazer, Virgin Islands Attorney General; Darrell V. McGraw, Jr., West Virginia Attorney General; Greg Phillips, Wyoming Attorney General; Roy Cooper, North Carolina Attorney General; Edward T. Buckingham, Northern Mariana Islands Attorney General; Scott Pruitt, Oklahoma Attorney General; Linda L. Kelly, Pennsylvania Attorney General; Peter Kilmartin, Rhode Island Attorney General; Marty J. Jackley, South Dakota Attorney General; Greg Abbott, Texas Attorney General; William H. Sorrell, Vermont Attorney General; Rob McKenna, Washington Attorney General; J.B. Van Hollen, Wisconsin Attorney General.

EXHIBIT 2

STATEMENT OF ADMINISTRATION POLICY
S. 1925—VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2011
(Sen. Leahy, D–VT, and 60 cosponsors, Apr. 23, 2012)

The Administration strongly supports Senate passage of S. 1925 to reauthorize the Violence Against Women Act, a landmark piece of bipartisan legislation that first passed the Congress in 1994 and has twice been reauthorized. That Act transformed the Nation's response to violence against women and brought critically needed resources to States and local communities to address these crimes.

The Administration is pleased that S. 1925 continues that bipartisan progress and targets resources to address today's most pressing issues. Sexual assault remains one of the most underreported violent crimes in the country. The bill provides funding through State grants to improve the criminal justice response to sexual assault and to better connect victims with services. The bill also seeks to reduce domestic violence homicides and address the high rates of violence experienced by teens and young adults. Reaching young people through early intervention can break the cycle of violence.

The Administration strongly supports measures in S. 1925 that will bring justice to Native American victims. Rates of domestic violence against Native American women are now among the highest in the United States. The bill builds on the Tribal Law and Order Act—which President Obama signed on July 29, 2010—to improve the effectiveness and efficiency of tribal justice systems and will provide additional tools to tribal and Federal prosecutors to address domestic violence in Indian country. The Administration also supports the important leadership role of the Office on Violence Against Women and believes that all victims should have access to critically needed services and protections.

TRIBUTE TO CHARLES COLSON

Mr. BLUNT. Mr. President, I wish to talk for a few minutes about Chuck Colson, who was a friend of mine and the founder of Prison Fellowship Ministries. He died on Saturday at 80.

Before Chuck Colson was 40, he was counselor to the President of the United States, Richard Nixon. At about that same time, about the time he was 40, he pled guilty to offenses related to the Daniel Ellsberg break-in. When he did that, I am told, even though his lawyers advised him not to plead guilty at that moment, he said pleading guilty was ''the price I had to pay to complete the shedding of my old life to be free to live the new life.'' In June of 1974, he began to serve his prison sentence.

What was the new life? In August of 1973, Chuck Colson's good friend Tom Phillips had counseled with him, and that was the moment Chuck Colson said he decided his life would be led as a Christian, that he would surrender his life to the Christian view and the Christian belief. He personally told me at one time that it was T.S. Eliot's writing ''Mere Christianity'' that then later became the intellectual basis for his faith. But initially his faith was needed more than he clearly understood he had, and he found that in his faith. It was an active faith.

I am constantly amazed that an active God can take the bad decisions people make and, while God would not have wanted those to be the decisions people make, can turn them into incredible opportunities. In the life of Chuck Colson, that incredible opportunity became the founding of Prison Fellowship Ministries and the impact it had on so many other Lives.

Twenty years ago, I became the first chair of the Missouri Prison Fellowship. As Chuck Colson was reaching out and trying to see how this idea could become an idea that would sustain itself and perhaps in the future within States. As a House Member, 10 years ago, I hosted a speakers series that was the Chuck Colson speakers series, and I was able to spend time with him virtually every week for 2 or 3 months as we had people come in and visit with House Members in a great speaker series.

I personally benefited from lots of advice and discussions with him. Just to sum up a couple things about him as I reach a conclusion that doesn't begin to express the impact he had on people's lives.

He founded Prison Fellowship Ministries in 1976. He founded Justice Fellowship in 1983. They have both grown to serve literally thousands of prisoners in this country and around the world. Prisons around the world saw Chuck Colson walk into them as well to try to help people.

In 1993, he won the Templeton Prize for Progress in Religion; in 1994, he was instrumental in drafting the publication and publishing a document called the ''Evangelicals and Catholics Together.'' In 2008, he was awarded the Presidential Citizen Medal by President George W. Bush, and he is survived by a family who cared about him and lots of friends.

For almost 40 years, starting with the Mike Wallace interview—as I suppose only Mike Wallace could interview someone—there were doubters and skeptics who questioned his faith, who questioned the change in his life beginning in 1973, but of course, they questioned it less so every year. I would say, in 2012, that Chuck Colson passed any test about whom he had become. The test is both past, P-A-S-T, and passed, P-A-S-S-E-D. He won the race. Lives continue to be changed, and I would just say, I thank God for Chuck Colson, and I thank my good friend from Vermont for giving me a few moments on the floor.

TRIBUTE TO KENTUCKY STATE REPRESENTATIVE DANNY FORD

Mr. MCCONNELL. Mr. President, I stand before you today to call attention to the great service of my dear friend, State Representative Danny Ford of Mt. Vernon, KY.

Danny was elected to the Kentucky House of Representatives for the first time in 1982. He represents the 80th District, which for most of his tenure has included the counties of Pulaski, Lincoln, and Rockcastle, Danny's native county. However, Representative Ford has decided his time in Frankfort, the State's capital, will end with his current term. But based on the outstanding service to constituents he is known for, I say with confidence today that if Danny had decided to run again he would have most assuredly won.

There are few men finer than Danny, a hard-working, honest family man and a devoted student of the State government process. An auctioneer and real-estate agent by trade, Danny has worked alongside members of his family in their various Mt. Vernon businesses throughout his life. As the grandson of a former Rockcastle county judge, he is most at home when he is at home, amongst the citizens of the 80th District whom he cares about so deeply.

Danny has said that ''the greatest part of my job has been helping my constituents find their way through the mazes of State government.'' And that is exactly what Danny did. He believes in the philosophy of being attentive and accessible. No matter what, you could always count on Danny to be ready and willing to listen to any and all of his constituents' concerns.

Danny is truly a one-of-a-kind elected official. He has his own style of politicking that sets him apart from all the rest. He was known for operating in a low-key style because he felt that if you drew attention to yourself, you would become a distraction. Danny tried to stay out of the spotlight, but that is not to say it was because he wasn't getting things done.

He was able to push legislation that fixed key issues for the people of southeastern Kentucky. He helped to build interstates, repair infrastructure, build the Kentucky Music Hall of Fame in Mt. Vernon, and pass legislation that would make police cruisers more safe for the officer by adding cages separating the front and back seat. It is safe to say that Danny Ford truly cared about the people of the 80th District.

During his time in the Kentucky House of Representatives, Danny held such titles as Republican floor leader from 1995 to 1998, Republican minority whip from 1993 to 1994, and now again in 2011. He also was the longest serving Republican in the statehouse since 1900. Danny was looked to as a leader by both sides of the aisle. His opinion was greatly respected by the right and the left. And you can bet that when Danny Ford stood up to give a speech, every ear tuned in so as not to miss a single word of his eloquent preacher-style delivery.

In one of Danny's final interviews with Kentucky Educational Television, Danny said that after he retires he would like to return to work as an auctioneer, watch his grandson's basketball games, and spend more time with his family. And it is my understanding that he will be celebrating his 60th birthday on April 25. Happy birthday, Danny; I truly wish you and your family all the best.

At this time I would like to ask my colleagues in the U.S. Senate to join me in commemorating Kentucky State Representative Danny Ford for his contributions to the citizens of the 80th District and the great Commonwealth of Kentucky.

Recently an article was printed in the Central Kentucky News highlighting the distinctive achievements and honorable service of Representative Danny Ford during his time in public office. I ask unanimous consent that article be printed in the RECORD.

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

[From the Central Kentucky News, Jan. 28, 2012]

REP. DANNY FORD CALLING IT QUITS AFTER 30 YEARS IN FRANKFORT

(By Todd Kleffman)

Even before the House had voted to approve the redistricting plan that would reshape Danny Ford's 80th District, the auctioneer from Mount Vernon grew wistful, foreshadowing the end of his 30-year legislative career before he announced his retirement.

As he was railing against the Democrats' redistricting plan on the House floor, Ford took time to ''thank the people of Lincoln County for allowing me to serve as their state representative for all these past many years.''

After the plan—which basically removed Lincoln from the 80th District and replaced it with Casey County and pieces of Madison—was approved, Ford let it be known that this would be his last term, ending his run as the longest-serving Republican in the statehouse since 1900.

''That new district covers 125, 150 miles instead of 50 or 60,'' he said. ''It's going to be a lot more difficult to serve.''

''That has been the greatest part of this job, helping my constituents find their way through the mazes of state government,'' he said last week while spending the day with a reporter at the Capitol.

Despite his lengthy time in office, Ford never became a household name to folks outside Frankfort. That's due in part to his own low-key style and the fact he toiled for the minority party in the House, which is akin to being invisible, even if you are part of the Republican leadership. Ford currently serves as minority whip, a position he also held in 1993 to 1994, and was his party's floor leader from 1995 to 1998. He is the senior member of the House Budget and Appropriations Committee.

''I try not to be out front too much. That's not my style,'' Ford said. ''When you draw attention to yourself, you become a distraction. Sometimes it's gentle persuasion that can make a difference.''

Al Cross, the long-time political writer for the Courier-Journal who now heads the Institute for Rural Journalism at the University of Kentucky, has observed Ford in action during all his time in Frankfort.

''He has been like a lot of Republican representatives: he's not that interested in government doing much, so he didn't push a lot of legislation, and, being in the minority, he wasn't interested in jumping through a lot of Democratic hoops,'' Cross said. ''If you're not in the majority, there's not a lot you can do.''

''If you ask people around Frankfort, they'd probably remember Danny most for

his speeches. He's a pretty good orator. When he gets up to make a forceful speech, he reminds you of a revival preacher. He's pretty eloquent in getting his points across.''

Ford's political acumen and communication skills were evident at the beginning of his political career in 1981. He was already established in his native Rockcastle County, where his grandfather had been county judge and his family operated a variety of businesses, including Ford Brothers Inc., an auction and real-estate company that also has an office in Pulaski County, a part of which comprises the 80th District.

If he was going to win the seat in his first run for political office, Ford figured he needed to step outside of his comfort zone. He spent little time campaigning in Rockcastle and Pulaski, focusing his effort almost entirely on Lincoln County, where he was virtually unknown.

Daly Reed, a soil conservation agent who died in 1989, greased Ford's path in Lincoln County. The two had only met briefly the year before at a Republican function but formed an alliance that Ford credits with launching his political career.

''We just hit it off. We went door-to-door, from 8 in the morning to 8 at night,'' Ford recalled of that first campaign with Daly. ''He knew everybody and their family tree. When he'd introduce me, he'd say, 'This is Danny Ford, my adopted son.' ''

Ford carried Lincoln County that year and has been nearly unchallenged ever since. Of 30 primary and general elections that have passed since he first took office, Ford has only faced opposition four times and only once failed to win Lincoln. That was in 2002, when Stanford attorney Paul Long won the battle on his home turf but couldn't overcome Ford in Rockcastle and Pulaski.

''I've been very fortunate,'' he said.

During the ensuing years in Frankfort, Ford said he took most of his cues on bills to sponsor from people and events in his district. He recalled a devastating crash that claimed two lives in Rockcastle County when a man who had been arrested for a DUI climbed over the backseat and commandeered a state trooper's cruiser and drove it the wrong way on Interstate 75. That led to legislation requiring all law-enforcement vehicles to be equipped with cages, he said.

In the current session, Ford is sponsoring a bill to outlaw the sale of so called ''bath salts,'' potent amphetamine powders that people inhale to get high and thus often end up in the hospital. Varieties of the product have been legally sold at D&M Market in Crab Orchard and other places around the state.

''I've got a number of calls from Lincoln County that a lot of kids are fooling with it,'' he said.

Ford is also pushing a bill that will make products containing pseudoephedrine available by prescription only as a way to curtail the state's epidemic methamphetamine abuse. He is dead-set against a ballot measure to amend the constitution to allow gambling.

''I would hate to see our state revenue based on something so volatile,'' he said of the expanded gaming issue. ''I'm very concerned about the kind of influences that will be trying to pass this thing.''

Taking a stance against gambling is right up Ford's alley. He doesn't shy away from the socially conservative hot-button battles against gambling, abortion, and gay marriage. His front-and-center role in creating a constitutional amendment to ban gay marriage and civil unions in Kentucky, which was approved overwhelmingly by voters in 2004, was the most intense experience in Frankfort, he said.

''I was at the forefront of that issue; I was really pushing for it. I was called a right-wing radical, a homophobe,'' he recalled. ''But I'm comfortable standing up for what I believe in.''

Representative Mike Harmon from the neighboring 54th District that covers Boyle County said Ford's values, experience and ability to work both sides of the aisle will be missed.

''Danny's a great guy, very conservative,'' Harmon said. ''He fought for whatever concerned his district, whether it was roads or water or whatever. He could probably have easily won his new district. He was very well liked. There's always going to be some challenges when you're in the minority, but I think that he was respected by both sides.''

Ford said patience and a willingness to compromise are necessary traits to be an effective legislator. It's important not to commit to a position too soon, before understanding both sides, he said, and sometimes it's a long road to seeing a project completed.

As an example, Ford said the improvements to U.S. 150 from Stanford to Mount Vernon began during Wallace Wilkinson's administration in the late 1980s. ''They said they were going to start it in Stanford, and I said I didn't care where we started as long as we got it done. And we've just now gotten it finished.''

Of all the governors he served under, Ford said he had the most trouble with Wilkinson, the Casey County upstart who surprised a field of better known Democrats in 1987. It was Wilkinson's political strategist, James Carville, who later went on to national fame as the architect behind Bill Clinton's two runs for the presidency, who made Ford uneasy.

''I never established much of a relationship with Governor Wilkinson, but that was probably because I did not like James Carville one bit,'' Ford said. ''He was the most wicked man I've ever been around in my life.''

Ford arrived in Frankfort at the end of John Y. Brown's term. Things have changed considerably since then, he said.

''It was much more of a partying institution back then, a lot of drinking and carousing and card playing. The legislature is more sober-minded now, more conscientious about doing its job.''

He credited Martha Layne Collins for Toyota, ''an industry that changed this state forever.'' Of Brereton Jones, Ford said, ''He was a straight shooter.'' He described Paul Patton as ''very sincere. Nobody treated me more fair.'' Ernie Fletcher, the only Republican, ''tried to help and got some good things done,'' but was handcuffed by his minority status. Beshear ''has been good to work with,'' Ford said.

After finishing this session and a possible special session, Ford, who will be 60 in April, said he is looking forward to working full-time with his son in the real estate and auction business. His 30 years in the legislature have earned him an annual pension of about $40,700, slightly less than his highest salary as a representative—$41,039—which he is being paid this year, according to the Kentucky Legislators Retirement Plan.

He has no plans on getting involved in choosing his successor in the 80th District, though he said he will support someone who shares his conservative ideals if such a candidate emerges.

When asked what advice for a long political career he might whisper in the ear of the person who takes his place, Ford kept it simple, in keeping with his style.

''Be attentive and be accessible. I came into this with the attitude of making sure I listened to what people had to say, and now that I've been up here and experienced the legislative process all these years, it's made me more that way than ever. Just be accessible and available and listen.''

RECOGNIZING THE HIGHLANDS CENTER FOR AUTISM

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to an innovative, beneficial, and truly essential organization in a quest to better understand and serve fellow Kentuckians diagnosed with autism: the Highlands Center for Autism in Prestonsburg, Kentucky.

The Highlands Center for Autism is making great progress in an attempt to better comprehend the extent of a condition which many people are unfamiliar with. Autism is a term used to describe complex developmental brain disorders that young children are most likely to show symptoms of during their first few years of life. The Centers for Disease Control has released a statistic that predicts 1 out of every 90 children will be diagnosed with autism. Not even 10 years ago, fewer people had ever heard of autism, and if they had, they probably didn't understand the full extent of it. Now with new cases being diagnosed each day, understanding autism is becoming increasingly more important.

Therefore, now more than ever, there is a need for contributions from organizations like the Highlands Center for Autism. The professional team at the Highlands Center uses the breakthrough Applied Behavior Analysis—ABA—method, which has been proven to dramatically reduce symptoms and improve life quality. Dr. Shelli Deskins of Paintsville, KY, has experience working with the ABA method. She previously worked with victims of post-traumatic stress disorder in Hazard, KY. Since her tenure began at the Highlands Center in January 2009, she has worked fervently to transform it into the successful organization it is today.

The truly one-of-a-kind Highlands Center is a private, year-round day school that serves as a beacon of hope and respite for the students enrolled and their families. The Center operates on the ideal that all children deserve the opportunity to laugh and play to become healthy, happy, and productive adults. The staff and volunteers provide an optimistic outlook for those enrolled, and provides their families with home visits and frequent reports on each child's daily progress.

I am honored to be able to have the opportunity to stand before my colleagues of the United States Senate and honor the tremendous work being done by the Highlands Center for Autism. It is inspiring to know that an institution involved with making scientific strides such as this is located in the great Commonwealth of Kentucky. I would like to thank those involved with the Highlands Center for Autism and congratulate them for their unparalleled dedication and service to this cause.

There was recently an article published in an eastern Kentucky magazine, the Sentinel-Echo: Silver Edition, which gave the public a glimpse into the groundbreaking work being done by the Highlands Center for Autism. Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to appear in the RECORD as follows:

[From the Sentinel-Echo: Silver Edition, Nov. 2011]

HIGHLANDS CENTER FOR AUTISM

Kathy sits almost still at her desk as her teacher writes a word on an erasable pad, shows it to Kathy and says, ''wagon.'' The 8-year-old little girl looks at the word and repeats, ''wagon.'' ''Good saying 'wagon!' '' her teacher praises.

Five-year-old Jerry sways a bit back and forth, making noises his teacher doesn't understand. ''Use your iPad to tell me what you want,'' she softly tells him. He points to icons on the device's screen and the words I WANT A DRINK OF WATER appear. ''Good making a sentence!'' she compliments.

Kathy and Jerry are students at the Highlands Center for Autism, and there is more than one amazing achievement going on here. It is amazing that Kathy is able to sit still and to read; it is amazing that Jerry is able to communicate his needs, and it is truly a miracle that the Center exists at all.

Autism is a term used to describe a group of complex developmental brain disorders that typically appear during the first three years of life. Very skilled professionals often can see autism signs as early as six months, but children are often not diagnosed until 12 to 18 months, and many times much later. Symptoms manifest a wide spectrum of behaviors impacting development of social interaction and communication skills. Every individual is affected differently. Many need to be taught what most people consider basic behaviors—nodding yes or no, making eye contact, eating with utensils, playing, potty training.

As recently as 10 years ago, the majority of people were completely unaware of the condition. Today, however, public awareness has risen as more children are being diagnosed, dramatically increasing the number of affected families. According to the Centers for Disease Control, one out of every 90 children will be diagnosed with autism. There is no known cause or cure, and children do not ''outgrow'' it, but research has shown that early intervention using Applied Behavior Analysis (ABA) has a dramatic impact on reducing symptoms and improving life quality.

A major problem with achieving that crucial early intervention is a lack of facilities providing help, especially in communities outside major metropolitan areas. Even getting into a diagnostic program can take a year or longer. Many families who can afford it move near a treatment center in order to get help for their children.

In early 2008, a group of local families approached Highlands Health System with the idea of forming a partnership to establish a local center for ABA treatment for their children who had been diagnosed with autism. They had been primarily on their own, searching first for a diagnosis of what was happening to their children and then, after diagnosis, seeking treatment. They knew that ABA is a proven, evidence-based treatment with decades of solid scientific research supporting its effectiveness.

After their meeting with the parents and additional research revealing that a research-based program specifically for children diagnosed with autism did not exist anywhere in or near Kentucky, Highlands was prompted to move toward fulfilling this need. Their research also indicated that the Cleveland (Ohio) Clinic Center for Autism offered one of the most prestigious treatment programs in the country. After a visit to the Clinic by a group of representatives, Highlands was ready to work towards establishing the first program of its kind in Kentucky.

A community meeting revealed an astonishing amount of support from local families, schools, health departments, social-service agencies and government officials, leading to Highlands entering into a consulting agreement in September of 2008 with the Cleveland Center for Autism to work toward the goal of ''mirroring'' Cleveland's program in Prestonsburg.

Highlands owned an apartment building near the hospital which became the Center's facility. Next began the search for a director for the program. Another one of those ''miracles'' happened when they found Dr. Shelli Deskins, a Paintsville native who was working in Hazard treating children with post-traumatic stress disorder and who had an impressive educational background and experience in ABA.

Dr. Deskins was approached by the hospital in November of '08. She began at Highlands in January of '09 as the Center's only employee and with her office in a former elevator shaft in the main hospital building! Aided by Karen Sellers, assistant to Highlands's president, Dr. Deskins set about creating the Center for Autism. She did everything from helping with facility renovation, writing and establishing procedures, ordering supplies, interviewing and hiring staff, finding children anything necessary to create an outstanding and one-of-its-kind, facility-based treatment center. Even though she was already trained in ABA and had a doctoral degree, she also spent six weeks at Cleveland's Center to thoroughly absorb their program's procedures.

From the beginning, Dr. Deskins and Highlands have insisted that the Center be ''The Best,'' with no shortcuts or cutting corners. The original staff went to the Cleveland Clinic for two weeks to train in the Clinic's methods and learn their procedures, and Cleveland staff members followed them back to Prestonsburg to help open the Center. The Highlands Center staff continues with follow-up training periodically. The children at Highlands receive one-on-one attention from the highly trained and dedicated instructors. Dr. Deskins says staff members know very quickly if working with children diagnosed with autism is something they want to do.

The Center for Autism is a private, year-round day school and has seven students enrolled at this time, but expects to be at their capacity of 10 by summer. Currently, the children range in age from 3 to 14, and include students whose families have moved here from Alabama, Virginia, and Texas.

The Highlands Center is not a place where you can drop off your child to be ''fixed'' it requires total commitment from the parents. Home visits are made by Dr. Deskins and each child has a data book recording daily progress. Home communication notes are sent home on a daily basis.

The Center is guided by the principle that all children deserve the opportunity to laugh and play and to become healthy, happy, and productive adults. The Highlands Center for Autism is well on its way to becoming a regional and national resource for the diagnosis and treatment of children with autism.

REMEMBERING STACEY SACHS

Mr. KERRY. Mr. President, at its best, the Senate is an extended family—we spend an unbelievable amount of time working here, Senator to Senator, staff to staff. And in the course of those efforts, we get to know each other not as members of a party or as ideological caricatures or cutouts but as people. In particular, we get to know and appreciate on a personal level not just our staff but the staffs of our State delegations. There are staffers from the Massachusetts delegation who have been here as long as I have. And certainly on my late colleague Ted Kennedy's staff there were professionals I knew as friends and turned to as easily as Teddy himself did for so many years.

That is why I know Ted himself would be here this morning doing what I am doing in his place, which is acknowledging with sadness the passing on Saturday, April 21 of Stacey Sachs—a longtime health care staffer for Ted—whom we lost to complications from a hard-fought battle with cancer. Stacey was just 50 years old.

For many of us, Stacey was a steady and unchanging sight in this ever-changing institution. She spent more than a decade on Capitol Hill as senior health counsel on the Senate Health, Education, Labor, and Pensions, HELP, Committee. She came to the Hill to play a role in making universal health care reform a reality; her life's work—as it was for Ted—is a legacy she leaves behind that should be a gift to last.

But it is not her only legacy. Over the years, I came to know Stacey, and I came to know firsthand so much of what impressed and inspired her friends and her colleagues: her health care expertise, her honesty, and her dedication. She devoted her career to making sure Americans had access to health care coverage. It was that simple. For her, that work was personal. It was not statistics or spreadsheets or the arcane minutiae of legislation. For Stacey, she cared first and foremost about the effect public policy has on everyday Americans, and she touched the lives of countless people who never met her. But every American, in part, can thank her for real changes that made their lives better.

I am not just talking about legislation, but I could be. Stacey's outsized role in the Medicare Modernization Act of 2003 and the recently enacted Affordable Care Act of 2010 were just two examples of the ways she focused and made a real difference on a wide range of issues during her time on the HELP Committee. She worked on Medicare prescription drugs, Medicare reimbursement, health insurance coverage and reimbursement, Medicaid, the Health Insurance Portability and Accountability Act, and the Employee Retirement Income Security Act. In each instance and every effort, Stacey brought to the task at hand not just her policy expertise but her compassion and professionalism. The same could be said about an effort that came

to be associated with Ted Kennedy and then-Governor Romney but with which Stacey was unbelievably engaged: the development of the Massachusetts health reform law in 2006. That law provided the Commonwealth with the highest rates of health care coverage in the Nation and served as the blueprint for national health reform. While the rate of the uninsured grew by millions in our country, today in Massachusetts, 98.1 percent of our residents have health insurance, including 99.8 percent of our children. And if Ted Kennedy were here today, I know he would share with all of us that without Stacey, it wouldn't have gotten across the finish line.

Still, there was more to Stacey than big legislation. She saw government and public service not just with a human face but on a human scale. Despite the breadth of her legislative portfolio, Stacey became most widely known among fellow staffers, constituents, and friends for her ability and willingness to help individual patients identify and secure the personal health care services they desperately needed in times of crisis. She was the person you turned to when someone could not find the right doctor, reach the right specialist, or make an insurance company do the right thing. And whether that person was from Massachusetts or Montana, Stacey fought for them with the same ferocity as she would have for Ted Kennedy or for the most landmark piece of legislation because for Stacey Sachs, it was pretty fundamental—if you were in government to solve big problems for the whole country, why wouldn't you work equally hard to solve those problems for the average person who came to you looking for help?

Mr. President, as so many know, after Senator Kennedy passed away, Stacey continued her Senate service working for Chairman HARKIN on the HELP Committee. She was determined to finish the job of health reform—and finish it she did, even as she went on to, in a tragic irony, fight her own battle for life itself against the same disease which took Ted Kennedy away from us all.

Today, we are all fortunate for Stacey's dedication to public service and the example of her commitment as we continue in the work of her life. Stacey was a member of our extended Senate family, but we should remember what she meant not just to us but to her own family. Our thoughts and prayers are with Stacey's mother, Sandy Sachs, and her two brothers, Bruce and Howard, during this unbelievably difficult time.

OBSERVING ALCOHOL AWARENESS MONTH

Mr. AKAKA. Mr. President, I wish to recognize the 26th Alcohol Awareness Month this April, sponsored by the National Council on Alcoholism and Drug Dependence, Inc., NCADD. Since 1987, NCADD has been working to raise public awareness and understanding of alcoholism, specifically to reduce the stigma associated with alcoholism, which too often prevents individuals and families from admitting abuse and finding resources to help.

According to NCADD, more than 18 million individuals, or 8.5 percent of Americans, suffer from alcohol-use disorders. In addition to those directly affected by alcohol, there are millions more who feel the effects of alcohol abuse by a loved one in their everyday lives—spouses, children, other family members, and friends. The prevalence of alcohol abuse in this country is astounding, with one out of every four U.S. children having been exposed to alcohol-use disorders in their family.

One of the most troubling aspects of alcoholism is that it often has severe effects on those closest to the person addicted and their community. It takes an enormous emotional, physical, and financial toll on the family members of those addicted to alcohol. Statistics show that 75 percent of domestic abuse is committed while one or both members are intoxicated, and family members utilize health care twice as much as families without alcohol problems.

This year's theme, ''Healthy Choices, Healthy Communities: Prevent Underage Drinking,'' is meant to draw particular attention to the severe impact that alcohol and alcohol-related problems have on young people, their friends, their families, and as a result, our communities. Underage drinking is quickly becoming a serious concern in my home State of Hawaii, and across the country.

Alcohol is currently the No. 1 drug of choice for America's young people, higher than tobacco, marijuana, or other illicit drugs. Teens who begin drinking before age 15 are four times more likely to develop alcoholism than their peers who wait until the age of 21. Unfortunately, underage drinking is getting worse with 7,000 kids in the United States under the age of 16 taking their first drink each day, which costs the Nation an estimated $62 billion annually.

To combat this deepening problem and curb these disturbing trends, education, awareness, and prevention programs, like the events going on this month, are critically important. In addition, parents can help to reduce their children's risk of problem drinking by simply educating their kids and keeping a more watchful eye on them, especially as they enter middle schools and high school.

As we continue to observe this year's Alcohol Awareness Month, I urge everyone to take an active role in reducing the incidence of underage drinking across the country: do not contribute to events where minors and alcohol are involved without supervision, be aware of your influence on the children close to you, and encourage minors to stay alcohol free. Together, we can all help to reverse recent trends in the United States and keep our children from the harmful, lasting effects of alcohol abuse.

TRIBUTE TO DR. RELLA P. CHRISTENSEN

Mr. HATCH. Mr. President. I am honored today to be able to pay tribute to a truly remarkable woman, and world-renowned dental consultant—Dr. Rella P. Christensen. Appropriately, at its 35th Anniversary Celebration in Las Vegas, on May 18, 2012, the Board of Directors of the CR Foundation will honor the life's work of Dr. Christensen.

Born on September 27, 1938, Rella received a Bachelor of Science in Dental Hygiene from the University of Southern California in 1960, and practiced dental hygiene for more than 25 years. She established and became the Director of the Bachelor's Degree in Dental Hygiene at the University of Colorado in 1970. Later, in 1986, she earned a PhD in physiology, with an emphasis on microbiology, from Brigham Young University and completed a post-graduate course in anaerobic microbiology at Virginia Polytechnic State University.

Rella co-founded Clinical Research Associates, now known as the CR Foundation, in 1976 with her husband Gordon, a world renowned and respected dentist and educator. For 27 years Rella directed this influential dental products testing institute as a full time volunteer. Her additional responsibilities included being the lead researcher and Editor-in-Chief of the CRA Newsletter which was published in 10 languages under her leadership with a worldwide circulation in 92 countries.

She went on to serve as Chairman of CR's Board of Directors for 2 years. Currently she volunteers as the team leader of Technologies in Restoratives and Caries Research section of CR.

Rella has been a steady, humble, but significant influence in the profession of dentistry, worldwide, for over a third of a century. Helping others in dentistry to find tools and concepts that really work is a passion for Rella. She has presented over one thousand dental continuing education programs, totaling over 5,200 hours, at national and international locations. Guided by her research discoveries, lectures, and writings, dentists are better able to secure their own professional development and understanding of materials, methods, dental products, and their own dental missions.

Dr. Rella Christensen has received numerous honors for her commitment to her field. In 2001 she was selected as the Distinguished Alumnus of Brigham Young University's School of Life Sciences, and now serves on its National Advisory Board.

In 2002 Rella received an Honorary Doctorate from Utah Valley State University. In 2011, Rella was named one of the Dental Products Report ''Top 25 Women in Dentistry'' and one of the

''30 Leaders in Dentistry'' by Takacs Learning Center. In 2012, she was named ''Most Influential Researcher'' by Dr Bicuspid.com, an online professional publication.

As one of dentistry's great leaders, it is with great respect, gratitude, admiration, and affection that I pay tribute to Dr. Rella P. Christensen.

TRIBUTE TO CAROLYN CROWLEY MEUB

Mr. LEAHY. Mr. President, I would like to take a moment to pay tribute to Carolyn Meub, Executive Director of Pure Water for the World, a Vermont-based nonprofit organization that brings clean water to thousands of families in Honduras and Haiti.

Last week, the White House honored Carolyn as one of 10 Rotary Club members from across the country who are improving the lives of others through volunteer work. Carolyn has transformed Pure Water for the World from a small Rotary club project into an effective international NGO. Under her leadership, the organization is implementing a sustainable model for clean water programs by building clean water filtration systems, providing hygiene education, and installing latrines to improve sanitation. Twenty-thousand Honduran families now have access to clean drinking water, and 1,200 schools in Haiti have clean water systems and hygiene education curriculums, because of Pure Water for the World. That is no small feat.

As Carolyn points out, clean water is a tap away for most Americans, but for more than three-quarters of a billion of the world's people accessing safe water is a daily struggle. The United Nations reports that 3.5 million people die each year from diseases related to drinking contaminated water.

In February, my wife Marcelle visited Port-au-Prince as part of a delegation I led with five other Members of Congress, where she saw firsthand the simple, inexpensive household water filtration systems being built and donated by Pure Water for the World. Each unit, the size of an office water cooler and made of concrete or plastic, is filled with layers of sand and gravel that trap microorganisms as the water passes through. This process of slow sand filtration is inexpensive and produced from local materials, making it ideally suited for developing countries.

Pure Water for the World is doing important and inspiring work, providing sustainable sources of safe drinking water and promoting habits to improve health and sanitation in poor communities in Honduras and Haiti. I am very proud that Carolyn received this well-deserved recognition at the White House on behalf of her organization. We all appreciate the work they are doing.

I ask unanimous consent that the Rutland Herald article entitled ''Hope flows: Vt. nonprofit pours 'Pure Water for the World''' be printed in the RECORD.

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

[From the Rutland Herald, Mar. 18, 2012]

HOPE FLOWS: VT. NONPROFIT POURS ''PURE WATER FOR THE WORLD''

(By Kevin O'Connor)

Rutland resident Carolyn Crowley Meub didn't fret when her hometown turned on its faucets two weeks ago to find, due to a water main break, the usually clean stream down to a dirty trickle. She was flying off to the Caribbean—specifically, to Haiti, where the situation is even worse.

Meub is one of several prominent Vermonters who've recently witnessed the problems of the earthquake ravaged island—and the solutions of the Green Mountains-based nonprofit Pure Water for the World, which is aiming to pour hope across hemispheres to mark United Nations World Water Day on Thursday.

For most Americans, clean water is a tap away. But 1 billion people worldwide drink from contaminated springs and streams, the United Nations reports, while 3.5 million people die each year from related diseases.

State Rep. Margaret Cheney, D–Norwich, joined her husband, U.S. Rep. Peter Welch, D–Vt., in a February tour of the Haitian capital of Port-au-Prince, where, between a congressional delegation's visits with the country's president and actor Sean Penn's relief organization, she saw the water challenge firsthand.

''It's the poorest, most chaotic scene in the world,'' Cheney says of crowded slums equipped with little more than rain barrels. ''The water can be the unknown bearer of terrible diseases. Catch them and you can't work, you can't go to school, you can't really function.''

Organizations like the U.S. Agency for International Development are working to help densely populated areas of the globe that report 75 percent of the problem. But that leaves more than 250 million people without potable water in remote rural settings. Enter Vermont's Pure Water, which is installing simple, inexpensive household filters in developing countries in the Caribbean and Central America.

Dr. Noelle Thabault, a Burlington native, graduated from the University of Vermont College of Medicine before practicing in Rutland. After a magnitude 7.0 earthquake decimated Haiti in 2010, she flew to Port-au-Prince as a Pure Water volunteer and now serves as its deputy regional director.

''I recognized the role that lack of clean water plays in illness,'' Thabault recalls of her knowledge before arriving, ''but I had no understanding of the scope of the problem.''

Two years in the trenches, Thabault recently hosted Cheney and Marcelle Leahy, wife of U.S. Sen. Patrick Leahy, D–Vt. The doctor told them that more than 40 percent of Haitians live without clean water, leading to diseases that are the country's second leading cause of death and fill more than half of all hospital beds with patients suffering from bacteria or parasites.

''Clean water is so necessary,'' says Marcelle Leahy, herself a nurse. ''But Haiti unfortunately was lacking a lot of the necessities of everyday life even prior to the earthquake.''

Most U.S. municipalities filter water at central reservoirs and then distribute it through pipes. But that doesn't work in Caribbean and Central American villages with more poverty than plumbing. Cheney and Leahy visited a Pure Water plant that manufactures the kind of ''slow sand'' household filters used in New England for its first 150 years.

Pure Water taps the sand system because it costs as little as $150 to produce, install and monitor; requires no moving parts or electricity; and can be built with locally available materials. Each unit, shaped of concrete or plastic and sized like an office water cooler, is filled with several layers of sand and gravel. Pour in water, and the mixture traps microorganisms that, in turn, decompose other organic material.

Water that passes through the filter is clear in color, taste and smell. More importantly, it's rid of up to 90 percent of toxins, 97 percent of fecal coliform bacteria and 100 percent of worms and parasites.

''It's such a clever, simple concept, and it works,'' Leahy says. ''You're employing people, they're earning a living and improving their health.''

Cheney, for her part, was equally impressed by Pure Water posters written in Creole that explain the importance of proper hand-washing, hygiene and waste disposal.

''They're providing really simple tools and educational efforts—the common-sense Vermont way—to help make this sustainable,'' Cheney says. ''They have a great banner that says, 'Clean water is medicine.' We take it so for granted, but that's the basic key to recovery.''

Pure Water bubbled up two decades ago after Brattleboro dentist Peter Abell traveled to El Salvador and saw people drinking dirty water that caused diarrhea, cholera and dysentery. Abell's local Rotary club went on to raise money to provide clean water in El Salvador and later Honduras, then incorporated its volunteer efforts into the Pure Water nonprofit, which Meub has headed from Rutland for the past 10 years.

Pure Water so far has spent at least $5 million on projects to provide safe drinking water—a comparatively small sum compared with the $20 billion a year the United Nations estimates it would cost to provide clean water to everyone on the planet. But as Meub notes, helping one family, one school, one community at a time, ''many drops of water eventually fill a bucket.''

Americans, for their part, annually spend billions on store-bought bottled water. Consider what Rutlanders were willing to pay after the city's recent main break. As Meub was packing for her trip, husband William Meub fielded calls from fellow residents wondering how many hours they'd lack water. He recalled his own travels to Haiti after the earthquake.

''They let me take a shower with a yogurt container full of water,'' the lawyer says. ''It's a whole different experience than anyone here has any familiarity with.

That's why Pure Water is streaming its message (the latest: Gov. Peter Shumlin will promote World Water Day this week with a proclamation) through Facebook, Twitter and the website purewaterfortheworld.org.

Says Carolyn Meub: ''Safe drinking water should be a basic human right.''

And Thabault: ''All other interventions—the rebuilding of roads and schools and hospitals and communities—will not result in a long-term sustainable improvement if people don't have clean water. People need to support organizations that are bringing clean water, hygiene education and sanitation to homes and schools. That's how they can help.''

ADDITIONAL STATEMENTS

WISCONSIN COMMUNITY SERVICES, INC.

• Mr. KOHL. Mr. President, today I wish to recognize the 100th anniversary

of Wisconsin Community Services, Inc., WCS. I am proud to honor its service and recognize that the many ways this organization has contributed to the State of Wisconsin.

WCS is the State's oldest and largest nonprofit criminal justice system organization. Founded in 1912 as the Wisconsin Society of the Friendless, WCS has never faltered in its mission to provide innovative opportunities for individuals to overcome adversity. For 100 years, this organization has provided individuals involved in or at risk of becoming involved in the criminal justice system with the tools they need to stay out of trouble and become productive members of their communities.

This organization provides more than 40 programs for Wisconsinites in need. Through its outpatient clinic, for example, WCS provides mental health treatment and ancillary support such as housing assistance to mentally ill individuals who are at risk of entering or have already been incarcerated. Through its policy and workforce development program, WSC provides vocational training to individuals with criminal records and helps them secure jobs. With mental health treatment, housing, and employment, these individuals can live crime-free lives and contribute to society.

With nearly 300 employees and serving more than 15,000 individuals in 2011 alone, WSC continues to change the lives of individuals in need. WSC's longstanding efforts have helped lower recidivism rates and saved taxpayer dollars, while giving Wisconsinites the tools and resources to overcome challenges such as mental illness and substance abuse. I am proud to honor the work of this outstanding organization and its continuing service to the State of Wisconsin.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 9. An act to amend the Internal Revenue Code of 1986 to provide a deduction for domestic business income of qualified small businesses.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 9. An act to amend the Internal Revenue Code of 1986 to provide a deduction for domestic business income of qualified small businesses; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2327. A bill to prohibit direct foreign assistance to the Government of Egypt until the President makes certain certifications related to treatment of nongovernmental organization workers, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2338. A bill to reauthorize the Violence Against Women Act of 1994.

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–5758. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Reintegration of Security into the Reactor Oversight Process Assessment Program'' (Regulatory Issue Summary 2012–XX) received in the Office of the President of the Senate on April 16, 2012; to the Committee on Environment and Public Works.

EC–5759. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species; Range Extension for Endangered Central California Coast Coho Salmon'' (RIN0648–XV30) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Environment and Public Works.

EC–5760. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; North Carolina; Annual Emissions Reporting'' (FRL No. 9662–3) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Environment and Public Works.

EC–5761. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Alabama: Removal of State Low-Reid Vapor Pressure Requirement for the Birmingham Area'' (FRL No. 9662–4) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Environment and Public Works.

EC–5762. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Toxics Release Inventory (TRI) Reporting for Facilities Located in Indian Country and Clarification of Additional Opportunities Available to Tribal Governments under the TRI Program'' (FRL No. 9660–9) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Environment and Public Works.

EC–5763. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Change of Address for Region 4, State and Local Agencies; Technical Correction'' (FRL No. 9660–3) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Environment and Public Works.

EC–5764. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Georgia; Atlanta; Ozone 2002 Base Year Emissions Inventory'' (FRL No. 9662–1) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Environment and Public Works.

EC–5765. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Tennessee; Regional Haze State Implementation Plan'' (FRL No. 9663–6) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Environment and Public Works.

EC–5766. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the Hawaii State Implementation Plan, Minor New Source Review Program'' (FRL No. 9661–6) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Environment and Public Works.

EC–5767. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of an item not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC–5768. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Millennium Challenge Corporations activities during fiscal year 2011; to the Committee on Foreign Relations.

EC–5769. A communication from the Solicitor of Labor, Office of the Solicitor, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Administrative Claims under the Federal Tort Claims Act and Related Statutes'' (RIN1290–AA25) received in the Office of the President of the Senate on April 16, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–5770. A communication from the Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled ''Hazard Communication'' (RIN1218–AC20) received in the Office of the President of the Senate on April 17, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–5771. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition

Regulation; Justification and Approval of Sole-Source 8(a) Contracts'' (RIN9000–AL55) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–5772. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Representation Regarding Export of Sensitive Technology to Iran'' (RIN9000–AL91) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–5773. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Technical Amendments'' (FAC 2005–58) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–5774. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Small Entity Compliance Guide'' (FAC 2005–58) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–5775. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Biobased Procurements'' (RIN9000–AM03) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–5776. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–58, Introduction'' (FAC 2005–58) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–5777. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to mileage reimbursement rates for Federal employees who use privately owned vehicles while on official travel; to the Committee on Homeland Security and Governmental Affairs.

EC–5778. A communication from the Chief Privacy and Civil Liberties Officer, Office of Privacy and Civil Liberties, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Exemption of Privacy Act System of Records of the Department-wide notice: 'Debt Collection Enforcement System, (DCES), DOJ–016' '' (CPCLO Order No. 009–2012) received in the Office of the President of the Senate on April 18, 2012; to the Committee on the Judiciary.

EC–5779. A communication from the Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, proposed legislation to harmonize security threat assessment procedures applicable to transportation worker populations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC–5780. A communication from the Secretary of Transportation, transmitting, pursuant to law, proposed legislation to amend and enhance certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC–5781. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''United States Department of Transportation 2012 Report to Congress on Intelligent Transportation Systems Program Advisory Committee Recommendations''; to the Committee on Commerce, Science, and Transportation.

EC–5782. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Locomotive Safety Standards Amendments'' (RIN2130–AC16) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5783. A communication from the Associate Bureau Chief for Cybersecurity and Communications Reliability, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''The Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting To Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers'' (PS Docket No. 11–82) received in the Office of the President of the Senate on April 17, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5784. A communication from the Acting Chief of the Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; and Universal Service Reform—Mobility Fund'' (WC Docket Nos. 10–90, 07–135, 05–337, 03–109; GN Docket No. 09–51; CC Docket Nos. 01–92, 96–45; WT Docket No. 10–208, DA 12–298) received in the Office of the President of the Senate on April 17, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5785. A communication from the Chief of the Border Securities Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendment to Cuba Airport List: Addition of Recently Approved Airports'' (CBP Dec. 12–08) received in the Office of the President of the Senate on April 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5786. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Packages Intended for Transport by Aircraft'' (RIN2137–AE32) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5787. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company (GE) Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–0982) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Commerce, Science, and Transportation.

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. 2328. A bill to extend and modify the temporary reduction of duty on 4-methoxy-2-methyldiphenylamine; to the Committee on Finance.

By Mr. LEVIN:

S. 2329. A bill to reduce temporarily the duty on certain direct injection fuel injectors; to the Committee on Finance.

By Mr. LEVIN:

S. 2330. A bill to reduce temporarily the duty on certain hybrid electric vehicle inverters; to the Committee on Finance.

By Mr. LEVIN:

S. 2331. A bill to suspend temporarily the duty on stator/rotor parts; to the Committee on Finance.

By Mr. LEVIN:

S. 2332. A bill to suspend temporarily the duty on certain power electronic boxes and static converter composite units; to the Committee on Finance.

By Mr. LEVIN:

S. 2333. A bill to suspend temporarily the duty on certain motor generator units; to the Committee on Finance.

By Mr. LEVIN:

S. 2334. A bill to reduce temporarily the duty on lithium ion electrical storage batteries; to the Committee on Finance.

By Mr. LEVIN:

S. 2335. A bill to reduce temporarily the duty on certain high pressure fuel pumps; to the Committee on Finance.

By Mr. LEVIN:

S. 2336. A bill to extend the temporary suspension of duty on 4'-methoxy-2,2',4-trimethyl diphenylamine; to the Committee on Finance.

By Mrs. MCCASKILL (for herself, Ms. COLLINS, and Mr. COBURN):

S. 2337. A bill to require that Federal regulations use plain writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. HUTCHISON (for herself, Mr. GRASSLEY, Mr. CORNYN, and Mr. ALEXANDER):

S. 2338. A bill to reauthorize the Violence Against Women Act of 1994; read the first time.

ADDITIONAL COSPONSORS

S. 219

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 434

At the request of Ms. MIKULSKI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 491

At the request of Mr. PRYOR, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 687

At the request of Mr. CORNYN, the name of the Senator from Maine (Ms. COLLINS) 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. 738

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 881

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 975

At the request of Mr. TESTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 975, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 1069

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1069, a bill to suspend temporarily the duty on certain footwear, and for other purposes.

S. 1251

At the request of Mr. CARPER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1734

At the request of Mr. BLUMENTHAL, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1734, a bill to provide incentives for the development of qualified infectious disease products.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1935

At the request of Mrs. HAGAN, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Michigan (Mr. LEVIN) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors 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.

S. 1990

At the request of Mr. LIEBERMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2046

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2046, a bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes.

S. 2051

At the request of Mr. REED, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2051, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans.

S. 2103

At the request of Mr. LEE, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor 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 Connecticut (Mr. BLUMENTHAL) 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. 2165

At the request of Mrs. BOXER, the names of the Senator from Ohio (Mr. BROWN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2248

At the request of Mr. INHOFE, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2248, a bill to clarify that a State has the sole authority to regulate hydraulic fracturing on Federal land within the boundaries of the State.

S. 2293

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2293, a bill to establish a national, toll-free telephone parent helpline to provide information and assistance to parents and caregivers of children to prevent child abuse and strengthen families.

S. 2296

At the request of Mrs. HAGAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2296, a bill to amend the Higher Education Opportunity Act to restrict institutions of higher education from using revenues derived from Federal educational assistance funds for advertising, marketing, or recruiting purposes.

S. 2325

At the request of Mr. NELSON of Florida, the names of the Senator from Nevada (Mr. HELLER), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2325, a bill to authorize further assistance to Israel for the Iron Dome anti-missile defense system.

S.J. RES. 38

At the request of Mr. GRAHAM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 38, a joint resolution disapproving a rule submitted by the Department of Labor relating to the certification of nonimmigrant workers in temporary or seasonal nonagricultural employment.

S. RES. 401

At the request of Mr. LUGAR, his name was added as a cosponsor of S. Res. 401, a resolution expressing appreciation for Foreign Service and Civil Service professionals who represent the United States around the globe.

S. RES. 429

At the request of Mr. WICKER, the names of the Senator from Georgia

(Mr. ISAKSON), the Senator from Washington (Mrs. MURRAY) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. Res. 429, a resolution supporting the goals and ideals of World Malaria Day.

S. RES. 431

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 431, a resolution celebrating the 50th anniversary of the 1962 Seattle World's Fair.

AMENDMENT NO. 2020

At the request of Mr. WYDEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 2020 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2040

At the request of Mr. CARDIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 2040 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 Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 2043 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2060

At the request of Mr. COBURN, the names of the Senator from Utah (Mr. LEE), the Senator from Kansas (Mr. MORAN), the Senator from South Dakota (Mr. THUNE), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Wyoming (Mr. BARRASSO), the Senator from Arizona (Mr. KYL), the Senator from Iowa (Mr. GRASSLEY), the Senator from Kentucky (Mr. MCCONNELL), the Senator from North Carolina (Mr. BURR) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 2060 intended to be 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 Maryland (Ms. MIKULSKI) 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 names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 2072 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, April 25, 2012, at 9:30 a.m., to hear testimony on S. 219, the ''Senate Campaign Disclosure Parity Act.''

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on (202) 224–6352.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, this is to advise you that the Committee on Energy and Natural Resources will hold a business meeting on Thursday, April 26, 2012, immediately preceding the full committee hearing beginning at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider the nominations of Adam Sieminski, to be administrator of the Energy Information Administration, Marcilynn Burke to be an Assistant Secretary of the Interior, Anthony Clark to be a Member of the Federal Energy Regulatory Commission, and John Norris to be a Member of the Federal Energy Regulatory Commission.

For further information, please contact Sam Fowler at (202) 224–7571 or Allison Seyferth at (202) 224–4905.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Paul Edenfield, a member of my staff, be granted the privilege of the floor for the duration of today's session.

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

MEASURE READ THE FIRST TIME—S. 2338

Mr. REID. There is a bill at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 2338) to reauthorize the Violence Against Women Act of 1994.

Mr. REID. I now ask for the second reading in order to place the bill on the calendar, but I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR TUESDAY, APRIL 24, 2012

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it recess until Tuesday, April 24, at 10 a.m.; that following the prayer and the pledge, the Journal of proceedings be approved to date 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 at 10:30 a.m., the Senate resume consideration of the motion to proceed to S.J. Res. 36, a resolution of disapproval regarding the National Labor Relations Board offered by Senator ENZI, under the previous order; and that at 12:30 p.m., the Senate resume consideration of the motion to proceed to S. 1925; further, that the Senate recess from 12:50 p.m. until 2:15 p.m. to allow for the weekly caucus meetings; finally, that at 2:15 p.m., the Senate resume consideration of the motion to proceed to S.J. Res. 36.

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

PROGRAM

Mr. REID. Mr. President, the first vote will be at 2:15 tomorrow on the motion to proceed to S.J. Res. 36. If that motion is defeated, there will be several votes in order to complete action on the postal reform bill at 2:15 p.m.

RECESS UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. If there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 7:30 p.m., recessed until Tuesday, April 24, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. RUSS A. WALZ

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THEODORE C. NICHOLAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. FRANCISCO A. ESPAILLAT

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JON M. DAVIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT E. SCHMIDLE, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. TERRY G. ROBLING

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BURKE W. WHITMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES M. LARIVIERE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. KURT W. TIDD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. DAVID H. BUSS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHELLE J. HOWARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ALLEN G. MYERS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. MARK I. FOX

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

TONYA R. EVERLETH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CRAIG W. HINKLEY
CHAD A. SPELLMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHANN S. WESTPHALL

To be major

ELIESA A. ING

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MARK J. BATCHO
ANDREW T. COLE
GREGORY B. DEWOLF
MICHAEL W. GLASS
ERIC D. HUWEART
ERIC E. HYDE
LISA A. MOORE
MICHAEL G. PATRONIS
CURT B. PRICHARD
SHEILA R. ROBINSON
RICHARD B. ROESSLER
JOHN P. SAVAGE II
COLIN H. SMYTH
DANA G. VENENGA
FREDERICK C. WEAVER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOLENE A. AINSWORTH
ARTEMUS ARMAS
KARLA M. ATCHLEY
BRIAN B. BARNETT
BETH M. BAYKAN
MARED G. BELING
TINA A. BETANCOURT
DAWN M. BLACK
SADINA L. BRECHEISENBEACH
PAMELA L. BREWER
NERRIZA L. BROOKS
MELANIE J. BURJA
CASSANDRA E. CAMPBELL
JAMES E. CAMPION
THERESA D. CLARK
CHRISTINE L. COLELLA
STACEY L. COLEMAN
TARA N. CONSTANTINE
KRISTINA R. CREECH
KARIN E. CREVER
SUSAN M. DICKERSON
SUZIE C. DIETZ
DANIEL E. DONAHUE
PAUL DREATER, JR.
VICKI M. FAIR
THOMAS G. FEVURLY
COURTNEY D. FINKBEINER
MARY T. FLOYD
ALISON T. FORSYTHE
SHERRY L. FRANK
ALANE C. GARLISI
MATTIE D. GOODE
DAWN M. GRAHAM
LARHONDA M. GRAY
STACY GILMORE GREENE
CHERYL L. GROTSKY
JEANINE D. HATFIELD
JENNIFER J. HATZFELD
LEAH NICOLE HOLLAND
JACQUELINE F. JACKSON
KRISTEN R. JOHNSON
NANCY J. JOHNSON
TAMRA C. JOHNSON
LAURA K. JONES
RONALD L. JONES, JR.
LESLIE I. KARAS
STEPHANIE K. KENNEDY
JACQUELINE M. KILLIAN
MARK A. KNITZ
LEANN M. LAMB
KAREN V. LARRY
CHUNG MIN LEE
SUSAN J. LEE
TAMMY G. LUCAS
NAQUITA J. MANNING
JOHN L. MANSUY
JACQUELINE J. MCAULEY
KEVIN R. MCHAFFEY
SHERRY L. MCKEEVER
KRISTELL L. MICHAEL
KARI A. MILLER
PAUL T. MILLER, JR.
THERESA A. MURPHY
CHRISTINE S. NOVAK
CAMELLA D. NULTY
JAMES G. OLANDA
JEFFREY J. OLIVER
HEATHER A. PEREZ
JULIE A. PIERCE
DONALD R. POTTER
AMY S. QUIRKE
LORRI M. REED
ANDREW L. REIMUND
KIM G. ROBINSON
KATHY S. SAVELL
KIMBERLY A. SCHMIDT
VICKIE L. SKUPSKI
MELISSA C. SMITH
KARI M. STONE
SEAN A. STRAIT
JENNIFER E. THOMAS
CHRISTINE M. THRASHER
SCOTT R. TONKO
VALERIE A. TRUMP
ANITA S. UPP
JOHN D. VANDEVELDE
CINDI L. WILLIS
WILLIAM T. WILSON
DAVID C. ZIMMERMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ADAM D. AASEN
JASON ROGER ACKISS
WILLIAM JOHN ACKMAN
ALEX D. ADAMS
ANDREW JAMES ADAMS
CANDICE M. ADAMS
CHRISTOPHER B. ADAMS
ANDY RICH ADUDDELL
ROLANDO AGUIRRE
OUAIL ALBAIRAT
MICHAEL J. ALBLINGER
PAUL S. ALBUQUERQUE
JEREMIAH J. ALDER
JOSH R. ALDRED
ERICKA L. ALDRICH
TAMMARA L. ALEXANDER
NATHANIEL V. ALFANO
BRANDON P. ALFORD
JENNIFER ANNETTE ALICKSON
MARK E. ALLARD
ANDY G. ALLEN
ARTHUR A. ALLEN
GERALD D. ALLEN, JR.
LUCAS J. ALLEN
ROBERT W. ALLEN
SAMUEL J. ALLEN
STEPHEN F. ALLEN
CHRISTOPHER A. ALLIE
JOSEPH N. ALLISON
DAVID C. ALVAREZ
MANUEL ALVAREZ
PHILLIP N. ALVAREZ
SALOMON ALVAREZ III
JUAN C. AMAYA
RUBEN R. AMEZAGA
NATHANIEL S. AMIDON
SUNIL LALITKUMAR AMIN
BARAK N. AMUNDSON
JOHN W. ANACKER
CHRISTOPHER S. ANDERSON
CLIFFORD WALDO ANDERSON
JAMES W. ANDERSON
JOEL RICKS ANDERSON
JOHN P. ANDERSON
HARVEY K. ANDREW
PAUL R. ANDREWS, JR.
FRANK J. ANGELONE
ROCCO J. ANGIOLELLI
CRAIG RYAN ANSEL
JOHN D. ANTAL
CHRISTOPHER LEE ANTENEN
JASON L. ANTKOVIAK
JAMES E. APHOLZ
DANIEL R. APPEL
JORDAN N. APPEL
LAURA J. APPLEWHITE
JARROD A. ARANDA
RYAN R. ARCHAMBAULT MILINER
MARCEL T. AREL
RYAN W. ARGENTA
MICHAEL A. ARGUELLO
DAVID REXFORD ARMBRUSTER
RYAN W. ARMSTRONG
DANIEL J. ARNESON
ROBERT C. ARNETT
KREG T. ARNOLD
TIFFANY L. ARNOLD
JOHN PAUL CABIGAS ARRE
GABRIEL S. ARRINGTON
JOSHUA A. ARROWOOD
DAVID ALFREDO ARROYO
MICHAEL A. ARTIFON
MICHAEL D. ASKEGREN
SCOTT ANDREW ASKEY
ADAM R. ASLESON
DANIEL V. ATIENZA
JAMES PAUL ATKINSON
PHILIP Z. ATKINSON
DAWN M. ATTERBURY RAMIREZ
DEREK J. AUFDERHEIDE
DAVID J. AUSTON
MICHAEL T. AVALOS
ERIC C. BABSON
CHAD A. BACKES
NICOLE R. BAIN
JOSEPH LEE BAINBRIDGE
CHARLES JAMES BAIRD
MICHAEL H. BAIRD
BRADLEY CHARLES BAKER
DAVID L. BAKER
HEIDI ANNETTE BAKER
JASON R. BAKER
MICHAEL B. BAKER
BRADFORD B. BALAZS
BRIAN E. BALCER
MATTHEW T. BALLANCO
JEFFREY E. BALLENSKI
BRADLEY L. BALLING
JUSTIN D. BALLINGER
CECIL BANUELOS, JR.
KEVIN H. BARBER
STEPHEN L. BARBOUR
OLIVER E. BARFIELD
LUKE ADAM BARGER
ROBERT A. BARKER
JOSEPH E. BARKLEY
NEIL BRYAN BARNAS
CAMERON JEAN BARNES
RICHARD C. BARNES
CHRISTOPHER LEE BARNETT
WILLIAM KARL BARNHART
AARON R. BARRETT
JOHN M. BARRY
DWAIN JASON BARTELS II
DONALD F. BARTHOLOMEW III
BRIAN L. BARTRAM
JOSE L. BASABE, JR.
AARON E. BASHAM
DOUGLAS M. BAUER
ANDREW W. BAUMGART
DAVE SHERWIN BAUTISTA
BRIAN K. BEAUTER
BAILYN R. BECK
ROBERT O. BECKENHAUER
NICHOLAS S. BEDELL
CHRISTOPHER S. BEERY
DAVID A. BEFORT, JR.
JONATHAN MICHAEL BEHA
KEVIN D. BEHYMER
NICKLOS W. BEIHL
ERIC EDWARD BEIN
JOSHUA M. BEKKEDAHL
ROBERT M. BELARDO
LACHLAN T. BELCHER
NIKITA S. BELIKOV
CLIFTON M. BELL
DYLAN A. BELL
WOODROW M. BELL
THOMAS N. BELLAIRS
MATTHEW B. BELOTE
DAVID M. BENNETT
SHANNON L. BENSON
BRIAN D. BENTON
CORY D. BERG
TYLER A. BERGE
JOHN W. BERGER

KARL E. BERGER
TROY D. BERGHUIS
BENJAMIN C. BERGREN
TANNER BERGSRUD
JOEL C. BERNAZZANI
RYAN A. BERNIER
NATHAN T. BERTINO
JONATHAN P. BESS
TYRONE P. BESS
CHRISTOPHER W. BEST
DAWN E. BETHELMY
ADAM BETLEY
DUANE E. BEVILLE
RAYMOND C. BEVIVINO III
MANAN N. BHATT
MARK J. BIEDA
KENNY J. BIERMAN
JARETT J. BIGGERS
CHRISTOPHER J. BILLAU
IAN M. BILLINGTON
JOSEPH BINCAROUSKY
OWEN D. BIRCKETT
JOHN A. BIXBY
GREGORY A. BLACK
MICHAEL JOSEPH BLACK
COLBY J. BLACKWOOD
JOSHUA P. BLAKEMAN
BRENT R. BLANDINO
JEFFERY ANDREW BLANKENSHIP
EDMOND J. BLANQUERA
JAMES J. BLECH
STEPHANIE L. BLECH
JEFFREY D. BLISS
TIMOTHY R. BLOCKYOU
GREGORY MICHAEL BLOM
WAYNE E. BLOM
MICHAEL J. BLOUGH
DANIEL T. BLUM
JASMINE R. BOBBITT
DANA L. BOCHTE
RYAN A. BODGE
MARK P. BOEHRINGER
ERIC D. BOGUE
ANDREW J. BOGUSKY
TRAVIS R. BOHANAN
GREGORY R. BOLAND
SHELLONDA S. BOLTON
MATTHEW D. BOONE
JOHN M. BOOS
MATTHEW R. BORAWSKI
LUKE R. BORER
GREGORY M. BORSCHOWA
LORI ANN BORT
STACIE LYNN BORTZ
BRIAN J. BOSEMAN
TREVOR HALE BOSWELL
JONATHAN W. BOTT
DOUGLAS P. BOTTOMS
JOSHUA P. BOUDREAUX
CHARLES P. BOWER
ANDREW PAUL BOWERS
APRIL J. BOWMAN
ERIK EDWARD BOWMAN
STERLING P. BOYER
ERIC D. BOYES
COOPER M. BOZARTH
MACEY W. BOZARTH
NICHOLAS C. BOZO
RYAN J. BRADFORD
LYDIA A. BRADLEYTYLER
CALVIN J. BRADSHAW III
ALLEN GEORGE BRANCO III
PAUL M. BRAND
DAVID A. BRAUN
NICHOLAS R. BREFFITT
RICHARD R. BREMER
MICHAEL T. BREWER
RYAN A. BREWER
EMERY J. BREZNAI
STEPHEN J. BRIDGES
DAMEION DAWAYNE BRIGGS
EVAN J. P. BRIGGS
PAUL A. BRIGHTON
JASON M. BRINES
GLENN E. BRISCOE, JR.
LEE M. BRLETICH
JEREMY M. BROCKMAN
TIMOTHY W. BROKAW
TIMOTHY J. BRONDER
ERIC LAMAR BROOKS
NICHOLAS JEROME BROOKS
SHAWNTEZ L. BROOKS
ERICK P. BROUGH
ANDREW L. BROWN
BRANDON R. BROWN
ERIK C. BROWN
STEVEN D. BROWN
ROBERT D. BROWNING
MELISSA K. BRUEBAKER
ABRAHAM F. BRUNNER
JARED JOSEPH BRUPBACHER
BENJAMIN D. BRYAN
MARCUS W. BRYAN
KELSEY C. BRYANT
RICHARD LEE BRYANT
KYLE R. BUCHER
BRADLY P. BUCHOLZ
HANS NICHOLAS BUCKWALTER
BOBBY M. BUDDE
MATTHEW D. BUEHLER
JOEL B. BUELOW
KENNETH WILSON BURGI
WILLIAM J. BURICH
JAMES C. BURKE
JEREMY J. BURKE
SEAN BURKE
MICHAEL B. BURKENFIELD
MATTHEW P. BURNISTON
NICOLE MARIE BURNSIDE
DAVID M. BURRELL
JOHN ERIC BURRELL
DAVID BURSHTEIN
BENNET ALAN BURTON
CLARENCE E. BURTON, JR.
MATTHEW G. BUTLER
DAVID VON BUXTON
CHRISTOPHER J. BYRNE
STEVEN S. BYRUM
STEVEN CAAMANO
MARIO P. CABIAO
MICHAEL G. CABUSAO
CHARLES J. CAGGIANO, JR.
MICHAEL J. CAHILL
TROY L. CAHOON
IAN E. CALDERON
DENNIS J. CALDWELL II
JANE W. CALLENDER
CHARLES G. CAMERON
GREGORY JULIEN CAMERON
JEFFREY S. CAMERON
RUSSELL D. CAMPBELL
STEPHEN C. CAMPBELL
JOHN D. CAMPONOVO
DUSTIN CANEDY
KATHRYN RHONDA CANTU
MATTHEW P. CARDUCCI
GERARD J. CARISIO
ERIC J. CARLO
JUAN MARTIN CARLOS GONZALEZ
ANDREW J. CARLSON
CATALEYA CARLSON
CHRISTOPHER S. CARLSON
CORBY LINDEN CARLSON
ERIK A. CARLSON
JASON J. CARLSON
KEVIN M. CARLSON
DAVID A. CARN, JR.
ROBERT R. CARREON
BRIAN P. CARROLL
CHRISTOPHER M. CARROLL
JAMES S. CARROLL
BRIAN M. CARTER
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JUSTIN M. SIME
CARLY M. SIMS
TRENTON W. SIMSHAUSER
JOHN S. SISLER
STEVEN B. SISSON
COLTON WILLIAM SKORUPAN
CHRISTOPHER J. SKOUTAS
JOHN D. SLACK
BRIAN L. SLADE
CHRISTOPHER J. SLATTERY
MELANIE RAE SLATTERY
IAN M. SLAZINIK
JONATHAN M. SLINKARD
MATTHEW N. SLUSHER
GAIL M. SMICKLAS
AMBER LYNN SMITH
ARCHIE SMITH, JR.
BENJAMIN HEROLD SMITH
DAVID J. SMITH
JARED J. SMITH
JOCELYN M. SMITH
JONATHAN PEYTON SMITH
JONNI LANE SMITH
KATRINA E. SMITH
LEAH G. SMITH
MARK H. SMITH
MELISSA R. SMITH
MISHAUN D. SMITH
NICHOLAS R. SMITH
PEYTON S. SMITH
STEVEN A. SMITH
WILLIAM CHARLES SMITH
CHRIS EUGENE SMYDER
KEVIN R. SNOW
STEVEN M. SOBRILSKY
BARRY M. SODINI
MORLEH SOKARGBO
DAVID M. SORRELS
JACOB S. SOTIRIADIS
SALVADOR ENRIQUE SOTOMAYOR
SHERRY L. SOURIOLLE
ANDREW P. SPADY
CHERONDA V. SPANN
BRYAN THOMAS SPARKMAN
KEVIN W. SPARKS
MELANIE C. SPAULDING
JAMES IRA SPEAKES
GRANT E. SPEAR
DAVID J. SPELLMAN
BRYAN P. SPENCE
MARK E. SPENCER
DANIEL P. SPENGLER
BRETT E. SPETH
SCOTT W. SPICER
MATTHEW T. SPIDELL
JAMES F. SPOO, JR.
AARON JOSEPH SPRECHER
JUSTIN B. SPRING
DAVID J. SPROEHNLE
SCOTTY LYNN SPROLES
ROBERT H. SPROUSE, JR.
ANTHONY T. ST AUBYN
RANDY ST JEAN
KRISTA N. ST ROMAIN
JAIMIE L. STAAB
LEE A. STAAB II
ADRIENNE L. STAHL
JOSEPH H. STALLINGS
RYAN L. STALLSWORTH
DAVID M. STAMPER
BRIAN J. STANISZEWSKI
KAROL L. STANLEY
CHRISTOPHER R. STAPENHORST
AARON M. STARK
DALE A. STARK
MICHAEL ANTHONY STAYROOK
MATTHEW J. STEELE
MATTHEW B. STEENMAN
CORY ALAN STEGMEIER
PAMELA TAN STEIN
BRIAN K. STEINKE
JAMES D. STEPHENS
TRAVIS H. STEPHENS
ADAM STERLING
CHAUNCEY A. STERN
JACOB T. STEVENS
TERRY W. STEVENSON
ANDREW J. STEWART
CHAD R. STEWART
CHRISTOPHER T. STEWART
GRAHAM R. STEWART
JAMES B. STEWART IV
ROBERT LEE STINSON
CHRISTOPHER L. STOB
ERIK STEVEN STOCKHAM
LUKE BALLMAN STOCKTON
DANIEL P. STOKER
TIMOTHY L. STOKES
ZACHARY A. STOLP
BRIAN BENEDICT STONE
SAMUEL J. STONE
JASON JAMES STOREVIK
KEVIN G. STORM
RYAN M. STORY
SCOTT D. STOUT
JEREMY L. STOVER
CRAIG A. STRAIGHT
WILLIAM SMILEY STRAIN
DENNIS M. STRASSER
MARK A. STRATTON
ALLYSON P. STRICKLAND
SOYNAE M. STRICKLAND
MATTHEW STRICKLER
KAEL RICHARD STRIEGEL
JOHN ROBERT STRIPLING
CHRISTOPHER C. STROLE
THOMAS B. STROMBERG
DOUGLAS R. STROUSE
TIMOTHY M. STROUSE
BRYAN J. STRUTHERS
JESPER R. STUBBENDORFF
JESSE D. STUBBS
JOSHUA A. STULTS
LUKE EDWARD STURGEON
BRENT R. SUERDIECK
BRIAN SUH
JEFFREY EUGENE SUHR
AARON RAY SUIRE
JACOB P. SULLIVAN
JOSHUA S. SULLIVAN
MARGARET A. SULLIVAN
MATTHEW W. SULLIVAN
MICHAEL J. SULLIVAN
RENEE M. SUMMERS
JONATHAN G. SUMNER
JOSEPH T. SUNDY
REBECCA SUTHERLAND
ANTHONY SUTTON
LUKE N. SWANSON
PERRY C. SWEAT
CHRISTOPHER D. SWEENEY
KEVIN P. SWEENEY
PETER M. SWEENEY
ERIK F. SWENSON
SETH M. SWIFT
EDWARD V. SZCZEPANIK
BRENT A. TADYCH
JAY M. TALBERT
EDWARD W. TALLEY
MICHAEL A. TALLEY
ALAN C. TALLY, JR.
JARED B. TANNER
MICHAEL J. TARANTINO
ROBERT GLENN TARANTINO
JACOB T. TARRANT
EVAN T. TATGE
THOMAS M. TAUER
RUDOLPH F. TAUTE
BRIAN J. TAYLOR
CHARLIE JAMES TAYLOR
DANIEL GLYNN TAYLOR
JASON J. TAYLOR
NATHAN WILLIAM TAYLOR
ROBERT L. TAYLOR, JR.
THOMAS M. TAYLOR
STEPHEN E. TEEPLE
CHRISTOPHER L. TEKE
BRADLEY DAVID TEMPIA
THOMAS B. TERRELL
JOEL G. THESING
PAUL P. THIENPRAYOON
AARON HOUSTON THOMAS
MICHAEL G. THOMAS
SCOTT R. THOMAS
BRIAN C. THOMASSON
AMBER JUNE THOMPSON
ANDREW PAUL THOMPSON
ANTHONY J. THOMPSON
CARMEN R. THOMPSON
DAVID M. THOMPSON
ERIC W. THOMPSON
GRANT E. THOMPSON
JARED D. THOMPSON
JASON I. THOMPSON
JOSHUA ABRAHAM THOMPSON
SCOTT CHRISTOPHER THOMPSON
ADAM F. THORNTON
RYAN K. THORNTON
GRANT D. THRELFALL
ANDREA GAIL TILESTON
BRIAN A. TILESTON
NICOLE K. TILLMAN
BENJAMIN G. TIMSUREN
PAUL W. TINKER
MATTHEW E. TIPTON
JOHN S. TIRRELL
DOUGLAS J. TODD
ERIK K. TODOROFF
JOHN D. TOEPHER
JOSHUA IAN TOLK
JARED A. TOMLIN
DANIEL F. TOMPKINS
GARY J. TORONI
DENITA JANETTE TORRES
STEVEN C. TORRES
CHAD C. TOSSELL
CLINT MATHEW TOWNSEND
JAMES D. TOWNSEND
KEVIN JAMES TRACY
TYLER M. TRACY
ERIC M. TRAD
JOSEF H. TRAINOR
DAT Q. TRAN
KEVIN K. TRAN
PETER TRAN
CARLO ROBERT TRANISI
RUSTON C. TRAYNHAM
JOSHUA J. TREBON
MERIDEE J. TRIMBLE
MATTHEW K. TROMANS
JASON E. TROUTMAN
STEPHANIE A. TRUSTY
DENNIS TRUTWIN
TRAVIS BRUCE TUBBS
ARRON J. TULICK
MATTHEW W. TULL
KARLOS G. L. TUNGOL
RENATA R. TURNER
RICHARD J. TURNER
MICHAEL J. TURPIANO
ANTHONY P. TYDINGCO
TODD V. TYLER
SCOTT MATTHEW TYLEY
RYAN T. TYPOLT
CHRISTOPHER D. UHLAND
KURT J. UMLAUF
ROMAN TIMOTHY UNDERWOOD
DANIEL A. URBAN
ANGELA L. URIBE OLSON
GABRIEL DAMIAN URIBE
PETER J. USHER
ADAM S. VACCAREZZA
ORION Q. VAIL
EDUARDO RENE VALLE
MATTHEW J. VALLERO
CRAIG J. VAN BEUSEKOM
JACOB PATRICK VAN CAMP
NATHANIEL JOEL VAN DE VEER
HOLLY E. VAN LIERE
DAVID R. VAN YPEREN
STEVEN W. VANDEN BOS
JEREMY A. VANDERHAL
LAURENCE M. VANDEROORD
BRETT J. VANDERPAS
MICAH B. VANDERVEEN
DANIEL N. VANIMAN
JOSEPH A. VANKUIKEN
RAYMUNDO M. VANN, JR.
DONALD E. VANSLYKE
PHILLIP J. VARILEK
ROGER P. VARNADORE
DAVID VEGA, JR.
THOMAS VEILLEUX
RUBEN VELEZ
THOMAS O. VERHEY
RICK E. VERMILLION
AUTUMN M. VERNON
KATHRYN M. VESETH
TASHA E. VICK
JOSEPH ANDREW VIDEC
JESSE O. VIG
MICHAEL JOSEPH VIGGIANO
JULIO VILLAFUERTE
ERIC L. VOLK
PAUL D. VOORHEES
DANIEL J. VORENKAMP
LIM DINH VU
MICHAEL J. VYN
JOHN D. WADDELL
NATASHA L. WAGGONER
DAVID T. WALBECK
TIMOTHY C. WALBERG
KEVIN JACK WALCHKO
RONNIE R. WALDEN
ERIC J. WALDO
JESSE GEORGE WALES
DAVID ODIS WALKER
MICHAEL M. WALKER
NATHANIEL S. WALKER
NICKLAUS M. WALKER
WILLIAM M. WALKER II
MATTHEW P. WALLAART
LISHA T. WALLACE
LOWELL C. WALLACE III
RONALD S. WALLACE
SCOTT T. WALLACE
SUSAN NICHOLS WALLBERG
KRISTI WALTERS
KURT CARL WAMPOLE, JR.
JASON P. WARD
RICHARD J. WARD
RYAN R. WARD
JASON W. WARE
JUSTIN J. WARNAAR
CHRISTOPHER L. WARNER
CLINTON G. WARNER
LINDSAY DIANE WARNER
ABBE H. WARREN
JENNIFER M. WARREN
JERAD T. WARREN
TREVOR W. WARREN
ANGELA MARIE WATERS
ELBERT M. WATERS IV
JONATHAN R. WATERS
KIMBERLY ANN KUHNS WATSON
LEE ISAIAH WATSON
RYAN L. WATSON
KEVIN J. WEAVER
AARON M. WEBB
MICHAEL B. WEBER
PHILIP E. WEBER
CHRISTOPHER K. WEE
SCOTT ALLEN WEED
MICHAEL PATRICK WEEKS
ROBERT B. WEHMEYER
JARRETT L. WEIBLEN
ANDREW MARK WEIDNER
HERON GRIMM WEIDNER
CHRISTOPHER SCOTT WEIR
MICHAEL ROY WELCH
PHILIP L. WELCH
SHERRY M. WELCH
BRIAN M. WELDE
DALE J. WELLER
ANDREW A. WELLS
MICHAEL E. WELSER
DAVID T. WELT
JONATHAN F. WENTZEL
DANIEL C. WERNER
JOSHUA TYE WERNER
JUSTIN M. WEST
TYLER THOMAS WESTERBERG
BRAD A. WETHINGTON
BRYAN L. WETZEL
TYSON KRISTOPHER WETZEL
DARIN E. WETZLER
ROBERT PRINCE WHISENANT
ALEX R. WHITE

CHRISTOPHER J. WHITE
ETHAN A. WHITE
JARED P. WHITE
JASON THOMAS WHITE
RYAN J. WHITE
THERESA M. WHITE
WILLIAM F. WHITE
TERRY L. WHITED
STEVEN L. WHITSON
JEFFREY NEAL WHITTAKER
RYAN M. WICK
JOHN C. WICKER
STACEY D. WIGGINS
JOSHUA D. WIITALA
DANIEL J. WILCOX
NATHANIEL D. WILDS
JONATHAN J. WILHELM
BILLY J. WILLARD, JR.
AARON WESLEY WILLIAMS
DAVIDS WILLIAMS
EDWARD WAYNE WILLIAMS
JASON O. WILLIAMS
JASON PAUL WILLIAMS
MICHAEL C. WILLIAMS
MICHAEL D. WILLIAMS
MICHAEL L. WILLIAMS
NATHAN ANDREW WILLIAMS
RICHARD P. WILLIAMS
ROBERT M. WILLIAMS II
VICTORIA CAROLINE WILLIAMS
SHERWOOD M. WILLIS
MARK A. WILLOUGHBY
ROSS S. WILLSON
RYAN E. WILMES
JUSTIN P. WILSON
MATTHEW PERRY WILSON
ROBERT D. WILSON
TIMOTHY JOSEPH WILSON
JESSE R. WINKELS
JOHN D. WINKLE
CHRISTOPHER S. WIREMAN
DAVID R. WISNIEWSKI
STEVEN RAY WITTER
DERICK J. WOLF
ALEX C. WOLFARD
ANDREW R. WOOD
BUTCH DAVID WOOD
CRISTOPHER R. WOOD
EMILY A. WOOD
JASON G. WOOD
SCOTT F. WOOD
MATTHEW B. WOODFIELD
DENNIS EDUARDO WOODLIEF
CHAD A. WOODS
DESHAWNN L. WOODS
FRANKIE L. WOODS, JR.
BRIAN GREGORY WOOLLEY
HEATHER M. WOOTEN
KRISTIN A. WOZNIAK
DAVID A. WRIGHT
VINCENT L. WRIGHT
MATTHEW C. WROTEN
JODY L. WYNANS
MING XU
BRIAN H. YATES
CHRISTOPHER L. YATES
ROBERT J. YATES III
MARY C. YELNICKER
NATHAN ROSS YERKES
NATHAN P. YERRICK
JAE H. YOON
JOHN M. YORK
SY W. YOST
JENNIE A. YOUNG
TIMOTHY E. YOUNG
MICHAWN ANQUIN YUVIENCO
DENNIS A. ZABKA
RYAN W. ZACKRISSON
SCOTT A. ZARBO
THOMAS J. ZAREMBA, JR.
SCOTT K. ZAVERL
CHRISTOPHER J. ZAWORSKI, JR.
RICHARD W. ZEIGLER
PATRICIA S. ZEITLER
TIMOTHY W. ZENS
JONATHAN LAWRENCE ZENTNER
SCOTT A. ZICARELLI
ANDREAS ZIEGLER
CHRISTOPHER JAMES ZIELESCH
DALE EDWARD ZIMMERMAN
SARAH J. ZIMMERMAN
DAWN M. ZINK
MICHAEL D. ZOLLARS
BENITO M. ZUBIATE
ALEC D. ZWIASKA
AMY P. ZWIERS
SCOTT N. ZWIERS
MARK C. ZWYGHUIZEN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ISRAEL MERCADO, JR.

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

FRANCIS J. EVON, JR.
RAPHAEL WARREN
MARK S. WELLMAN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ANDREW J. STRICKLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ANDREW K. LEDFORD

APPOINT THE FOLLOWING NAMED OFFICERS IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

JOHN L. GRIMWOOD

To be lieutenant commander

MASON B. ANDREWS
REBECCA J. CHASON
HELEN S. HAGAN
JACK D. HAGAN
THOMAS M. HEARTY
PATRICK W. JOYNER
JAIME H. KAPUR
DAVID S. LAW
JASON C. MAGGI
RICHARD S. MONTGOMERY
CHARLES J. OSIER
GUS THEODOS
ROBYN M. TREADWELL

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

DARIUS V. AHMADI
TODD A. ARNOLD
EDWARD J. BARRY
JESSICA F. BETZ
CHRISTOPHER A. BROWN
JEFFREY K. BROWN, JR.
RUSSELL L. BRYANT
KYLE F. CALTON
JOHN R. CRUMPACKER
DAVID A. DAIGLE
EMIL D. DINNOCENZO
DOUGLAS W. DURHAM
WILLIAM T. DVORAK
JESS B. FELDON
SCOTT A. HARVEY
DAVID C. HOLLON
HENRY J. KENNEDY
JOSEPH M. LAHER
JIMMY L. LAWTON
CHRISTOPHER R. LONG
KRISTA R. MANN
TRAVIS A. MONTPLAISIR
CHRISTOPHER M. NORRIS
CHARLES W. PHILLIPS
JONATHAN P. PHILLIPS
THOMAS D. RICHARDSON
GRANT H. RIEDL
ANDREW P. RIVAS
CLAYTON V. ROBERTS
HOUSSAIN T. SAREINI
KEITH E. SCOTT
JOHN C. SMITH
STEPHEN M. SMITH
ANDREW H. SPARKS
SCOTT D. SULMAN
CHRISTOPHER T. TERZIAN
MARTY D. TIMMONS
JOE M. TOWLES
OMAR J. VIEIRA
RYAN S. WILLETTE
SCOTT D. WOODS

CONFIRMATION

Executive nomination confirmed by the Senate April 23, 2012:

THE JUDICIARY

BRIAN C. WIMES, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN AND WESTERN DISTRICTS OF MISSOURI.