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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

Gracious God, our shelter from life's storms, give to the Members of this body a faith strong enough to face the tempest of our time. Strengthen them to confront with courage the challenges that come, knowing that Your purposes will prevail and that Your providence will sustain them.

Lord, help that this day with singleness of purpose and constancy of commitment, Your Senators will seek first Your kingdom and Your righteousness, serving You with unfettered feet and following You with freedom and faith. Reign as sovereign Lord in this Chamber. Guide the deliberations, debates, and decisions of this day.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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. INOUE.)

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 18, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks the Senate will resume consideration of the motion to proceed to S. 1925, the Violence Against Women Reauthorization Act. The majority will control the first 30 minutes, the Republicans the final 30 minutes. The filing deadline for first-degree amendments to the substitute amendment and the postal reform bill is 1 o'clock this afternoon.

POSTAL REFORM

Mr. REID. Mr. President, I really hope we can work out an agreement on the postal reform bill. I spoke to Senator LIEBERMAN, the chairman of the committee, late last night, and he is hopeful, as I am, that we can move forward on this legislation. It is a shame if we cannot. As we speak, there are more than half a million men and women working for the Postal Service, and 25 percent of them are returning veterans. We have 30,000 post offices around the country. We have about 8 million people who depend on the post office for their jobs. So to think that we can't move forward on this would be really untoward. It is something we really need to get done. I am hopeful we can get that done. People can offer amendments, and we should do that as

quickly as possible and move forward on this legislation. If there is no agreement, we will have to vote on the substitute amendment tomorrow morning. I repeat, it would be too bad if we cannot get it done.

Enshrined in the Constitution by the Founding Fathers, the U.S. Postal Service has delivered this Nation's letters and other mail since the day of the quill pen and the inkwell. That is why we have inkwells here. That is what these are. I have paper clips in mine now, but originally that was the only way people who sat at these desks and did their work could write. Most of the time it was for mail.

Mail has been delivered through the years when stamps cost a nickel. Mail has been delivered through the years when mail traveled up and down America's waterways by steamship, and it has been delivered through two world wars when soldiers sent letters home to their sweethearts and families. Through it all, the U.S. Postal Service has been there to deliver the mail, rain or shine. But today America's postal system is in crisis.

We kind of use that as a throwaway, "through rain or shine." When I was a little boy, we had really bad snowstorms all over the West. In Searchlight, NV, we had a little snow a few times a year. But we had 3 feet of snow on the level. It was very, very bad.

I can remember a man named Con Hudgens. The mail came to Searchlight. There was a railroad that went through Nipton, CA, which was 22 miles from Searchlight. As that train sped through Nipton, they had an apparatus that would snatch the mail that was on the train. That mail was for Searchlight. They sorted it that way. This old man, Con Hudgens, walked through snow 22 miles to bring the mail. That is what we talk about when we say that mail has been delivered through rain or shine. That is the mantra of the post office.

But today America's postal system is in crisis. Today a personal note from a

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



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friend or payment to the electric company can be delivered online with a few quick keystrokes on your computer. This changing technology has meant serious new challenges for an organization that has serviced citizens of this Nation from its very beginning. It has served this Nation whether they live on city streets or rural routes.

Although the world the post office deals with has changed, the postal system's message and mission have not changed; that is, to deliver letters, packages, medicines—much of which is vital—online purchases, birthday cards, phone bills to hundreds of millions of Americans no matter how rural or how urban the places they call home. Neither has the current crisis changed the importance of that mission. Nearly half of rural households don't have broadband Internet access, making it difficult or impossible to pay bills or ship packages online. Rural families in Tuscarora, NV, or Baker, NV, in Elko County, NV, rely on the Postal Service. That is their way of communicating.

Small businesses benefit from cost-saving options offered at the post office, such as bulk mail. American businesses rely on the U.S. Postal Service. As I indicated earlier, 8 million people's jobs are dependent on the Postal Service.

For seniors who cannot leave their homes, mail carriers deliver lifesaving medications—an important link to the outside world. Elderly Americans rely on the U.S. Postal Service.

I will go home tonight to my home here in Washington, and there will be some mail there. A lot of it is what some people refer to as junk mail, but for the people who are sending that mail, it is very important.

And talking about seniors, seniors love to get junk mail. It is sometimes their only way of communicating or feeling they are part of the real world. Elderly Americans, more than any other group of people in America, rely on the U.S. Postal Service.

Unless we act quickly, thousands of post offices—I indicated there are more than 30,000 in America—many of them rural, will close. I said this earlier today, and I will repeat it. These rural post offices are the only way people in those small communities have to communicate with the outside world. There may be some medicine they are getting, it may be to keep in touch with their family or friends, but it is their way of keeping in touch with the world. Hundreds of mail-processing facilities will close, and the jobs of hundreds of thousands of dedicated postal employees are at risk.

Timely, dependable mail delivery is not the only thing at stake in this debate. Today the Postal Service employs, as I have indicated, more than half a million middle-class workers, and the postal system gives more than 130,000 men and women who volunteered for this country in the armed services a chance to serve again. A

quarter of all postal employees are veterans of the U.S. Armed Forces. So there is really a lot at stake in this debate.

The Postal Service has been playing an important role in the history of this country and the lives of its citizens for more than 200 years, but it has also seen a 21-percent drop in mail volume over the last 5 years and is on the verge of insolvency. Yesterday the Postal Service lost about \$20 million—1 day.

Changing times demand a leaner, more modern post office. To make that possible, we must pass legislation. The Senate must act. We must change the Postal Service business model. They cannot do it on their own. They need legislation. They need it to keep pace with technology and to keep up with the times.

The bipartisan bill before this body enacts reforms that are major but measured. The people who have worked on this so hard—I have already talked about Senator LIEBERMAN. His counterpart, Republican Senator COLLINS, has worked extremely hard. I have worked with her to maintain the 6-day delivery. This is something she believes in strongly. I really admire her for the fight she has put up to get the things that she feels are important in this legislation.

If we act, it would reduce the number of employees and facilities the Postal Service maintains in a responsible way, and that would protect employees and millions of Americans relying on the mail. It would responsibly restructure the postal system, while preserving overnight 6-day-a-week delivery. It would help the Postal Service innovate and grow by offering new products that will attract new customers and, most importantly, would save the Postal Service from insolvency. It will help an institution enshrined in the Constitution modernize to meet the challenges of a changing world.

What Senators LIEBERMAN and COLLINS have come up with is not perfect, and we all recognize that. It is not a perfect compromise. It will not make every Senator happy. It will not make every American happy. It will not save every post office. But it is a very good compromise and one that is bipartisan. It will save an institution that has been a part of the fabric of this Nation for more than 200 years. So let's work together to save the American Postal Service, which, by the way, is the best in the world.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

GAS PRICES

Mr. MCCONNELL. Madam President, with gas prices hovering around \$4 a gallon, I think it is important for the American people to realize there are really two camps on this issue here in Washington: there are those who want to do something about the problem, and there are those who want people to think they are doing something about the problem. And let's be clear—President Obama is firmly planted in the "say anything but do nothing" camp. If there were any doubt about that, he dispelled it when he blocked the Keystone Pipeline and then again this week by embracing the age-old Democratic dodge of blaming gas prices on speculators.

Look, what bothers Americans is not that the President has unpopular views on this issue. Everyone knows he does not really support an all-of-the-above approach to energy. What bothers people is the fact that he pretends as though he does.

What bothers people is the President is blocking one-half of a pipeline one day and showing up at a ribbon cutting for the other half on another day. It is blocking domestic energy and then taking credit for increases that came about as a result of his predecessor's decision. It is pretending that speculators have a big impact on the price of gas when his own staff can't even point to any.

The President said he was different, and a lot of people believed him. But to a growing number of Americans that is just what he has become: just one more politician saying the same things they always say.

This week has been a real clarifier for people when it comes to this President. Whether it is the Buffett tax that would not lower the deficit or a commission on speculators that even the White House says would not lower the price of gas, what people have seen this week is a President who seems a lot more interested in looking like he is solving problems than actually solving them.

For years Washington Democrats have had the same totally rigid opposition to expanding domestic energy exploration. The only people they seem to listen to are extremists. But instead of just stating their position and letting the political chips fall where they may, they pull out the same poll-tested talking points they always do, on the assumption that reporters will just reprint them like it is the first time they have used them and that everybody else will just somehow forget.

But with gas prices at about \$4 a gallon, it is time somebody called them out on it. Ten years ago today Democrats voted down a bill to open a tiny

area of Alaska known as ANWR to drilling. They relied on the nonargument that it would take too long to get the oil to market. That was 10 years ago today. Every Democrat who was asked about it said the same thing, that it would take too long to get the oil to market. I have two pages of quotes from Democrats saying it would take at least 7 to 10 years to get the oil to market.

Well, here we are 10 years later. In some places gas prices are now three times what they were in April 2002. The United States still imports one-half of its oil. ANWR is still off-limits. If we ask Democrats why they oppose more domestic exploration, they will say the same thing they said 10 years ago.

This is precisely the kind of thing this President campaigned against 4 years ago. He was the one who was going to stop kicking the can down the road. He was the one who was going to tackle the problems everybody else was afraid to face. He was the one who was going to rise above petty squabbles and the tired talking points of the past and offer something different. He was going to be a different kind of politician who would usher in a new era of authenticity.

What did the American people get? They got the same gimmicks as before. They got someone whose idea of solving a problem is to give a speech about it or to blame whatever person, place, or thing doesn't happen to poll well that day. What the American people got was a President who absolutely refuses to lead.

It is the same thing they got from the Democrat-controlled Senate, the same tired talking points, the same evasion, the same refusal to address our problems at all.

Yesterday, the chairman of the Budget Committee made it official. For the third year in a row, Senate Democrats will refuse to do the basic work of governance by refusing to offer a budget blueprint for government spending—by the way, as required by the law.

After pledging both to me and his Republican counterpart on the committee that he would, in fact, mark up a budget this year, the chairman of the Budget Committee bowed, once again, to the political pressure and said he would not put his Democratic colleagues at any political risk by asking them to vote on a plan their constituents might not like; that is, not until after the election. The Democratic chairman did suggest, however, that if Europe implodes, he might change his mind.

Well, with all due respect, the statute doesn't say the majority must present a budget if the European economy implodes. It says it must present a budget, period, so that the American people can see how much they are going to be taxed and how their tax dollars are going to be spent.

I am having a hard time thinking of a word to describe the level of leadership we are getting from Democrats in Washington these days—whether it is

the President or the Democratic Senate. Frankly, it is a disgrace. There isn't a single issue I can think of that they are willing to do anything about.

Under this President's watch, Washington has been spending more than \$1 trillion a year more than it takes in. Senate Democrats don't even have the courage to put it all in black and white. They don't have any problem spending it; they just don't want to be on record voting for it. That is what passes for leadership in Washington these days.

Well, something has to give. Our challenges are too urgent. The status quo just would not cut it anymore.

NUCLEAR REGULATORY COMMISSION

Mr. McCONNELL. Madam President, I want to talk about the Nuclear Regulatory Commission. This is the Federal agency that ensures the safety of our Nation's nuclear powerplants.

Specifically, I want to bring attention to the reappointment of Kristine Svinicki—or, rather, the curious lack of action surrounding her reappointment.

Commissioner Svinicki is one of the most respected Commissioners ever to serve at the NRC. She is an experienced and fair-minded regulator whose leadership has earned her the admiration of Members of Congress on both sides of the aisle. She was confirmed for her first term without a single dissenting vote.

Prior to her 4 years on the Commission, Commissioner Svinicki spent more than two decades in public service working on nuclear safety issues in the Senate, at the Department of Energy, and with the Wisconsin Public Utilities Commission. A nuclear engineer, she is one of the world's foremost authorities on nuclear safety and nuclear power, and a great asset to the Commission.

Last year Commissioner Svinicki had the courage to stand up and blow the whistle on a sitting NRC Chairman, Gregory Jaczko, for bullying subordinates.

According to an Associated Press story from December:

The commissioners told Congress [that] women at the NRC felt particularly intimidated by Jaczko. Commissioner William Magwood—

Who is a Democrat, by the way—told the oversight panel that Jaczko had bullied and belittled at least three female staff members, one of whom told Magwood she was "humiliated" by what Magwood called a raging verbal assault.

This is the Democratic Commissioner on NRC, and here is an excerpt from the inspector general's report:

"Several current and former Commission staff members," it says, "said the Chairman's behavior caused an intimidating work environment. A former Chairman told OIG that the Chairman often yelled at people and [that] his tactics had a negative effect on people. He described the behavior as ruling by intimidation."

Commissioner Svinicki stood up to this guy, who somehow managed to avoid being fired in the wake of all of these revelations, in an effort to preserve the integrity of the agency and to protect the career staffers who were the subject of the Chairman's tactics. Now, for some mysterious reason, she is being held up for renomination.

The FBI completed its background check on Commissioner Svinicki 15 months ago. Her ethics agreement was approved around the same time. She has been ready to go for more than a year. There is no legitimate reason for Commissioner Svinicki not to have been renominated and reconfirmed by now. Any further delay is unacceptable.

If Commissioner Svinicki isn't renominated by June 30, NRC will lose one of its finest members, the Commission's work will be impaired, and we will be forced to conclude that the reason is related to her honorable actions as a whistleblower—that she is being held up in retaliation for speaking up against a rogue Chairman who bullies his subordinates.

There is a reason Congress charged five Commissioners with the responsibility to protect public health and safety. Ensuring the safety of our Nation's nuclear powerplants is serious business. So this morning I am calling on the White House to renominate Commissioner Svinicki today to ensure that this well-qualified and widely respected woman remains in place for another term.

The public is best served by a commission that is fully functional. There should be no question in anyone's mind that it will be fully functional. We cannot wait any longer for this nomination.

I yield the floor.

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 by title.

The assistant 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. Under the previous order, the first hour will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

The Senator from Rhode Island is recognized.

LEADERSHIP IN WASHINGTON

Mr. WHITEHOUSE. Madam President, to follow up briefly on the subject of leadership in Washington, perhaps the Speaker of the House could show some leadership on jobs by calling up the bipartisan—75 to 22—jobs highway bill that passed this Senate, which is widely supported and its delay is actually costing us jobs because of the summer construction season wasting away as these extensions go on. There would be some leadership that would mean something for jobs in America.

Madam President, I rise today to address the need we have in the Senate for comprehensive cybersecurity legislation. I ask unanimous consent to speak for up to 15 minutes.

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

CYBERSECURITY

Mr. WHITEHOUSE. Madam President, our Nation's inadequate cybersecurity poses an ever-growing threat to our safety, our prosperity, and our privacy. Attackers go after our intellectual property, our national security, and our critical infrastructure. The McAfee Night Dragon Report, for example, concluded that foreign intruders had access to major oil, energy, and petrochemical companies' computer networks for at least 2 years and likely as many as 4 years. Government reports are equally sobering, though usually classified.

One that is not classified is the Department of Homeland Security report recently that attacks on computer systems that control critical infrastructure, factories, and databases increased almost eightfold in just the last 12 months. Secretary of Defense Leon Panetta has warned that "the next Pearl Harbor we confront could very well be a cyber attack."

Majority Leader REID has recognized the severity of this national and economic security threat and intends to bring cybersecurity legislation to the Senate floor soon. We recognize too the hard work of Chairman LIEBERMAN and Ranking Member COLLINS of the Homeland Security Committee, as well as Chairman FEINSTEIN of the Intelligence Committee, and Senator ROCKEFELLER of the Commerce Committee. The Cybersecurity Act of 2012, which they introduced—and I am proud to cosponsor—is a good start toward addressing the many cybersecurity threats that face this Nation.

The SECURE IT Act, introduced by Senator MCCAIN and seven colleagues, seeks to improve the sharing of cybersecurity threat information; the Federal Information Security Management Act, or FISMA, which governs cybersecurity at Federal agencies; and our cyber research and development. There is considerable overlap between these bills, which signals that the Senate could legislate on cybersecurity in a bipartisan and serious manner.

Support for cybersecurity legislation is also bicameral. The Cybersecurity

Task Force constituted by House Republicans produced recommendations that share key points with our Cybersecurity Act of 2012. Numerous bills are working their way through the House on a bipartisan basis. Central to that work in the House are the contributions of Rhode Island Congressman JIM LANGEVIN. His leadership is a major reason the House has come to recognize the dangerous vulnerabilities within our critical infrastructure and that we now stand on the verge of a breakthrough in improving the security of those networks.

When a test at the Idaho National Labs showed hackers could blow up a power generator from thousands of miles away, Congressman LANGEVIN brought the owners and operators of our electric grid before Congress and investigated their promise the issue was being addressed. When he found out that wasn't true, he called them out. His subsequent work as a cochair of the Center for Strategic and International Study Commission on Cybersecurity, along with other experts from within and outside of government, resulted in many of the recommendations reflected in our legislation. Then, in 2010, Congressman LANGEVIN passed a landmark cybersecurity amendment in the House that provided a legislative template for setting standards for critical infrastructure. I thank JIM LANGEVIN, my colleague from Rhode Island, for his relentless commitment to keeping America safe in cyberspace.

I am here this morning to stress four points I believe we must keep in mind as we take up cybersecurity legislation. The first is that cybersecurity legislation should improve the public's limited awareness of current cybersecurity threats and the harm those threats present to our national security economy and privacy. The public, for years, has been kept in the dark, and that is wrong.

The corporate sector systematically underreports cyber attacks for fear of scaring customers, for fear of encouraging competitors or for fear of triggering regulatory review. I was pleased the Securities and Exchange Commission, after prompting by Senator ROCKEFELLER and myself and others, issued guidance for when registered companies must disclose breach information.

The government itself systematically underreports cyber attacks because it overclassifies information about cyber attacks on government systems. Jim Lewis of the Center for Strategic and International Studies, for example, recently explained that cybersecurity has a unique problem in that some of the most reliable data is classified. It was a rare exception when a November 2011 report by the Office of the National Counterintelligence Executive identified China and Russia as responsible for the systematic theft of American intellectual property through cyber espionage. The legislation that we pass must shed light on the scale

and severity of the cyber threat to the American public.

In that vein, I am pleased the Cybersecurity Act of 2012 includes provisions from the Cybersecurity Public Awareness Act, S. 813, which I introduced with Senator KYL. These provisions will at least begin to improve the public's awareness of the current cyber threat environment we face.

Second, we must recognize that inadequate awareness and inadequate protection against cyber risks is endemic among our largest corporations. Part of the problem is a gulf in cybersecurity awareness between corporate chief information officers and corporate CEOs. Carnegie Mellon's CyLab recently reported:

Boards and senior management still are not exercising appropriate governance over the privacy and security of their digital assets . . . These findings are consistent with the complaints by CISO/CSOs that they cannot get the attention of their senior management and boards and their budgets are inadequate . . . There is still an apparent disconnect.

Nor is this an area in which the market can be trusted to work. As former Bush Secretary of Homeland Security Michael Chertoff has explained:

The marketplace is likely to fail in allocating the correct amount of investment to manage risk across the breadth of the networks on which our society relies.

This is not an area where corporations manage adequately on their own. FBI Director Robert Mueller recently explained:

There are only two types of companies: those that have been hacked and those that will be.

Even more trenchant, the McAfee report on the "Shady RAT" attacks similarly stated it is possible to divide "the entire set of Fortune Global 2,000 firms into two categories: those that know they've been compromised and those that don't yet know."

Kevin Mandia of the leading security firm Mandiant has explained:

[I]n over 90 percent of the cases we have responded to, government notification was required to alert the company that a security breach was underway. In our last 50 incidents, 48 of the victim companies learned they were breached from the Federal Bureau of Investigation, the Department of Defense or some other third party.

The National Cybersecurity Investigation Joint Task Force, led by the FBI, told me the same thing: more than 90 percent of the time the corporate victim had no idea.

What we can conclude from this is that improved sharing of cybersecurity threat information is necessary but is not sufficient to protect our Nation's cybersecurity. Even a perfect information-sharing process will not prevent cyber attacks if the information being shared is incomplete. The blindness of most corporations to this threat limits the effectiveness of corporate-to-corporate information sharing. The NSA's Defense Industrial Base pilot—the so-called "DIB" pilot—proved the government can share classified information

with trusted corporations, but it revealed significant risks and limitations, particularly if the government were to share its most sensitive intelligence information with a broad set of private companies.

The third point I want to make this morning, and perhaps the most important, is that this legislation on cybersecurity will have failed if it does not ensure that our American critical infrastructure has adequate cybersecurity. There must be a process for identifying critical infrastructure, establishing appropriate security standards, and ensuring that critical infrastructure companies meet the standard.

If an attack comes, we must be sure that America's most capable defenses and countermeasures are pre-positioned to defend critical American infrastructure. We simply cannot wait until an attack is underway on basic needs and services on which we depend, such as our electric grid, our communications networks, and the servers that process our financial transactions. So there are two measures here: One is that we must have a way to define critical infrastructure so we know what it is and, just as important from a civil liberties perspective, we know what it isn't. When we identify critical infrastructure on which our safety and economic and national security depend, we are also defining what does not qualify and where privacy concerns can be much more important than national security concerns. Nobody wants government in our chat rooms, e-mails, or social media; everyone gets why government should protect the electric grids that bring power to our homes.

The second is that once we identify our critical infrastructure, we need to find a way for our national security assets to protect that critical infrastructure. Our government has unique capabilities to protect those basics, such as our electric grid.

As Kevin Mandia has explained:

[t]he majority of threat intelligence is currently in the hands of the government.

Some of this information can be disclosed, but some cannot be, in order to protect sensitive sources and methods. This requires us to find other ways for our most sophisticated government capabilities to protect our critical infrastructure. For example, we should think seriously about the concept of secure domains and how they can be deployed effectively while protecting civil liberties. I am glad section 804 of the Cybersecurity Act of 2012 takes on that task by requiring expert study of the advantages and disadvantages of establishing secure domains for critical infrastructure.

If the business community can identify a workable alternative approach, such as a voluntary or opt-in regulatory system, I am willing to get to work, but we must not balk at taking on the hard question of how to secure our critical American infrastructure.

The last point I want to make today is that Congress, in this bill, should

consider the appropriate structure and resources for the cybersecurity and cyber crime mission of the Department of Justice, the Federal Bureau of Investigation, and law enforcement components of the Department of Homeland Security. We do not do enough to investigate, prosecute, and take other appropriate legal action against cyber crime, cyber espionage and other cyber threats. Last year's takedown by the Department of Justice of the Coreflood botnet should be a regular occurrence, not a special occurrence. But it will not be—it cannot be—with our current cyber crime resources. The technical, international, and legal aspects of these investigations are too complex.

I spent 4 years as a United States attorney, I spent 4 years as our State's attorney general. These are astonishingly complicated and difficult cases. They are massively resource intensive. So it is time for a fundamental rethinking of cyber law enforcement resources: both the level of resources and the manner in which they are structured. We should be discussing whether cyber crime should have a dedicated investigatory agency akin to the DEA or ATF or whether existing task force models should be used. These are important questions the legislation has not addressed. Accordingly, I plan to offer a floor amendment that will require an expert study of our current cyber law enforcement resources that can recommend a proper level of funding and structure of forces going forward.

Once again, I thank my colleagues for their hard work to date on cybersecurity issues. I urge that all of us join together to pass cybersecurity legislation into law as soon as possible. Two years ago, I said that because of cyber we in the United States are on the losing end of the largest transfer of wealth through theft and piracy in the history of the world. GEN Keith Alexander, who leads the National Security Agency and U.S. Cyber Command, has reached the same conclusion when saying recently that cyber theft is "the greatest transfer of wealth in history." McAfee likewise has recently evaluated the theft of national secrets, source code, designs, and other documents, and concluded that what "we have witnessed over the past 5 to 6 years has been nothing short of a historically unprecedented transfer of wealth."

We are the losers in that transfer of wealth. We cannot afford to wait to address this enormous and ever-growing threat.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

POSTAL SERVICE REFORM

Mr. WYDEN. Madam President, shortly we will be turning to the legislation to reform the Postal Service, and I wanted to take a few minutes to talk about a particularly important part of that discussion.

In recent years there has been a revolution in how our citizens exercise

their right to vote. Instead of every American showing up in person, more and more Americans are choosing to vote by mail, using absentee ballots, no-excuse absentee voting or, in the case of my home State of Oregon, the entire election is conducted by mail. This amendment I will be offering and that I am discussing this morning—and in which I join Senator FEINSTEIN and other colleagues—is designed to protect the millions of Americans who choose to use the post office to exercise their right to vote. This amendment protects those millions of Americans from any kind of postal delay that could disrupt their ability to ensure their vote is counted.

My home State of Oregon has a system in which all ballots are cast by mail.

In Oregon, if the ballots are not delivered by mail to the county election offices by the deadline on election night, they are not counted. So it is essential to the conduct of fair elections in my home State that delivery of ballots cast by mail not be delayed.

To prevent the potential threat to our elections from delayed mail delivery, the Wyden-Feinstein amendment would place a moratorium on the closure of postal facilities until November 13, 2012, in States that vote by mail or allow any voter to vote no-excuse absentee. It would also require the Postal Service to notify election officials of closings and consolidations and require the Postal Service to study the effect of closing or consolidating a mail processing facility on the ability of the affected community to vote by mail.

My home State consistently has high voter turnout. Vote by mail has been successful and it is popular. In my State, more than 85 percent of registered voters participated in the 2008 elections, but this kind of approach to voting is popular not just in my home State of Oregon. In the 2008 election, 89 percent of ballots in Washington State were cast by mail, as well as 64 percent of those in Colorado, over 50 percent in Arizona, and it was nearly that high a percentage in California.

In my home State, the Postal Service is a place where people send and receive packages and mail order prescriptions, and it is also a place that community residents come together. It seems to me that if we are going to close and consolidate postal facilities, not only will it harm the delivery of ballots and campaign-related mail to voters and return of the ballots to election officials, but it also will zap much of what is vital to rural America; that is, the opportunity to come and gather in one place.

Jordan Valley, located in beautiful eastern Oregon on the Nevada border, is 457 miles from Portland. With the proposed consolidations, the nearest regional processing center would literally be almost 500 miles away. If the U.S. Postal Service goes ahead with their proposed closures and consolidations, then a ballot cast in Jordan Valley could travel approximately 1,000

miles before it reaches the hands of election officials. This is unacceptable for constituents who vote in the far corners—the rural corners—of my State.

Cuts to the Postal Service mean that ballots mailed in the final days before an election may not get to election officials in time to be counted. Ballots sent the weekend before a Tuesday vote may not get into the hands of election officials by the present-day deadline of election day. Closing and consolidating postal facilities disproportionately harms the ability of rural residents to have their votes counted.

These issues raise important questions: Is closing postal facilities in States that primarily vote by mail a responsible approach? For me and many of my constituents and the millions of Americans who have chosen to vote in this fashion, the resounding answer is, no, this is not a responsible approach. Closing processing facilities and potentially impacting the delivery of ballots in a general election is a risk not worth it. Closing postal facilities will have unintended and unforeseen consequences on the impact of elections.

That is why this amendment would place a moratorium until November 13, 2012, in States that conduct all their elections by mail or permit no-excuse absentee voting to ensure that elections are fair. No-excuse voting, of course, allows any voter to vote absentee without having to offer additional reasons for their making that choice. Twenty-seven States allow no-excuse absentee voting. So not only will the constituents that I and Senator MERKLEY and Senator FEINSTEIN and Senator BOXER represent in Oregon and California be affected by this amendment, but States such as Nevada, Arizona, Florida, Georgia, Iowa, Kansas, Maine, Nebraska, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Utah, Wisconsin, and Wyoming are part of the many states in this country that this amendment would protect.

In September of 2011, election officials in California were doing their jobs and preparing and mailing sample ballots for a September election in an isolated community in northern California. Unaware that the small post office that serves the area was closing on October 1, the sample ballots were not immediately returned so they had no reason to believe the voters had not received them. But as ballots slowly trickled in, election officials grew a bit suspicious, and they learned many voters had just received their sample ballot more than 3 weeks after it was mailed, and many had not received their official ballot yet. Election officials received no more than two or three a day literally for the first week.

Voters explained to officials there was so much confusion over the closure of the post office that they were much more concerned about receiving their

other first-class mail—bills and prescriptions—than their ballots and hadn't been looking for them. They were told the contents of their post office box were being directed to the Arcata Post Office. But when they went to Arcata to retrieve it, there was no mail for them in Arcata. For 18 days, they didn't receive any mail at all.

Only 15 days before the election, the staff attempted several times to contact the Arcata Post Office but could only leave a message for the postmaster who was not returning their calls. Folks then contacted friends at a local central processing center in yet another town, Eureka, CA, who were able to give a direct line to the Arcata postmaster.

At first, the postmaster indicated nothing was wrong, but the residents, in his terms, were “confused about the closure of their post office.” After checking the number of ballots that had been returned from the precincts, election officials decided to resend all those ballots. The postmaster finally provided election officials with the change of address list for all residents, and they were able to correct the database, cancel the ballots that had not yet been received, and remail ballots to all voters who had not yet returned their ballots.

Obviously, the bottom line is clear. The closure of small post offices requires more preparation and sharing of information with the residents of an impacted area as well as agencies and businesses that rely on the post office to communicate with their customers. Had election officials not had a contact in that area, they may not have become aware of the problem until it was too late to resend the ballots.

Under the amendment I will be offering later with Senator FEINSTEIN, the Postal Service would be required to notify election officials of closings and consolidations to prevent the kind of calamitous repeat of what I have described happened in a recent local election in California. Additionally, the amendment would require the Postal Service to study the effect of closing or consolidating a mail processing facility on the ability of the affected community to vote by mail and the ability of the Postal Service to deliver ballots on time in accordance with applicable State law.

Disenfranchising voters or discouraging the millions of Americans who now have chosen this new approach to voting is not a wise or prudent step for the Senate to take at this time. Placing a moratorium until after the elections will ensure that what is done in the Senate does not negatively impact voting in Oregon, California or the scores of other States that make extensive use of mail ballots in their elections.

I hope it will be possible for us to win bipartisan support for the proposition that ensuring the highest level of voting participation in our country is fun-

damental to our democracy. I hope my colleagues will support the amendment I intend to offer later with my colleague and friend from California, Senator FEINSTEIN, to protect the millions of Americans who choose to vote by mail.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

TEN YEARS AGO TODAY

Mr. GRASSLEY. Madam President, I am here to point out that 10 years ago this very day, this Senate decided not to drill for more oil in the United States, where we know oil exists. At that time, the argument that was used was why drill because it was going to take many years to get it online. The Senate bought the argument we shouldn't drill because it was going to take too long.

Today, we think about more opportunities to drill for oil in the United States.

I wish to point out that the very same arguments that were used 10 years ago are being used today: If we drill today, we might not get some of that oil online for several years down the road. We want to be thinking about the future, as we should have thought about the future in 2002, 10 years ago, when we decided not to drill.

Around the country, American consumers are paying near-record prices for gasoline at the pump. The current average price for gasoline is near \$3.90. Since January 2009, the average price of a gallon of regular gasoline has more than doubled. In 2011, consumers spent a greater percentage of their household income on gasoline than any year since 1981, when we thought 90 cents for a gallon of gas was a lot of money.

Affordable energy is a major economic issue. Paying nearly \$4 for gas acts as a hidden tax and results in people having less money to spend on other things. Rising energy prices also increase the cost of doing business for job creators, taking away dollars that otherwise could go to hiring workers. We should be doing everything possible to prevent these high energy prices today or tomorrow.

The Senate had an opportunity 10 years ago today to take action to increase our domestic oil supply. Unfortunately, the Senate missed that opportunity. It missed an opportunity for lower prices today and importing something less than the \$830 million we spend every day to import oil. We need to keep that money in this country.

Ten years ago today, the Senate considered an amendment offered by then-Senator Frank Murkowski—father to present Senator LISA MURKOWSKI—to open a tiny portion of the Arctic National Wildlife Refuge to oil and gas development. A vote on the cloture motion was rejected by the Democratic majority in the Senate on April 18, 2002.

During that debate, opponents argued that opening ANWR to development would never supply more than 2

percent of our Nation's oil demands. They opposed it based on the belief that opening ANWR wouldn't address the real problems; namely, our dependence upon fossil fuels. They said we needed to work toward a comprehensive approach.

Opening ANWR was also portrayed as a distraction from the real solutions, such as conservation, alternative and renewable energy, and less environmentally sensitive fossil energy development. Some even argued that fully inflated or low friction tires should be a larger part of our national energy policy.

I recognize the need for a comprehensive, balanced national energy policy. I truly believe in an all-of-the-above approach that includes conservation, alternative and renewable energy, nuclear power, and oil and gas development.

But the fact remains we were talking about these policies as solutions to our energy problems in 2002. Yet gas prices are still near \$4 a gallon.

I listened to dozens of speakers in the Senate that day who argued against opening ANWR because it wouldn't address our near-term energy needs. They said it would take nearly 10 years to get that oil to the consumers. Ten years ago we were told to forget about opening ANWR because development was too far down the road to impact our energy supply and energy security.

Here are a few quotes from my Democratic colleagues during the debate in April 2002. I am not going to use their names. But this Democratic Senator said:

I oppose the proposal to drill in the Arctic National Wildlife Refuge. Drilling in ANWR will not increase energy independence, even if we started drilling tomorrow, the first barrel of crude oil would not make it to our market for at least ten years. So it would not affect our current energy needs.

Another Democratic Senator said—and these Senators are still here today:

The oil exploration in ANWR will not actually start producing oil for as many as 10 years. Exploring and drilling for oil is not forward thinking.

Another Democratic Senator said this:

That oil would not be available for 10 years. This means drilling in ANWR would not provide any immediate energy relief for American families.

Another Democratic Senator said:

Developing ANWR is simply not a necessary component of a progressive energy policy for this country. For a period starting about 2012—

That is this year, understand; he was looking ahead 10 years—

For a period starting at about 2012, we would see an increase of domestic production under ANWR, if ANWR was open to development. So development would not address the near-term prices or shortages with which people are faced.

Ten years down the road, here we are, but if we drilled back then we would have this oil on line and we would not be spending \$830 million every day to import oil.

Another Senator said this:

When my colleagues come to the floor of the Senate and suggest to us that the crisis in the Middle East is a reason to drill in ANWR, that is a misleading argument because no oil will flow from ANWR until from 7 to 10 years from now.

That means if you open the refuge today, you are not going to see oil until about 2012, maybe a couple of years earlier.

You see, a decision made in 2002—people were looking ahead 10 years and saying it was not going to make much difference, but 2012 is here and we could have been using that oil.

Another Senator said:

Oil extracted from the wildlife refuge would not reach refineries for 7 to 10 years.

That is the end of my quotes of several Democratic Senators who are now serving. If they are using the same argument now, are they going to be smart enough to look ahead to 2022 when maybe we could start using the oil we would start drilling for today? The defeat of the Murkowski amendment back in 2002 was then enormously shortsighted. If we had voted to open ANWR 10 years ago, that oil would be driving down the price at the pump for consumers today. You know the rule of economics; if you increase supply, you reduce price. And we would at least be keeping the money in the United States instead of spending \$830 million every day to import oil. Time after time, opponents of domestic oil production have argued that because it will not lower prices at the pump today it is not worth doing. You know from the debate of 2002 that is a bunch of hogwash. Does anybody wonder if the American people wish that the Senate had opened ANWR 10 years ago?

It is past time to take action to ramp up domestic production of traditional energy, energy we can harvest in this country instead of importing it and paying \$830 million to import it. Greater domestic energy production would increase supply and help to lower prices. It would create American jobs.

President Obama continues to push policies that contribute to higher gas prices, including restricting access to Federal lands and permitting delays, regulatory threats to refiners, and his decision to deny Keystone XL. He says he is for "all of the above," but when you look at that list, he is for "none of the above." By limiting domestic energy production we have less supply and higher prices.

The Obama administration has made things worse by restricting access to domestic energy sources. The President's record contradicts his remarks that he is for an "all of the above" strategy. His policies have prevented more oil production in the United States and resulted in higher prices, lost opportunities for jobs creation, less energy security, and shipping out of the country 830 million of our dollars that could be used in this country and kept in this country, money we are spending to import oil.

President Obama's denying of the Keystone XL Pipeline inhibits energy-

related development that could create 20,000 jobs. Greater domestic energy production would increase supply and help to lower prices, and it would create American jobs.

It is time to take action. Denying ANWR development 10 years ago was a mistake, a mistake I hope we learn a lesson from. The Senate missed an opportunity 10 years ago that would have brought gas price relief and more supply, keeping more money in this country, creating jobs in this country right now. We should not make the same mistake again. You cannot repeat that statement too often. We should not make the same mistake again. We should be looking ahead 10 years, as they were doing in 2002, but they were using it as an excuse to do nothing. So don't ever tell me don't drill today because it will not come on line until 10 years from now. That is not a very wise thing to say to me, after you said that 10 years ago. We should have learned the lesson.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

GULF OILSPILL

Mr. VITTER. Madam President, I come to the floor to recognize a solemn occasion. In two days, on Friday, April 20, it will be the 2-year anniversary of the Deepwater Horizon explosion. I want to pause at this moment of anniversary, 2 years, and offer a few thoughts about what was clearly a very significant episode and challenge for our whole country, but particularly for my State of Louisiana and for the gulf coast.

First of all, I want to start where I think we should always start in discussing and considering this event, and that is the loss of 11 lives. Eleven men were killed in that explosion. Again, we need to pause, reflect, pray, and offer prayerful support to them and their families. Those 11 victims were Donald Clark, Stephen Curtis, Aaron Dale Burkeen, Adam Wiese, Roy Kemp, Jason Anderson, Gordon Jones, Blair Manuel, Dewey Revette, Karl Dale Kleppinger, Jr., and Shane Roshto.

I ask unanimous consent that here on the Senate floor we pause for a few seconds in silent, prayerful thought and consideration of those 11 men and their families.

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

(Moment of silence.)

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Thank you, Madam President. The tragedy, of course, started there with those 11 lives lost and we must never forget that, including as we redouble our efforts to ensure safety in those sorts of drilling environments in the future.

Of course, the second big impact was on the environment, particularly the gulf environment where I live, in Louisiana—4.9 million barrels of oil were discharged during the spill. That was

about 50,000 barrels a day, every day for 3 months; 320 miles of Louisiana coastline were oiled. That was a little over half of the total coastline on the gulf that was oiled—600 miles. Over 86,000 square miles of waters were closed to fishing; about 36 percent of Federal waters in the gulf were closed.

We did that on a very aggressive, proactive basis to make sure we avoided any contaminated seafood ever reaching a store shelf, ever reaching a restaurant. The good news is we accomplished that. Through that proactive closing, not a single piece of contaminated seafood ever reached a store shelf or ever reached a restaurant customer. That was quite an accomplishment.

Lots of dead animals were collected—6,800; 6,100 birds and also other sea turtles and dolphins. It was the biggest ever in American history, a huge environmental disaster.

Two years later, as we pause and look at the environmental effect of that, frankly, there is good news and bad news—or at least good news and continuing challenges. The good news is I don't think anyone would have predicted that the gulf would rebound to where it is today. Mother Nature has proved again to be amazingly resilient. That is good news. At the time there were all sorts of pretty dire predictions of huge dead zones covering half the gulf. That has certainly not materialized. So Mother Nature has proved amazingly resilient. But I don't want to trivialize continuing challenges, continuing work. There is continuing environmental work, I understand core projects that are ongoing that are very important. First is the NRDA process, under Federal law, the Natural Resource Damage Assessment. That is the process under Federal law by which all stakeholders help assess the damage to the environment so that the folks guilty of this horrendous incident pay for those damages, pay the State, pay the Federal Government, pay others who will work to restore the environment.

That NRDA process is ongoing. It is a multiyear process. But there is some positive result from that process already. Step one of the process was a settlement with BP for an upfront payment of about \$1 billion.

Just today, two specific projects in Louisiana were announced as a direct result of that first—not last but first—upfront payment of \$1 billion. There is the Lake Hermitage Marsh Creation Project in Plaquemines Parish. That will create approximately 104 acres of brackish marsh from beneficial use of dredge material. That is being announced today. And the Louisiana Oyster Culture Project—that is the placement of oyster cultch onto about 850 acres of public oyster seed grounds throughout coastal Louisiana. So those projects are the start of that NRDA project coming to fruition.

Then the second important work that is ongoing that involves all of us here

in the Senate directly is the need to pass the RESTORE Act through the highway reauthorization bill, the transportation reauthorization bill.

The RESTORE Act language would dedicate 80 percent of the Clean Water Act fines related to this disaster to gulf coast restoration. I thank all of my colleagues again for an enormously positive, overwhelmingly positive, bipartisan vote to attach that RESTORE Act language to the Senate highway bill. I urge my House colleagues, including House conservatives, to pass a House version of the highway bill today. That is important for our country, for highway infrastructure, and it is important because it is a vehicle for this RESTORE Act.

A third and final category I want to touch on that is not as positive, frankly, as the environmental rebound is the impact of all of this and the related moratorium on drilling to our economy on the gulf coast and energy production. Immediately after the disaster, very soon thereafter, President Obama announced a complete moratorium on activity in the gulf on new drilling. That moratorium lasted several months. I think that was a bad mistake, an overreaction to the disaster. I think that has been borne out in several ways, including the panel of experts that the President got together. Their report, we now know, was actually doctored and edited at the White House to make it seem like those true experts supported a full moratorium, when we know directly from them that they did not.

This moratorium went in place anyway and it created a lot of additional economic harm and hurt to a lot of gulf coast residents and workers that was unnecessary. Of course we needed to pause and get new procedures and some new safety regulations in place, of course we needed to learn the lessons of the disaster and incorporate those into practices, but we did not need an all-out moratorium for months. And we do not need a continuing slowdown that continues to this day. An analogy I have often used is when we have a horrible disaster such as an airplane crash, we do not ground every plane for months after such an incident. We allow the industry and that important travel and commercial activity to continue as we immediately learn the lessons of the disaster and incorporate it into safety proceedings.

Well, unfortunately, my point of view did not hold sway at the White House. We had this complete, formal moratorium which lasted into October 2010. But when that formal, complete moratorium was lifted, it didn't just end there. For months and months after that, we had a de facto moratorium, permits which were not happening. There was only a trickle of permits. Now, even though permitting has increased somewhat, we have a dramatic permit slowdown and a slowdown of activity in the gulf. Now more than ever, our country and our citizens cannot af-

ford that. The price at the gas pump is about \$4 a gallon. It has more than doubled during President Obama's tenure. We cannot afford this avoidable slowdown and decrease in important domestic energy activity.

Again, a lot of folks around the country don't realize it, but permitting in the gulf is still way below pre-BP levels. It is 40 percent below pre-BP levels. Now, again, we need to learn and we have learned the lessons of the BP disaster. We need to incorporate those into our regulatory policy, and we have. But we cannot afford a permit slowdown of more than 40 percent since before the BP disaster. Because of that and because of other factors, energy production is down on Federal property and all oil production was down about 14 percent in the last year. Federal offshore production is down about 17 percent. So that is some of the most lasting negative economic impact from the disaster. The Obama administration's wrongheaded reaction to it and the lingering policy on energy production is something we cannot afford as the gulf region, we cannot afford as a country, and we can afford less than ever now with the price at the pump.

Again, I hope we do learn the lessons of this disaster. I hope we continue to ensure that those safety and other lessons are built into our regulatory framework and best practices in the industry. I think that has largely been done, and that work continues. I also hope we honor the lifework of those 11 men who lost their lives, who worked hard every day in that industry producing good American energy by not only allowing that work to happen safely but allowing that work to happen and allowing American citizens to benefit from that work.

The United States is the single most energy-rich country in the world, bar none. For instance, we are far richer than any Middle Eastern country, such as Saudi Arabia. The problem is that we are the only country in the world that puts well over 90 percent of those domestic resources off limits and says: No, no, no. No you can't do this, and no you can't touch that.

We need to build a commonsense American energy policy that says: Yes. Yes, we can. Yes, we can do it safely, and, yes, we can provide American energy for American families and the American economy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

GSA

Mr. HELLER. Madam President, I come to the floor today to highlight an issue I fight for every day; that is, jobs in Nevada. In Nevada, having a strong tourism industry means more jobs in the State. Las Vegas, Henderson, Lake Tahoe, and Reno have long been favorite destinations for millions of visitors both domestically and, more increasingly, internationally. The entire

southern Nevada economy is heavily dependent on the hotel, gaming, and convention industry, which employs over one-quarter of the region's labor force. Plain and simple, tourism is the lifeblood for business and job creation in Nevada.

Like many taxpayers, I was shocked and disappointed to read the GSA inspector general's report that found inappropriate spending at the 2010 Western Regions Conference that was held in Nevada. This conference was excessive, wasteful, and it completely ignored Federal procurement laws and internal GSA policy on conference spending.

I believe it is appropriate for Congress to exercise its oversight authority on GSA to look into the agency's practices and provide corrective oversight to ensure that taxpayer dollars are spent wisely by this administration. However, I want to be clear: This is not an issue about location, this is the result of poor decisionmaking and leadership by the GSA. Las Vegas is one of the greatest locations in the world for a conference, a meeting, or a vacation. With over 148,000 hotel rooms and 10.5 million square feet of meeting and exhibit space citywide, it is ideally suited to host companies and organizations both large and small. In fact, this past January Las Vegas hosted the Consumer Electronics Show, which had more people attend than the Iowa caucuses. I fully agree that it was inappropriate for the GSA to waste taxpayer dollars, but it is not inappropriate to come to Las Vegas for conventions and meetings.

The actions of GSA should not reflect negatively on Las Vegas, and I am asking all of my colleagues to be mindful of that as they conduct their investigations. The viability of the economy in Nevada is dependent upon the volume of visitors to our State. Last year nearly 39 million visitors came to Las Vegas alone. These visitors came because Las Vegas continues its reign as the No. 1 trade show and convention destination in North America. Las Vegas hosts thousands of meetings and conventions annually and generates billions in revenue.

It is no secret that Washington politicians and this administration have had a negative impact on the Las Vegas economy due to their comments issued publicly. For example, in 2009 attendance at conventions and meetings in Las Vegas fell by 13.6 percent. The following year attendance fell by another 7.2 percent. In total from 2009 to 2010, Las Vegas lost 1.4 million convention attendees. While I recognize that it is unfair to blame total decline on a few ill-advised lines in a speech, there is no doubt that spoken words by politicians clearly have an impact on the Las Vegas economy. Las Vegas and the great State of Nevada should not be political targets because of GSA's misconduct. Las Vegas is an excellent destination for conferences, and I am proud of my State's ability to enter-

tain and accommodate businesses, organizations, and individuals from all over the world.

Again, while several congressional committees investigate this issue, I would respectfully advise my colleagues that it is not the location that can be blamed for the misuse of taxpayer funds. The convention services my State offers are the best in the world. And no town in Nevada should be singled out due to poor judgment by the GSA. It is my hope that all of my colleagues will focus on the misconduct of the GSA and push for a new initiative that spurs growth in the tourist industry instead of blaming Nevada for the mistakes of incompetent government bureaucrats.

I yield the floor.

Mr. LIEBERMAN. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

POSTAL REFORM

Mr. MERKLEY. Madam President, I rise today to address an issue that goes to the very heart of our rural communities—our post offices.

First, let's set the context. Our Postal Service is facing a challenging and difficult situation, no doubt. Americans' habits with first-class mail have changed, and there is greater competition for packages with groups such as FedEx and UPS. But perhaps the biggest wound to the post office's bottom line is one that Congress imposed: a \$5.5 billion yearly financing of health care costs 75 years into the future. That is health care costs not just for folks who aren't yet employed with the post office but for future employees who have not yet been born. So, yes, the post office system must restructure, and it should start with Congress reversing the \$5.5 billion yearly requirement for advanced yearly health care payments.

Let's go to the other end of the spectrum, which absolutely does not make sense, and that is to close our rural post offices. In a rural town, the post office is the only place where nearby residents can send and receive mail. But it is more than that: It is a shipping center for the small businesses of the communities. It is the pharmacy for seniors and others who need medicines through the mail. It is the community center where folks gather and exchange information. In short, it is the very heart of our rural communities.

Let's start by examining the critical role of rural post offices on small businesses. Virtually every small town is home to a host of small businesses that take orders through the mail and ship their products through the mail. What

would happen to the efficiency of a small business if it had to drive an additional 50 miles per day in order to pick up orders and mail products? Well, quite obviously, it would destroy their efficiency, and they would think about shutting down or they would think about moving.

What would happen to the profit margin of a small business if they had to spend three or four times more on gas—very expensive gas, as we all know? Obviously, it would do a lot of damage to their bottom line and, again, they would think about shutting down or moving.

What would the impact be to that small community of the small businesses shutting down and moving? Well, it would do enormous damage. I think no one would dispute that. So we need to be clear that when we are talking about shutting down rural post offices that are many miles from the next possible opportunity to receive orders and ship products, we are talking about destroying the economic heart of our small towns. It is economic havoc, and it is unacceptable.

Here is the irony. Folks come to the floor of the Senate and talk about economic development. They talk about creating jobs. They talk about how small businesses are the job factory. And they are right on every single point. So if there were no post office in a small community, the very first thing we would do for economic development is to create one so the small businesses can pick up their orders and ship their products. So how is it possible we are considering a bill that is going to shut down these rural post offices that are so essential to small businesses across rural America?

Another powerful role of rural post offices is to deliver critical medicine to America's seniors. What happens if seniors cannot receive their medicines through the mail? One of my colleagues glibly said: Well, of course, they get it from FedEx.

Well, I beg to differ because FedEx uses the postal system to deliver medicines the last mile and to deliver packages the last mile. So, no; they simply can't get their medicines through FedEx. Now they are driving roundtrip 50 miles, sometimes on impassable roads, in order to get critical medicines? Well, they will start thinking about moving.

Then there is the fact that these post offices are the places where citizens gather, where they exchange information, where they find out what is going on. Indeed, sometimes even the last small store has closed in these communities of 200 or 300 families, so then it is the post office that is the heart of communication. So if we take away the small business, we take away the seniors, we take away the communication hub, and we do enormous damage. Why is that bill being considered with this clause on the floor of the Senate? We must change that.

That is why a number of us are putting forward an amendment to say, no;

this is absolutely wrong—wrong on economic development, wrong on service to our senior citizens, and wrong in understanding the cultural heart of our rural communities.

I am going to focus on some comments from two communities in Oregon—two that are on the list of 41 post offices the Postmaster General said were slated for possible consideration for closing. This is a picture of the Tiller Post Office. It is 16 miles from the next nearest post office. Now, imagine being 5 miles from Tiller or 10 miles from Tiller and another 16 miles from the next post office. Now we are talking about 40 to 50 miles roundtrip every single day to pick up orders, ship products, and get medicines. It doesn't make sense.

Here is a letter from Diana Farris, a former postmaster in Tiller. She writes:

Tiller is one such community, where in many ways, time stands still and new technology is beyond their grasp. In Tiller, cellular phone service is unavailable. DSL and cable internet service are unavailable, satellite service is overpriced with the majority of residents unable to afford it and there is no Wi-Fi access in the area.

Diana continues:

Dial up Internet is available (when the poorly maintained telephone service is operational) at top speeds of approximately 24 to 26k, so slow that many websites, including USPS—

That is the U.S. Postal Service—

time out before you can access needed info.

She continues:

The unemployment rate has risen to 13 percent in Douglas County—

That happens to be the county where I was born in rural southern Oregon—

and the lowest gas price in Tiller in the last few months has been \$3.95 per gallon. For communities like this, the local Post Office remains the only option.

That is the end of her letter.

In Tiller, the nearest post office, if Tiller were to close, is 16 miles away. It would mean, a roundtrip, a full hour's drive through winding mountain roads, and that is assuming the best weather and road conditions.

Because of that difficult drive, closing the Tiller Post Office would have a devastating impact on small businesses that rely on the Postal Service to ship their goods.

Here is a letter from Alexandra Petrowski who owns a small business with her husband in Tiller called Singing Falls Mohair. She writes:

We utilize the services of the U.S. Post Office extensively. I would estimate that between 3 and 5 packages go out from our home to destinations all over the world on a daily basis.

We sell our products on Ebay and the business is flourishing! Our growing market is worldwide using the U.S. mail system every day of the week excluding Sundays. In the Ebay marketplace, timely mailing is an integral part of good customer service.

As it is, the Tiller Post Office is seven miles from our rural mountain ranch. A closure of the Tiller Post Office would require a 45-mile round trip journey that would severely impact our modest profit margin.

Alexandra concludes:

We have been engaged in this business for 30+ years. We are seniors and rely extensively on our cottage industry to sustain our ranch operation. Would closing Tiller's Post Office mean effectively an end to our business? The answer at this point in time is that it would seriously jeopardize our business.

Now let's turn to Malheur County and the town of Juntura. This is a picture of Juntura Post Office, approximately 19 miles, or 20 miles if we round it off, to the nearest additional post office. I have a report from a citizen of Juntura named Laura Williams. She details the negative impacts that closing Juntura Post Office would have on the community. Her report is 42 pages long, an incredibly researched and detailed study of the impact that closing this modest modular post office would have on the rural community of Juntura.

Let me read a little bit from her report. She writes:

Juntura residents will either have to drive to Drewsey, to the west, to mail packages, buy money orders and complete a variety of other transactions, or they'll have to drive east to Harper, 34 miles away, a route that winds through a river canyon dangerously choked with deer during the winter months. In essence, Juntura is between a rock and a hard place.

She notes in her letter that 25 percent of Juntura's post office users are seniors who would be particularly impacted by these changes as they rely heavily on the Postal Service to receive medication and may have difficulty driving the long distances required in the particularly hazardous winter months. There is just one word in bold on the front page of her report, and it sums up the closure of the Juntura Post Office. The word is "disastrous." That is how she sums up her 42-page report. The impact would be disastrous on this town of Juntura, this modest structure open a couple of hours a day, serving the citizens, providing the money orders, providing the stamps, providing the ability to receive orders and to send packages. Every part and role it plays she has detailed.

These are just a few stories from rural post offices across America, but these comments are far from being isolated. I think we would find very similar comments from every single small town where these towns of modest size depend on these post offices for critical services.

I have heard these comments all across Oregon. Two weeks ago I visited Fort Klamath, which is also on the closure list. Residents converged once word went out that I was at the post office. People started arriving, cars started arriving, people started sharing their stories, and I would like to share a couple of them.

I want to start with Jeanette and Bob Evans. Bob is a veteran who receives medication through the mail that often needs to be scanned and signed for. They would need to take a 30-mile trip to pick up medications if

Fort Klamath Post Office closes. Jeanette and Bob pointed out that they have a rental business that must follow State law requiring many documents be sent via first-class mail verifying the date of notification. Again, closure would force them to take 30-mile trips to Chiloquin to process this mail correctly.

Fort Klamath is a seasonal community, and the post office is the only place during the winter months where the people gather and meet each other. Without the post office, friends and neighbors will be traveling snowy, icy roads to get mail 15 miles away.

Heidi McLean comes to the Fort Klamath Post Office. She shared these comments. She is a proprietor of the Aspen Inn in Fort Klamath that operates seasonally. She uses the post office daily as they send out packages to everyone interested in staying with them during the season. They could get by with fewer days or partial days, but they feel very strongly they need access to a local post office. A 30-mile roundtrip to Chiloquin would be a serious problem for their small business.

That is why, in partnership with a number of my colleagues, I am offering an amendment to this bill that would create a 2-year moratorium on the closure of rural post offices and would ensure that future closures meet certain conditions.

Under those conditions, no rural post office could be closed unless seniors and persons with disabilities will receive the same or substantially similar service, including access to prescription medicine through the mail; businesses in the community will not suffer economic loss, and the economic loss to the community resulting from the closure will not exceed the savings the Postal Service obtains by closing the rural post office—and that, by the way, goes to a key point which is, it is much more efficient in terms of the economy to have a common mail service in the heart of a small town than to ask hundreds of families to drive 50 or more miles daily to obtain their mail. That makes no sense. It is an enormous waste of citizens' time, an enormous cost in gasoline, in both cases devastating and economically idiotic.

Let any Member come to the floor and defend shutting down a rural post office, requiring hundreds of families to drive 50 miles every day to get their mail, when for a couple hours a day you could have a post office open, and they can access it and support their small businesses, support their access to medicines.

Let's be clear: This is not a Democratic or Republican issue. This is about critical infrastructure for our small towns. I thank Senator LEE, who has worked on this issue in brainstorming with me, Senator McCASKILL, Senator TESTER, Senator BAUCUS, and others, who are all working on this issue.

I agree that we do need to reform the Postal Service for the 21st century.

Conditions have changed, and we need to start by reversing the \$5.5 billion advance payment for folks yet unborn for health care payments. But we must not carve the heart out of our rural communities.

So for the citizens of Tiller, for the citizens of Juntura, for the citizens of Fort Klamath, and for the citizens of small towns across our Nation who depend on these rural post offices, I urge my colleagues to support the amendment I and others are offering.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Acting President pro tempore.

Madam President, I thank my friend from Oregon for his excellent statement, really. Senator COLLINS and I want to work with the Senator and the other cosponsors of the amendment.

I want to say a couple things. The first is, the particular examples Senator MERKLEY gave of the importance of post offices in small towns and in rural America make a larger point to those who have said—those within the Senate and those outside—that in the age of the Internet, the Post Office is a relic we cannot afford, and we have to cut, cut, cut, cut.

Well, there is no question that because the Postal Service is running big deficits—up to about \$13 billion over the last 2 years—there has to be economizing and we have to look at a different business model. But to draw an easy conclusion that in the age of the Internet the post office and the Postal Service do not have a role to play and are not playing a role anymore is wrong. I think the Senator's examples, in very personal ways, show that.

I said yesterday about three times—and I am going to say it again today—*notwithstanding the drop in mail volume because of the Internet today, every day the U.S. Postal Service delivers 563 million pieces of mail, and a lot of the things the Postal Service is delivering are critically important to people. An awful lot of the prescription drugs people are getting today, in an increasing number, are coming through the mail. It is an example the Senator cited. The same is true for small businesses with a particular urgency or dependency in small-town and rural America.*

So the Senator makes a good point. That does not mean everything that exists has to exist forever. It means we cannot reach an easy conclusion that because the Internet exists we do not need the post office or the Postal Service anymore. The fact is, a lot of people depend on the Postal Service every day, and we want to respect that reality, which is important to the quality of life people live and to the health of our economy overall.

I look forward to working with the Senator on his amendment. The existing bill tried to recognize this problem and contains within it, S. 1789, a number of steps that are aimed at ensuring

the post offices in rural areas and towns are protected and appropriate weight and consideration is given to the importance of such post offices in their communities.

This was done in large part in our committee thanks to a bipartisan amendment offered by Senators Tester and Moran. That was strengthened, we think, in the substitute amendment we are now considering. It includes retail service standards, standards for possible post office closings, and what the standards would be on appeal to the PRC. But I do not believe this is a perfect document and I accept, therefore, the Senator's amendment as a thoughtful attempt to do even better on what we are trying to do. I say to Senator MERKLEY, I look forward to working with you to see if we can reach common ground on this issue.

I will say something else, to put this in a different sort of hard numbers context. The Postmaster General set as a goal at the outset to try to cut about \$20 billion from the annual operating expenses of the Postal Service. That is a tough number. That is over the next 3 or 4 years. We think this bill—and the Postal Service seems to agree—does not quite do that, but it gets pretty close to it. It certainly is somewhere in the \$15 billion to \$20 billion range.

Some of the elements in the bill that save a lot are the money we provide for incentivizing postal workers to retire early. That is an \$8 billion annual savings. There are significant savings in terms of the mail processing facilities—in the billions.

The reality is, interestingly enough, as I think my friend from Oregon knows, the amount of money saved if the Postmaster General actually closed the 3,700 post offices that he put on the list of possible closings is relatively small. It is not nothing, but we are talking about \$150 million to \$200 million if we closed all of them.

So as compared to the billions in the other items we are doing, and in relating that number to what the Senator described in the examples he has given and what we heard in our committee, I think this is an area in which I personally believe we have to tread cautiously.

I thank Senator MERKLEY for his thoughtful statement. I look forward to working with him. I know Senator COLLINS does too, and the other sponsors of the amendment, to see if we can reach an agreement so we can find a way to accept the Senator's amendment.

Mr. MERKLEY. Madam President, I thank my colleague from Connecticut. I appreciate him addressing this issue and I look forward to working with him.

I understand efforts were made to identify issues the Postal Service must consider before closing a post office. But the key is not simply to have them consider an issue but to have a standard by which it can be evaluated whether that standard has been met.

That is the critical distinction, which then allows the review commission, which the Senators have appropriately included in the bill, to have a standard; simply: Did the Postal Service consider this? They will say, yes, they did consider it. But did it have a substantial impact in damaging the local economy? Now there is a standard for the review commission.

I look forward to working with the Senator and thank him so much. And I thank Senator COLLINS and Senator CARPER, who have been working to help address this issue as well.

Mr. LIEBERMAN. I thank the Senator.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I rise to speak on the postal reform bill and to offer constructive suggestions. I know Senator COLLINS was scheduled to speak. I am going to take this time. She is in a meeting, and it is agreeable to her we follow this sequencing.

There is no doubt that the Postal Service is in need of reform, and I support the concept of reform. I salute the architects of the bill, Senators LIEBERMAN and COLLINS, on the framework they have proposed. I think it was thoughtful and robust and even ambitious. I wish to compliment them on the process that is the hallmark of this committee.

If I could have the attention of the Senator from Connecticut for a moment, I say to Senator LIEBERMAN, I want to comment that we know you are about to retire, and we are going to miss you because here we are having a civilized, rational, thoughtful, data-driven type of conversation, and I think it is a hallmark of the way you and Senator COLLINS have functioned to bring this bill to our attention. The Senate ought to do more of it.

I thank the Senator for his leadership, though I disagree with some of the parts in this bill. But that is the way the Senate should be.

Let me talk about postal reform, and first about the post office. The post office is not a business. It is a public utility, and we need to think of it as a public utility; that which provides universal service to keep the juice and electricity of our economy going. If we think of it as a public utility mandated by a national interest to provide universal service, then that is the way we should think about it. Will it require subsidy? Yes. Does it require an open checkbook? No. Does it require reform? Yes.

But the Postal Service has reformed itself from the days of the Pony Express to the present. They had to face the challenge when they invented Western Union. They faced the challenge when we got telephones. Why do we need the Postal Service? Time and time again, the Postal Service has needed to reform. It is time to reform again. But if we are going to reform, we need to make sure we provide safeguards to protect rural communities,

to protect small businesses, and to protect vulnerable populations that do not have access to the Internet.

We have a digital divide in the United States of America. We do not have a universal superinformation highway in the United States of America. We do have a digital divide, and the divide is because of both geography and income. Not everybody walks around with these cool 500 devices. So people rely on the post office for correspondence, for paychecks, for the delivery of products that have been ordered over the Internet—those e-Bay entrepreneurs we know about. Small business relies on it for time-sensitive business documents and the time-sensitive delivery of products.

This is even more important for rural areas. Rural areas have a unique geography, and that can complicate mail delivery or create delays. I represent the mountain counties of western Maryland. At times that weather is so rugged up there you need a snowmobile to get through. Then there is the Eastern Shore—the beautiful, dynamic, charming Eastern Shore. But it is nine counties stretching over 150 to close to 200 miles. Sometimes in places they do not even have cell phone coverage. Reductions to delivery standards, closing a post office, and, most of all, closing a processing center would have a draconian impact. So in my State we are very concerned about this.

We are willing to do reform. We were willing to close a processing center in western Maryland and work with Pennsylvania and West Virginia—bordering States—to do this. But now they want to close the Easton Mail Processing Center. It is the only processing center on the Eastern Shore. It is the only mail processing center serving nine counties. To use the processing center in Baltimore, it is miles away and across the Bay Bridge.

Then there is this whole issue of merging it with Delaware. Delaware is nine counties away from Somerset County—over 150, close to 200 miles. The operation of this Eastern Shore postal processing facility is absolutely crucial.

Everybody says: Oh, we love the Eastern Shore. Well, I love it too. But I want it to have business. I want my senior citizens to be able to get their prescription drugs by mail, and get them on a timely basis. It is a community of small business. That is what the Eastern Shore is. Even our big business of poultry and seafood is made up of small entrepreneurs involved in this. They need the Postal Service, and they need to have it accessed on the Eastern Shore.

So last February, the Postal Service, in its unique way, announced the closing. Senator CARDIN and myself asked for hearings. The Postal Service responded in a very dismissive way. They dismissed not only CARDIN and MIKULSKI, but they dismissed a half a million residents who live on the Eastern Shore and who rely on this.

When I asked them if they would even hold a hearing so farmers and small businesses and seniors could voice their opinions, they said they heard all they needed. They had no intention of holding a hearing. My constituents have a right to be heard. They have a right to standards of delivery service and they have a right for me to fight for them and I am going to fight for them. But I am also going to fight for postal reform. The way Senator MERKLEY wants to improve the bill, so do I.

I have four amendments pending to get the post office to make sure they not only look at what they are doing—right now they look at what is the impact of what they are doing on the post office. Senator BARB looks at the impact they are having on the customer and on the community. Remember, think of it as a public utility, and we are turning the lights off on the Eastern Shore.

My first amendment says: No processing center can be closed unless a Governor from the State certifies that a closure will not harm the community or disrupt commerce.

My second amendment says: No processing center can be closed unless an independent third party, such as the Commission, talks about the impact on jobs, the unemployment rate and small business and to make the study public.

My third maintains the standard of delivery for overnight. On the Eastern Shore, my veterans need their medical care, my seniors need to be able to get their Social Security checks, and also business—even live birds come through this processing center. Are they going to sit around and go back and forth to Baltimore? Man does that ruffle my feathers. I can tell you that right now.

Fourth, it is strictly ZIP Code politics. I will offer an amendment to prevent the closing of the Easton Post Office. If my other three amendments prevail, I think we have it. It is not just my criteria; it is what Senator MERKLEY and all of us are talking about. The post office is a public utility. We look at the impact of closing, not only the impact of what the post office saves but what the community loses and if it is worth the cost. I do not want to turn the lights out on the Eastern Shore, but I do want to keep the lights of the post office going.

In the spirit of compromise and conversation and civility that marks the leadership of this committee, I want to work with the leadership and see if I can be accommodated. I wish to again congratulate Senators COLLINS and LIEBERMAN on their leadership and on their whole civilized way and also to Senator SANDERS for doing this.

I think I have made my point. Next time, the post office should listen more to the people or they will hear more from Senator BARB.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Madam President, before my friend and colleague from

Maryland leaves the floor, I wish to thank her for her passionate advocacy on behalf of her constituents. I have a similar problem in my home State of Maine, where a processing center has been targeted for closure that would have an extraordinarily detrimental impact on mail delivery for two-thirds of the State of Maine. It makes no sense whatsoever. It would do away with overnight delivery, as the Senator has indicated.

I would encourage her to continue to work with us and also to look at the specific provisions we have put into the substitute that reflect the input we have had from her and many other concerned Senators. One of those standards deals with the overnight delivery and the need to maintain that standard of service.

This is an advantage the Postal Service has, and it helps it keep customers. In my view, to do away with overnight delivery would be foolhardy, and it would actually cause more mailers to leave the Postal Service, which would produce a further decline in volume and, thus, revenues would plummet still further.

I understand a lot of the concerns the Senator from Maryland has raised. I do think we have taken care of some of her concerns in the new substitute we have proposed on a bipartisan basis. But we look forward to continuing to work with her to address her concerns.

Ms. MIKULSKI. If I may respond to the Senator, first of all, I do thank the Senator for the substitute. I think it does make substantial improvements in the bill. It demonstrates that the Senator is listening to colleagues and also to people who are affected.

I am familiar, when we worked on home health care, and the Senator and I teamed up, that in parts of Maine and parts of western Maryland, we had visiting nurses on snowmobiles and they were not going to be reimbursed. So we have an understanding of these rural, rugged communities. I do want to work with Senator COLLINS. In the spirit and tone represented by Senator COLLINS and Senator LIEBERMAN, perhaps we could have an additional conversation.

Mr. LIEBERMAN. Madam President, if I may just briefly, thanks to Senator MIKULSKI for her kind words but also for her directness about her concern about the processing facility she talked about and overall and to thank her for her willingness to work with us to see if we can work out something acceptable.

As Senator COLLINS said, we have made some changes in this substitute that will still require overnight delivery—less broadly than before because we are trying to deal with how to responsibly react to the precipitous drop in mail volume because of the Internet, yet not reduce the quality of service so much that people leave the mail system even more.

I used an analogy yesterday which is probably not exact, but way back when

I was in the State senate in Connecticut, we had a crisis in the financing of our public bus system. One of the things that was done that seemed quite logical at the time was to raise the price of the bus fare. What does the Senator think happened in response to that?

Ms. MIKULSKI. They left.

Mr. LIEBERMAN. Fewer people were riding the buses and the fiscal problem got worse. There is a reality here. The mail volume has dropped so much that we have to close some of the mail processing facilities or—and Senator COLLINS and I feel very strongly about this—we have to thin out the number of personnel working at the facilities.

We put this in as a condition which we thought originally was what the Postmaster was going to be interested in. Do not just precipitously close a lot of mail processing facilities. First—and we require this now—they have to consider a plan to reduce the capacity of a particular facility and presumably the number of people working there before they absolutely close it.

Anyway, bottom line, thanks to Senator MIKULSKI. We look forward to working with her to reach a mutually agreeable result.

Ms. COLLINS. Madam President, I wish to discuss in more detail a key provision of the postal reform bill that is before us; that is, the provision that would refund to the Postal Service an \$11 billion overpayment that the Postal Service has made to the Federal Employee Retirement System.

This is the key provision of our bill because part of the money from that refund would be used to finance the buyouts and retirement incentives the Postmaster General has estimated would allow him to decrease the size of the workforce, in a compassionate way, by about 100,000 workers.

The Postal Service has about 600,000 workers, just to give an idea of how many we are talking about. So it is about 18 percent. That would help the Postal Service right size. It is patterned on the practices many private corporations use when they find they need to downsize. They provide a little incentive for people to retire early or to retire. If they are eligible for retirement, it gives them a little incentive to take advantage of that.

I am convinced this will work because more than 33 percent of postal employees are eligible for retirement right now. We use the standards that are in current laws. The retirement incentive cannot exceed \$25,000. That is in current law for Federal agencies to use, and we would extend that so it is capped to postal employees.

We also would allow the Postal Service to give 1 year of retirement credit for someone who is 1 year short of the necessary number of years under the old Civil Service Retirement System, 2 years under the newer FERS system.

But yesterday I heard one of our colleagues describe this refund of \$11 billion as being an overpayment that will

come from taxpayer pockets. That is not an accurate statement. I realize this bill is very complex. So I wish to provide to my colleagues some additional information. They do not have to just take my word for it; they can take the word of the inspector general of the U.S. Postal Service.

The FERS system does have tax dollars in it from Federal agencies that are paying in for their employees and, of course, the employees also contribute to the system. But when it comes to the Postal Service, the money is not coming from taxpayers. The contributions are not coming from taxpayers. They are coming from postal employees themselves, and they are coming from the Postal Service, which is using its revenue from postage and other services and, thus, it is the ratepayers' money.

The inspector general makes this very clear in his letter. I ask unanimous consent that this letter be printed in the RECORD.

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

OFFICE OF INSPECTOR GENERAL,
UNITED STATES POSTAL SERVICE,
February 2, 2012.

Senator JOSEPH LIEBERMAN,
Senator SUSAN COLLINS,
Senator TOM CARPER,
Senator SCOTT BROWN,
*U.S. Senate,
Washington, DC.*

DEAR SENATORS LIEBERMAN, COLLINS, CARPER, AND BROWN: In response to your request, I am providing the following information. The postal surplus for the Federal Employees' Retirement System (FERS) has been projected to be \$11.4 billion for fiscal year (FY) 2011. The Office of Personnel Management (OPM) made this projection as of September 30, 2011. In addition, OPM has projected the postal surplus of the Civil Service Retirement System to be \$1.7 billion for FY 2011.

The source of the FERS funding comes from two streams of revenue: (1) the U.S. Postal Service contributes 11.9 percent of employee salaries to the fund and (2) the employees contribute 0.8 percent. The Postal Service contribution comes from revenue paid for postage, and this money comes from the ratepayers. The employee contribution, as with all federal employees, is made in exchange for a defined benefit.

If you have any questions, please do not hesitate to contact me or Mohammad Adra or Wally Olihovik in my office.

Sincerely,

DAVID C. WILLIAMS,
Inspector General.

Ms. COLLINS. Madam President, first of all, the inspector general verifies the amount of the overpayments. His letter to Senator LIEBERMAN, Senator CARPER, Senator SCOTT BROWN, and myself, dated February 2, 2012, says:

The postal surplus for the Federal Employees Retirement System (FERS) has been projected to be \$11.4 billion for fiscal year 2011. The Office of Personnel Management made this projection as of September 30 of 2011.

In addition, OPM has projected the postal surplus of the Civil Service Retirement System to be \$1.7 billion for fiscal year 2011.

We are not trying to deal with that; we are only dealing with the FERS surplus. Here is the key paragraph.

The source of the FERS funding comes from two streams of revenue: (1) the U.S. Postal Service contributes 11.9 percent of employee salaries to the fund and (2) the employees contribute 0.8 percent. The Postal Service contribution comes from revenue paid for postage, and this money comes from the ratepayers. The employee contribution, as with all Federal employees, is made in exchange for a defined benefit.

This could not be more clear. This is not taxpayers' money. No matter how many times some of our colleagues may say this is a taxpayer bailout or this is taxpayers' money, it is not true. It is not an accurate understanding of how the system works. I am going to circulate this letter widely, and I hope my colleagues will take the time to read it.

I can understand the confusion, because if it were a Federal agency, a regular Federal agency, it would be taxpayer money. But it is the Postal Service and it is not taxpayer money, and that is important.

The other important point I wish to make is that this is a real overpayment. It has been verified by an independent board of actuaries. This is not something the Postal Service came up with or that our committee came up with. This has been verified by the OPM Board of Actuaries, an independent body comprised of private sector actuaries that advises the Office of Actuaries within OPM and reviews annual reports.

So it is not even OPM's actuaries. It is an independent board of private sector actuaries that has verified that this is, in fact, an overpayment and it is \$11.4 billion.

I ask unanimous consent to have printed in the RECORD a letter from the Office of Personnel Management which explains the independent boards.

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

UNITED STATES OFFICE OF
PERSONNEL MANAGEMENT,
Washington, DC, February 3, 2012.

Hon. SUSAN M. COLLINS,
Ranking Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: On February 2 and 3, 2012, you contacted my office requesting information regarding the amount of surplus contributions made by the U.S. Postal Service to the Civil Service Retirement and Disability (CSR) Fund for its employees who participate in the Federal Employees Retirement System (FERS).

My staff has contacted the U.S. Office of Personnel Management (OPM) Office of the Actuaries (OA). In an email exchange and follow-up discussions on February 3, 2012, the OA indicated to us that its most recent determination of the Postal Service's projected FERS surplus is \$10.9 billion as of September 30, 2010.

We have also confirmed that this figure appears on page 20 of the "Civil Service Retirement and Disability Fund Annual Report: Fiscal Year Ended September 30, 2011", which is attached. This report is issued annually by the OA and OPM's Office of the

Chief Financial Officer. The OPM Board of Actuaries, an independent body comprised of private sector actuaries that advises the OA, reviews the annual reports.

If you have any further questions, please do not hesitate to contact David Cope, the Assistant Inspector General for Legal Affairs, or Susan Ruge, Attorney-Advisor.

Sincerely,

PATRICK E. MCFARLAND,
Inspector General.

Ms. COLLINS. Madam President, the Government Accountability Office has also looked at this issue and found that OPM's Actuary did assess that there was an overpayment—what GAO calls a surplus.

There is one paragraph in the GAO letter that I particularly want to bring to my colleagues' attention because it is a call for action. The Comptroller General says:

We have also reported that Congress and USPS urgently need to reach agreement on a comprehensive reform package to address the Postal Service's financial problems. Congress could consider a one-time return of some, or all, of the FERS surplus as part of a broader package tied to specific actions on the part of USPS to help it address its financial problems. These actions could include prefunding its retiree health benefit obligation, reducing its \$13 billion debt, or developing incentives to reduce its workforce.

Madam President, that is what our bill does. We are following the advice of the GAO to do this one-time refund of the overpayment and dedicate it specifically to the incentives to reduce its workforce and to reducing the debt the Postal Service owes to the Treasury. We also deal with the prefunding of the retiree health benefit issue in our bill as well.

My point is that there is agreement that this is not taxpayers' money. There is agreement that this is a true overpayment. And we have GAO suggesting that we do exactly what this bill does, which is the one-time refund of the overpayment, tied to reform to address the USPS's financial crisis and specifically mandating that the money be used to develop incentives to reduce the size of the workforce and pay down its debt.

I wanted to take this time today to explain this issue because I am very concerned that there are Members who are operating on the basis of a complete misconception that somehow this is a taxpayer bailout or that it is taxpayer funds that are being used to repay this overpayment. That is not accurate.

This bill is very complicated, and I hope we can stick to the facts as we debate it. People may have different views on the way forward or the path forward, but I hope we can keep this free from mischaracterizations about the bill. I understand how it is going to happen because it is a complex matter. That is why we have spent, on our committee, so many months carefully studying this issue and getting help and expertise from GAO, OPM, and outside parties to make sure—and from the IG—we fully understand the provisions of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I note the presence of my friend from Tennessee on the floor. Before he speaks, I would like to spend a moment responding to Senator COLLINS, and then I will quickly yield to him.

I thank Senator COLLINS. She made a quite complicated subject very understandable. It is a misunderstanding—really a misstatement—to say the money the Postal Service will be refunded is taxpayer money. It is not. It is the return of money collected, as the Senator said, by the post office from ratepayers and from their own employees which was mistakenly put into this retirement fund. This is no more a bail-out with taxpayer money than in the case—which happens—where an individual or a business overpays taxes to the Federal Government. When that miscalculation or error is discovered, they can ask for a refund. That is exactly what has happened here with the Postal Service.

It is critically important to this bill and to the future of the Postal Service because we are requiring in the bill and authorizing that the money refunded not be used for more spending but be used to, one, pay down the debt and, two, make investments by incentivizing the retirement of employees, which will have an enormously important effect on the annual Postal Service budget.

The Postmaster believes that with the money he receives back—really not a majority of it—he can incentivize the retirement of approximately 100,000 current employees of the Postal Service, which is the goal we set for them in this bill. That will result in a savings of over \$8 billion a year for the Postal Service. So this is not only a refund of the Postal Service's own money—not taxpayer money—but it is going to be used to save \$8 billion a year, which is the largest savings component of the proposal we have made.

Again, I thank my friend from Maine.

I yield to my friend from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. DURBIN. Will the Senator from Tennessee yield briefly?

Mr. ALEXANDER. Yes.

Mr. DURBIN. Madam President, I ask unanimous consent that I may speak following the Senator from Tennessee.

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

Mr. ALEXANDER. Mr. President, first, I thank the Senator from Maine and the Senator from Connecticut for letting me take a few minutes, and I congratulate them on their hard work on this bill. This is a bipartisan bill that has some bipartisan amendments and suggestions about a big problem. It is the kind of thing we ought to be working on.

I hope that—while we ran into a little obstacle yesterday, in terms of our ability to move forward with relevant

amendments to the Postal Service bill, I hope we can move back in that direction so we can have a good debate.

I thank the Senator from Maine for her full explanation of the refund, which is an essential part of the bill.

TRIBUTE TO FRANKLIN NAMON WATSON AND
LOWELL RUSSELL

Mr. ALEXANDER. Madam President, my late friend Alex Haley, the author of "Roots," lived his life by these six words: "Find the good and praise it."

Occasionally, I come to the floor and cite an example of a Tennessean or some circumstances in my State that fit those six words.

A few weeks ago, I came here to talk about 91-year-old Tennessean Bill Hoffman, a resident of Memphis, who turned down a Purple Heart in 1944 when he was wounded in Germany because there were so many other people who were hurt worse than he was. His son thought, since his father is now 91, that maybe it is time that he does get it, and he contacted our office, and we got in touch with the Army. Lo and behold, he not only deserves the Purple Heart, he turns out to be one of the last three surviving rangers who scaled the cliffs at Pointe du Hoc on D-day, which was one of the most daring and courageous acts of World War II. President Reagan talked about it in his 40th anniversary speech, "The Boys of Pointe du Hoc."

Last week in Memphis, the Army presented Bill Hoffman not only with his Purple Heart but with the Bronze Star and a "V" for valor, and they gave him a special ranger cap to go along with it. That was a good day.

I am here today to talk about another story, two extraordinary Tennesseans who are united by both their friendship and their courage—LCpl Franklin Namon Watson, who sacrificed his life for our freedom, and his devoted friend and mentor, Tennessee Highway Patrol Sergeant Lowell Russell, who is recovering from critical injuries he sustained while on duty.

LCpl Franklin Namon Watson, or "Frankie" to everyone who knew him in East Tennessee, enlisted in the U.S. Marine Corps Reserve in 2010. Last year, in September, at the age of 21, Frankie was killed while serving our country in Afghanistan, sweeping for improvised explosive devices in the Helmand Province.

Frankie, the son of Stacy Couch and Troy Watson, didn't shy away from difficult or dangerous work when he was back in Tennessee. He was a law enforcement officer in the police department of Madisonville in East Tennessee, just a few miles down the road from my hometown. The chief deputy of the Monroe County Sheriff's Department, Brian Graves, described Frankie as "very upbeat and focused on what he wanted to do." What he wanted to do was be a peacekeeper and a law enforcer. Family members say his dream was to join the Secret Service and protect the President.

Madam President, I will read from a letter to the editor of the Knoxville

News Sentinel written by a prominent Knoxville attorney, Billy Stokes. He wrote about the escort of Frankie's body, delivered by a small airplane to the National Guard base and transported by a six-person military detail to a hearse, which then traveled from the airport to Madisonville in East Tennessee. Billy was one of the several hundred motorcyclists who road behind the police cars. This is what he said:

All along the route were thousands of well-wishers, many holding American flags. Lots of them were veterans, proudly holding crisp salutes as the procession passed. A significant number of those folks were crying. As we got closer to Madisonville, many young men and women were obviously grief stricken. I suppose they were school friends of Watson's.

I saw thousands of East Tennesseans trying to honor and respect a young man who has given his all for this country. Watson was a wonderful young man by all accounts from those who knew him best.

I am an Army veteran but did not experience the horrors of combat. I do know that we have an all-volunteer force protecting our liberty and freedoms every day. I am so glad that we don't seem to take them for granted. I've never been prouder to be an American and an East Tennessean than I was that day.

Another law enforcement officer, Tennessee Highway Patrol Sergeant Lowell Russell, helped raise Frankie and was a devoted friend and mentor. Not long ago, Lowell talked with a member of my staff in Knoxville, Jane Chedester, and told her about Frankie. He said that Frankie's love of serving the Madisonville Police Department was great. He told her about Frankie's dedication to honoring his State and his country.

Then, in March, Sergeant Russell was critically injured in a collision on Interstate 40 in West Knoxville when a tractor trailer hit his squad car as he sat on the shoulder finishing up some paperwork after a traffic stop. Earlier this month Lowell was discharged from the University of Tennessee Medical Center to continue his recovery in a rehabilitation facility.

Lowell is beloved by his community. A Facebook page dedicated to "Prayers for Sergeant Lowell Russell" is filled with loving prayers for Lowell. They call him "a wonderful man." They talk about his "huge heart." One says that "Lowell has done so much for everyone else."

Numerous efforts are being made to raise money to help Russell and his family with expenses.

Tennessee's General Assembly passed a resolution to honor Lowell, noting his "immeasurable contributions to his community as a Tennessee Highway Patrolman . . . who exhibits superior standards of professional conduct and ethics." It also says that "Sergeant Russell is wholly committed to noble precepts of public service that have earned Tennessee recognition as the 'Volunteer State,' and he should be specially recognized for his courage and gallantry as an esteemed member of the local law enforcement."

I add my great appreciation for Lowell to that expressed by our Governor

and our general assembly. Honey and I pray for his strength in recovery and for strength for his family and friends during this very difficult time.

So Frankie Watson and Lowell Russell, we are proud of you. Find the good and praise it.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

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

Mr. DURBIN. I want to address the pending legislation before I go into a morning business speech—the Postal Reform Act that is before us. It is my understanding that we have an opportunity—

The ACTING PRESIDENT pro tempore. The Senate is currently considering the motion to proceed to the Violence Against Women Reauthorization Act.

Mr. DURBIN. Well, I renew my request to speak as in morning business.

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

POSTAL REFORM

Mr. DURBIN. Madam President, coming before us soon on the Senate floor will be the Postal Reform Act. This is a matter which is timely because we understand our Postal Service is in a situation where it is currently losing millions of dollars every single day. Because many things have changed in America—the use of the Internet, e-mail, bill payer—fewer people are using the Postal Service. Less revenue is coming into the Postal Service. So they are trying to reconcile today's demands with the actual costs they face.

Several years ago we said to the Postal Service: We think the day will come soon when you will have more retirees than actual workers, so start banking money for retirement and health care for those who will need it in years to come. We set a number—about \$5 billion a year—and they kept up with it for several years but then found they couldn't meet that requirement. So the Postmaster General came through with a sweeping plan in terms of cutting costs to the Postal Service. I understand the imperative to do that, although I question the premise of his statement because this is one of the first things he said: We are going to change the Postal Service, and the first thing we will do is slow down delivery.

If there is ever a marketing technique designed to fail, it is the announcement you are going to slow down the delivery of your product. Yet that is what he said, and I am sorry he did.

So now we are in the predicament or situation where we are trying to find alternatives to the Postmaster General's proposals. We have been given until May 15. At a meeting in my office, which the Presiding Officer and

the Senator from Vermont and others attended, the Postmaster General said: Yes, I will give Congress its chance to pass a bill to save money that might be different than my own suggestions.

Well, now is our chance. Unfortunately, we are tied up on the floor of the Senate. That is not a headline because it happens to be the normal state of affairs in this body. But imagine, if you will, that Senator REID, the majority leader, comes to the floor and says: We have this important Postal Service reform bill before us, and I think we should move forward on it and we should consider amendments that are relevant to that subject. In other words, if you have an amendment that is about the Postal Service and how to make it better, save money, make it operate in the black, come forward with that amendment.

There was an objection from the junior Senator from Kentucky. He said, no; he thought the Postal Service reform bill should be used to debate foreign aid to Egypt—foreign aid to Egypt. Not that foreign aid to Egypt is not an important issue; it is. But here is an issue that is timely and important and affects every single American, where the Senate has a responsibility to step up and do its job, with a deadline looming of May 15, and one Senator has said: No, not unless I can bring to the floor whatever I want to bring.

It is his right to make that request, and he has bottled things up pretty handily at this point. I hope he will reconsider.

I wish we could take up this bill right now and have a debate on the floor of the Senate about an amendment. How about that—have people disagree and actually have a vote. It would be like the good old days in the Senate. But, no, we are lurching from quorum call to quorum call and cloture vote to cloture vote, and those newcomers to the Senate may wonder if there was ever a day we debated issues.

We need to get this postal reform right. It is one of the most important institutions in America. It is protected and embodied in the Constitution. There are hundreds of thousands of men and women who are serving us in the Postal Service, one-fourth of them veterans who have served our country and have gone to work for the government.

When we ask people across America which function of government do you respect the most, the Postal Service comes out on top because we know our local letter carriers. In my neighborhood it is David Lasley. David has been my buddy for 20 years. I have known him for that long or longer, and he is a friend of my family. He is not just the person who brings the mail. Others before him, the same way. It is a personal relationship with government that very few people have. But the letter carriers, the postal folks, the folks who do the processing and distributing are doing an important job.

The Postal Service has an amazing history. Just as a reminder, on May 7, 1833, there was a 24-year-old young man who was named postmaster general of a small town in central Illinois. It wasn't his last government job. The town was New Salem, IL, and the young man was Abraham Lincoln, who got his start in the Postal Service, which has a tradition that goes back even before then.

We need to work together on a bipartisan basis. I am glad Senator COLLINS and Senator LIEBERMAN are on the Senate floor. They have worked so closely together on a bipartisan basis to move us forward. Let's build a Postal Service that will serve us in the 21st century. Let's try to make certain we find new ways to cut costs that are reasonable, to enhance revenue that makes sense, and make certain in the process that we don't damage the brand. The U.S. Postal Service is the best in the world, the most affordable in the world, and we can make sure it continues to serve our Nation and our economy.

It is critically important to those of us who represent States with small towns. I know every small rural post office cannot survive—many of them have failed in the past—but we have to understand what a critical element that rural post office is to the culture of these communities, to the identity of these communities and, in some cases, to their very existence. So let's find flexible ways to reduce costs and still recognize that reality.

THE DREAM ACT

Madam President, 11 years ago I introduced the DREAM Act. At the time, Senator HATCH of Utah was my cosponsor. It was a bipartisan measure called to the floor of the Senate and, at one time, we had 12 Republican votes. The last time it was called we had 3. Unfortunately, over the years, it has not passed the Senate. I think it has received a majority every time we have called it but not the 60 votes which are now the norm in the Senate.

As a result, for 11 years I have been striving to change the law when it comes to immigration for a specifically small group of people. We are talking about people who came to the United States as children. They have been U.S. residents for a long period of time. They have good moral character. They have graduated from high school, and they are prepared to either serve in our military or to complete at least 2 years of college. This is a special group of people who, unfortunately, fall through the cracks in our current immigration laws.

I have met hundreds, maybe thousands of them now in the 10 years I have been working on this issue. I know they dream of the day when they will have a country. Currently, they do not; they are undocumented. The only country they have ever known is the United States, but they just can't go forward. When it comes to college or a university, they get no help from the government unless the State they live in has a special arrangement but cer-

tainly no help from the Federal Government.

When they finish school many of them can't be the teachers, nurses, engineers, or doctors they want to be because it requires citizenship, which they do not have. We are trying to give them that chance.

I have come to the floor time and time again to introduce some of these young people to America so they can put a face with a name to the DREAM Act. The person I want to speak about today is named Yaniv Steltzer.

Yaniv was brought to the United States by his parents from Israel when he was just 3 years old. This is a photograph of Yaniv. Today he is 25. He grew up in America. Like every other American child, he believes this is home. In 2010, he graduated from Richard Stockton College in New Jersey with a bachelor of science degree in hospitality and tourism management. In college, he was chair of the Jewish Student Union/Hillel Club and was an active volunteer with several other student groups.

Yaniv's dream is to open a restaurant. He wrote a letter to me, and here is what he said:

I fell in love with cooking in high school when I took a home-economics class and I knew this is what I wanted to do for the rest of my life. I would love to give back to America by opening my own restaurant, creating jobs, contributing to the economy, and becoming a citizen in the country I love.

Now, let me tell you Yaniv's challenge. He can't become a citizen. His father was born in the United States, but Yaniv was born in Israel, so he is not an American citizen. Yaniv's father applied for Yaniv to become a citizen, but because the process took so long he became ineligible. Under our immigration laws, once Yaniv turned 21 his father could not petition for him to become a citizen any longer.

So Yaniv has lived in this country since he was 3 years old, his father is an American citizen, and he is undocumented. The only solution for him is the DREAM Act.

Here is what Yaniv told me about his situation:

America is the only country I know. I grew up here, all my family and friends are here and everything I know is in America. The DREAM Act is important to me and many others like me who are in the same situation. We have the resources to help this country greatly, but don't have that piece of paper that allows us to do this. I have high hope and optimism that Congress will do the right and humane thing, put all political issues aside and pass the DREAM Act.

Yaniv is right. I ask my colleagues, would America be a better place if we deported Yaniv Steltzer? Of course not. This young man grew up in our country. He has overcome the odds to achieve great success. He doesn't have a criminal background or any problems that we should be concerned about. He is no threat to us. He would make America a better country, a stronger country if we just gave him a chance.

Yaniv is not an isolated example. There are thousands of others like him

around this country. Over the Easter break, I went out to Los Angeles and got a cab from the hotel to the airport. I looked at the cab driver's name and saw that his last name was Ark. I asked him: Where are you from?

He said: Take a guess.

So I said: France.

He said: No; I am from Belarus. My father was in the Soviet Army, and 15 years ago I came to the United States with my wife. She is a registered nurse, speaks English. I didn't speak a word of English when I got here, but I was able to come as a refugee from Belarus, which, of course, is where the last dictator in Europe presides—Lukashenko. He said: I came here and I started learning English. I just spoke Russian.

I asked: How in the world did you ever get a license to drive a cab?

He said: I had to work at it. I not only had to learn enough English to be able to have a successful business as a cab driver in Los Angeles, but I had to learn these streets and freeways and everything that came with it. He said: I did it, and now the son we brought as a citizen—my two kids—are now Americans, and 15 years later I own three cabs.

What a story. But it is not unique. It is the story of America, of people who said: I am sick and tired of where I am, and I have no chance here, but I know there is a place that will give me a chance. That was the story of my family. My mother was an immigrant to this country. I think it is the story of America.

So why do we, in this day and age, in the 21st century, have such a negative feeling about what immigration has brought, the diversity and strength it has brought to this country, and why can't we see the most fundamental question of justice when it comes to these children, these kids brought here as infants who only want a chance to do what this refugee from Belarus was able to do: make America a better place, build a life for himself, create a family that would be part of the American family.

I will continue this battle because I know all over the country there are people such as Yaniv Steltzer and many others who are waiting to see if the Senate can rise to this occasion, put politics aside, and do what is important for this country: show fairness, show justice, and give these young people a chance.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank Senator DURBIN for a moving statement and for his persistence in introducing the DREAM Act, which it has been my honor to cosponsor with him, among many others, and to support its passage. It is about basic fairness.

I think it also describes the reality, and the Senator reminded me of my own situation. We lived in my grandmother's house most of my childhood—

my mom, dad, sisters, and I—and she was always one of the most patriotic Americans I ever met because she had something to compare America to. She was an immigrant from Central Europe. Particularly important to her was freedom of religion, and the respect she got from her neighbors for her religious observance, and, of course, the dream that her children and grandchildren would do better in this country, which was realized.

But I was moved by the Senator's report of his conversation with the cab driver. Maybe all of us need to do that. But when I get the immigrant cab drivers and they are a little older, I always ask: What are your kids doing? And it is quite amazing because they have the kind of excitement and sense of gratitude about the opportunity that America provides that sometimes people who have been here for a while, unfortunately, may lose. Their kids are all working hard, achieving, and contributing to this country.

We are at a time in our history where a lot of people are down about their future and down about America, which was never the case when the Senator and I were growing up—and I started growing up a little before the Senator from Illinois.

But when we think about these stories, it makes one feel good about how unique this country is. I know, because illegal immigration—people may take what I am about to say the wrong way. But I always say one of the great market measurements of the greatness of America today is that there is not another country in the world that more people are trying to get into—legally, I am talking about—and fewer people are trying to get out of than the United States of America. I think the DREAM Act recognizes that reality and is totally consistent with the values of our country.

I thank the Senator for his persistence. One day, I hope not too far from now, we are going to get that adopted into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

VIOLENCE AGAINST WOMEN ACT

Mrs. GILLIBRAND. Mr. President, I rise to join a strong and growing group of my colleagues in support of the Violence Against Women Act, a common-sense bill that since it was first signed into law has always been an issue we could build a consensus around, both Democrats and Republicans alike. The reason for this is quite simple.

There is no room for tolerance of violence against women in the home anywhere in our society, and when we are talking about the safety of our families, there is simply no space for partisanship. That is why I am calling on my colleagues to not seek to block or delay this important piece of legislation any further. To do so is a disservice to the families so deeply affected by domestic violence every single day.

Anyone who is guilty of domestic abuse should be held accountable to the fullest extent of the law. Any victim of abuse should be empowered to speak out and to have access to help and support. Keeping women and families safe is a basic commonsense principle and one we have easily found agreement on since the bill was first passed, and we should be able to again agree on it today.

Every day an average of three women are murdered by a husband, a boyfriend, a partner. Every single day 600 women are raped or sexually assaulted. Millions of women and families rely on the help and support that the Violence Against Women Act provides to keep them safe. It is outrageous to turn the Violence Against Women Act into a political circus. When we allow ourselves to get bogged down in politics as usual, we are telling women and families across the country that their safety can wait for the next election.

Let's do better. Let's be better. Let's agree that women deserve access to basic justice and basic safety, and let's show the American people that we, as a body, can do what is right.

I yield the floor, and 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. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

POSTAL SERVICE REFORM

Mr. SANDERS. Mr. President, let me begin by once again thanking Senator LIEBERMAN and Senator CARPER and Senators COLLINS and BROWN for their long and hard work on this issue, which is of enormous consequence to the American people.

Sometimes what people inside the beltway perceive as opposed to what people outside the beltway perceive are two different worlds. I can tell you that back in Vermont—and I suspect in rural areas and States all over this country—people want to save the post office. They know how important it is for small businesses, for our economy, and for their own needs. So the issue we are dealing with is a very significant issue, and I hope that as a Senate we can show America that we can come together regardless of political ideology. This is not a progressive issue, a conservative issue, Republican, Democratic or Independent. This is an issue that impacts tens of millions of Americans, and I hope we can move together as we should.

I wish to say a few words on the Postal Service and finances today. Everybody knows the Postal Service is, in fact, facing significant financial difficulties. Revenue at the Postal Service has gone down from about \$75 billion in 2008 to \$66 billion last year. In the midst of the digital revolution, first-class mail has gone down signifi-

cantly—no debate about that—and it has been replaced and will continue to be replaced by e-mail usage and the Internet. There is no question but that this is a real issue that has to be addressed.

But let me be very clear that in terms of the revenue problems facing the Postal Service, the major problems we have are not just the decline in first-class mail. It is an issue that happens not to be the major issue. The major issue, in fact, is that the Postal Service has seen a significant loss in mail volume and revenue due to the most severe recession our country has faced since the 1930s. As the Postal Service indicated on May 30, 2010, "The effects of the recession account for two-thirds of the mail volume decline."

The first point we want to understand is, yes, decline of first-class mail is a real issue. But second of all, similar to businesses all over this country, revenue is being impacted by the recession. How we can get our country out of the recession, create more jobs, put more money into the hands of working people is, of course, a major issue we must address.

In that regard, I do wish to say that in the middle of this terrible recession, when real unemployment—real unemployment; it is not 8.2 percent but, in fact, is closer to 15 percent, counting those people who have given up looking for work, those people working part time—it would seem to me this body wants to do everything we can not to see 200,000 jobs slashed at the U.S. Postal Service, many of them decent-paying jobs, many of them union jobs.

We may not be able to save every one of those jobs; we want the Postal Service to be efficient. But on the other hand, I would hope we see as a significant priority that in the midst of a recession, we do not want to downsize a major American institution by 200,000 jobs—many of them, by the way, jobs belonging to veterans.

A couple months ago there was a whole lot of debate about how do we create jobs for veterans. I can tell you one thing we don't do is downsize the Postal Service by 200,000 workers, many of them being veterans.

We talked about the decline in first-class mail being important. We talked about the recession being important. But I wish to raise another issue that I think many people are not familiar with and that has nothing to do with first-class mail, nothing to do with the recession or, in fact, e-mail or the Internet; that is, to a very significant degree, the major reason the Postal Service has been running a deficit since 2007 is due to accounting issues.

For example, everybody has to understand this issue if we are going to have an open and honest debate about the future of the Postal Service: Due to a law passed in 2006, the U.S. Postal Service—uniquely in America, uniquely within government, Federal, State, local, uniquely in terms of the private sector—has been forced to prefund 75

years' worth of future retiree health benefits in just 10 years—seventy-five years' worth of future retiree health benefits in just 10 years. There is no other agency of government that comes close to that onerous requirement, nor are there any companies in the private sector that have been asked to do that. This mandate costs the U.S. Postal Service between \$5.4 billion and \$5.8 billion per year.

So what I beg of my colleagues is when they look at the financial problems facing the Postal Service—which are real—do not forget that, because of this 2006 legislation, the Postal Service needs to come up with approximately \$5.5 billion every single year to prefund retiree health care. This is an important point, and I hope my fellow colleagues in the Senate are listening. One hundred percent of the Postal Service's \$20 billion debt from 2007 to 2010 is the result of this prefunding mandate. Let me repeat it. One hundred percent of the Postal Service's \$20 billion debt from 2007 to 2010 is the result of this \$5.5 billion per year prefunding mandate. Without this mandate, the Postal Service would have made a \$700 million profit from 2007 to 2010.

Let me repeat that, because these are facts that have not often been introduced into this debate. We have folks coming up here who are saying the Postal Service is collapsing financially and so forth and so on. But it is important to understand the facts, and the facts are that despite the worst recession—which we are currently in—since the 1930s, despite the competition from e-mail and the Internet, the Postal Service would have made a \$700 million profit from 2007 to 2010 if it was not forced to prefund future retiree health benefits.

In addition—and I hope people listen to this as well—during the first quarter of 2012, a few months ago, the U.S. Postal Service would have generated a \$200 million profit had it not been required to prefund its future retiree health benefits.

I think as we debate these issues about the future of the post office, it is absolutely imperative that we understand the role of the \$5.5 billion every single year that the Postal Service has to come up with to prefund retiree health benefits.

A few months ago I asked the Inspector General of the Postal Service, whose name is David Williams, David C. Williams—he is the Inspector General of the Postal Service—I asked him to talk a little bit about what this prefunding of health benefits meant. I ask unanimous consent to have printed in the RECORD a copy of his letter, which is dated February 6, 2012.

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

OFFICE OF INSPECTOR GENERAL,
UNITED STATES POSTAL SERVICE,
February 6, 2012,

Senator BERNIE SANDERS
*Dirksen Building, U.S. Senate,
Washington, DC.*

DEAR SENATOR SANDERS: For several days last week, I met with you and your staff to discuss solutions to the current financial crisis within the Postal Service. At the conclusion of those discussions, you requested that our office focus on one of the solutions that we presented which examined an option to address the current benefit fund financing. This proposal would eliminate the requirement for the Postal Service to make annual \$5.5 billion payments into its retiree health benefit fund, and allow the \$44 billion currently in the fund to grow with interest. No payments would be made from the fund until it is deemed to be fully funded, and the Postal Service would continue to directly pay the healthcare premiums for retirees. An additional element of the proposal would allow current overpayments of \$13.1 billion in the Postal Service pension funds to be refunded to the Postal Service. Any future overpayments would also be refunded in the year of occurrence.

Our analysis of this proposal shows that if it were adopted, the amounts in retiree healthcare fund would grow from \$44 billion to the \$90 billion estimated current liability, in 21 years. This \$90 billion projected liability is not a static or precise figure, as there are forces that will increase and decrease the liability. Historically, the figure has risen, but we note that the \$90 billion has not changed significantly over the last 3 years (\$87 billion in 2009, \$91 billion in 2010, and \$90 billion in 2011).

This solution is one option to provide needed short-term flexibility for the Postal Service to address its current financial crisis. It would alleviate payments due of nearly \$30 billion over the next 4 years, and provide an additional \$13 billion to address current needs. Though this would provide substantial relief, additional actions would be necessary to address remaining financial gaps between projected revenues and expenses during the next four year period.

To put the pension and retiree health funding issue into perspective, my office has conducted benchmarking to evaluate the Postal Service's prefunding levels as compared to both the public and private sector. The Postal Service has 2 significantly exceeded pension and retiree healthcare benchmarked funding levels of both public and private sector organizations. Using ratepayer funds, it has built a war chest of over \$326 billion to address its future liabilities, prefunding combined pension and retiree healthcare obligations at 91 percent. This is an astonishingly high figure for a company with such a large employee base.

For example, the Postal Service is currently over 100 percent funded in its pension funds. The federal government is funded at a much lower 42 percent level, and the military is funded at 27 percent. The average Fortune 1000 pension plan is funded at 80 percent, and only 6 percent of the Fortune 1000 companies have pension plans that are 100 percent funded.

Prefunding retiree healthcare is rare in the public and private sectors. We have been unable to locate any organization, either public or private, that has anything similar to the Postal Service's required level of prefunding of retiree healthcare benefits. The Postal Service is currently funded at 49 percent of its estimated current liability. The federal government does not prefund its retiree healthcare liabilities at all, and the military is funded at a 35 percent level. Only 38 percent of Fortune 1000 companies who offer re-

tiree health care benefits prefund the expense at all, and the median funding level for those organizations is 37 percent.

I appreciate the opportunity to analyze this proposal, and describe it further. If you have any questions, please do not hesitate to call me or Wally Olihovik.

Sincerely,

DAVID C. WILLIAMS,
Inspector General.

Mr. SANDERS. If I might, because I think this is an important letter, I wish to report a significant part of it. I hope people appreciate what the Inspector General of the U.S. Postal Service is saying. This is a guy who knows something about the Postal Service. This is a letter to me.

Dear Senator Sanders:

For several days last week I met with you and your staff to discuss solutions to the current financial crisis within the Postal Service. At the conclusion of those discussions you requested our office focus on one of the solutions that we presented, which examined an option to address the current benefit fund financing. This proposal would eliminate the requirement for the Postal Service to make annual \$5.5 billion payments into its retiree health benefit fund, and allow the \$44 billion currently in the fund—

Let me talk about that. There is right now, as a result of these funding payments, \$44 billion currently in the fund—"to grow with interest."

What he is saying here, what happens if you have \$44 billion and it accrues, as it does, interest between 3 and 4 percent a year. Then he continues. If you did that:

No payments would be made from the fund until it is deemed to be fully funded, and the Postal Service would continue to directly pay for the health care premiums for retirees. An additional element of the proposal would allow current overpayments of \$13.1 billion in the Postal Service pension funds to be funded to the Postal Service.

This is also a point that has not been discussed at all. In fact, we do address it in the current legislation. That is, not only is the Postal Service being asked to come up with an onerous \$5.5 billion a year to prefund future retiree health benefits, it is generally acknowledged—I think by everybody who has studied the issue—that the Postal Service has made overpayments of \$13.1 billion into the Federal Employees Retirement System and the Civil Service Retirement System, adding those two together. This is what he said, the Inspector General of the U.S. Postal Service:

Our analysis of this proposal shows that if it were adopted, the amounts in retiree healthcare fund would grow from \$44 billion to the \$90 billion estimated current liability in 21 years. This \$90 billion protected liability is not a static or precise figure—

It varies a little bit is what he is saying—but essentially he says that if you don't add another nickel into the \$44 billion, it will grow to \$90 billion in 21 years and essentially take care of the payments it has to take care of.

The point I want to make clear is that in terms of future retiree health benefits, we already have \$44 billion in the account. In my view and in the view of people who know more about

this issue than I do, it is not necessary to put more money into that account. That is an issue that this legislation attempts to address.

Let me conclude by saying the issue we are dealing with is of enormous consequence to our country. It is imperative, in my view, that we not shut down 3,700 rural post offices. I commend the Postmaster General. We have been working with him and he has moved away from that position. In my view, we have to do everything we can to make sure that we maintain very high standards for mail delivery in this country. So when a business puts a package in the mail, they know it will be delivered in a reasonable time. That is one of the strengths of the Postal Service. In my view, we do not want to shut down, as in the Postmaster General's original proposal, half the processing plants in this country which would slow down mail delivery service. In my view, we do not want to end Saturday mail. I think it is an important part of maintaining mail delivery standards.

But the main point I want to make today is, yes, the Postal Service faces financial problems. But not to understand the significant role—the causation of those problems that are a result of the \$5.5 billion in prehealth funding for retirees—is to miss a very significant part of this debate. I think it is fair to say in this bill we are beginning to address that issue and also address the issue of the overpayment from the Postal Service to the Federal Employees Retirement System.

Let me conclude by thanking Senators LIEBERMAN, COLLINS, CARPER, and BROWN for the work they have done. I hope we can have an intelligent and constructive and kind of nonpartisan discussion as we go forward, with good amendments that are relevant, from both sides of the aisle.

The bottom line is that saving the Postal Service is enormously important for our economy and certainly for the tens of thousands of workers who are out there every day doing a great job for us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Vermont for his statement but more broadly for his real steadfastness and the hard work he has done to improve the bill. It has been a pleasure to work with him.

Before Senator COLLINS came to the floor, and not counting the occupant of the chair, I was reveling in the fact that the only Senators on the floor were Independents.

Anyway, I thank Senator SANDERS. We have tried to deal with this problem. In the postal reform of 2006, Senator SANDERS is quite right, for various reasons which we need not go into the Postal Service was required to make payments into the retiree health benefit fund that were beyond what most any business or other governmental en-

tity is doing, more than was necessary to sustain the payments and in a much shorter period of time, as the Senator from Vermont said.

I would say, to state it as bluntly as I can, maybe too bluntly, the people advocating this were, frankly, concerned that the Postal Service might get to a point where it defaulted, it was no longer able to operate, and then the fear was that the government, the U.S. Treasury, the taxpayers would at some point in the future be forced to pick up the cost of the retiree health benefits. So this uniquely demanding responsibility for payment now was put on the Postal Service.

I think everybody agrees, particularly in light of all the real problems the Postal Service has now, that is not sensible or fair. I do want to point out that in the underlying bill, S. 1789, we have attempted to ease the Postal Service's prefunding requirements for retiree health benefits by immediately beginning a stretched-out 40-year amortization schedule for these payments and we require the Office of Personnel Management, when determining how much the Postal Service has to put into the retiree health benefit fund every year, to use the same discount rate that is used to calculate the Federal Government's pension obligations to the Federal Employees Retirement System and the Civil Service Retirement System. The Postal Service thinks this accounting change will reduce their unfunded liability for the retiree health benefits plan by literally billions of dollars.

The other change made here is that right now the health benefits of retired employees come out of the operating expenses of the Postal Service. That was going to be the case until a day later in this decade. But there is enough money in the fund that it can pick up money that the Postal Service has put in, that it can pick up the cost of health benefits for postal retirees now. So we require that. I want to state for the record we are trying to deal with that reality in the bill as it is and of course I state my intention to continue to work with Senator SANDERS to make this bill as good as we can, both in accomplishing the purposes we all have, which is to keep the Postal Service alive and well because so many people depend on it, and to do so in a much more fiscally responsible way, in every way in which that term might be understood, including the fairness of payments under the retiree health benefits plan, than has been the case before.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I, too, want to comment on this issue of the prefunding for the health care benefits of future retirees. I think it is important to note that when the 2006 law was written, the Postal Service supported this provision because it recognized that it had a huge unfunded liability

for future health benefits and it knew it was important to start putting money aside to ensure that at the time those retirees needed to claim those benefits, the money would be there and the promises would be kept.

It was also important because we wanted to avoid the possibility of a system going into default and taxpayers having to step in to keep the promises the Postal Service has made.

The fact is the current liability is about \$46 billion for those retiree health benefits, the future retiree health benefits. That liability is a very real one. It is not going away. Nevertheless, we have taken steps in our bill, as Senator LIEBERMAN has described, to ease the funding by setting up a 40-year amortization schedule and by changing the discount rate. So those two provisions should save the Postal Service approximately \$2 billion—the exact number would be determined—each year, and that is obviously very welcome.

But I do want to address what I believe is another misconception, and that is that the funding for future retirees' health benefits is somehow the cause of the Postal Service's financial crisis. It is not. The fact is that the Postal Service has not made its payment of \$5.5 billion that was due to this fund in either of the last 2 fiscal years. Yet the Postal Service lost billions in both of those years, despite not paying the \$5.5 billion that was due to this fund. In total, the Postal Service has made only \$6.9 billion of the \$16.4 billion that was required in prefunding payments for the past 3 years, but has posted losses, total losses for those 3 years of \$26.9 billion. So it is certainly true that we can and should ease the funding requirement in light of the problems of the Postal Service. It is also true that we don't need to fund to 100 percent, which the 2006 law requires. If my memory serves me correctly, I believe we have lowered the funding level to 80 percent. Those provisions all have a substantial impact on lowering the annual payment.

I have two final points I want to reiterate. The prefunding requirement is not the cause of the Postal Service's financial crisis; and second, that \$46 billion liability is very real and it is not going away. Indeed, stretching out the amortization schedule, which I believe we should do, is going to actually cause that liability to increase because we will be paying it over a longer period of time.

Nevertheless, I think the changes that have been made in the funding for future retirees' health benefits make sense. I think they are financially responsible and they will provide some needed relief to the Postal Service without exposing taxpayers to the possibility of having to pick up the tab and without breaking the promise that has been made to postal employees.

Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. BARRASSO. 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. BARRASSO. I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

A SECOND OPINION

Mr. BARRASSO. Mr. President, this being tax week, people all around the country are sending in their tax returns. The deadline just passed yesterday—April 17—so people are focused a lot on what happens in Washington. They think about the IRS. They think about the money being sent and how that money is being spent. As people pay their annual tax bills, I wish to remind Americans about how the Obama administration is actually spending tax dollars on the President's unpopular health care law. That is why I come to the floor, as I have every week since the health care law passed, with a doctor's second opinion about the health care law.

I said at the time it was passed that there would be some new revelation, some unintended consequence, something new that people would learn week after week. As someone who has practiced medicine for almost a quarter of a century taking care of families in Wyoming, I wanted to offer a doctor's second opinion, because I felt from the beginning that in spite of the many promises the President made, the bill that was actually passed and signed into law is one that is bad for patients, bad for providers—the nurses and the doctors who take care of those patients—and terrible for taxpayers.

So I come to the floor because it seems to me that instead of using much of the money to improve medical care in America, this administration is devoting hundreds of millions of dollars to what—the Internal Revenue Service. In fact, The Hill newspaper reported on April 9 of this year that the Obama administration is quietly sending an additional \$500 million to the IRS—the Internal Revenue Service. The headline is: "Obama administration diverts \$500M to IRS to implement healthcare reform law."

I ask unanimous consent that this article be printed in the RECORD.

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

[From The Hill, Apr. 9, 2012]

OBAMA ADMINISTRATION DIVERTS \$500M TO IRS TO IMPLEMENT HEALTHCARE REFORM LAW
(By Sam Baker)

The Obama administration is quietly diverting roughly \$500 million to the IRS to help implement the president's healthcare law.

The money is only part of the IRS's total implementation spending, and it is being provided outside the normal appropriations process. The tax agency is responsible for several key provisions of the new law, including the unpopular individual mandate.

Republican lawmakers have tried to cut off funding to implement the healthcare law, at least until after the Supreme Court decides whether to strike it down. That ruling is expected by June, and oral arguments last week indicated the justices might well overturn at least the individual mandate, if not the whole law.

"While President Obama and his Senate allies continue to spend more tax dollars implementing an unpopular and unworkable law that may very well be struck down as unconstitutional in a matter of months, I'll continue to stand with the American people who want to repeal this law and replace it with something that will actually address the cost of healthcare," said Rep. Denny Rehberg (R-Mont.), who chairs the House Appropriations subcommittee for healthcare and is in a closely contested Senate race this year.

The Obama administration has plowed ahead despite the legal and political challenges.

It has moved aggressively to get important policies in place. And, according to a review of budget documents and figures provided by congressional staff, the administration is also burning through implementation funding provided in the healthcare law.

The law contains dozens of targeted appropriations to implement specific provisions. It also gave the Department of Health and Human Services (HHS) a \$1 billion implementation fund, to use as it sees fit. Republicans have called it a "slush fund."

HHS plans to drain the entire fund by September—before the presidential election, and more than a year before most of the healthcare law takes effect. Roughly half of that money will ultimately go to the IRS.

HHS has transferred almost \$200 million to the IRS over the past two years and plans to transfer more than \$300 million this year, according to figures provided by a congressional aide.

The Government Accountability Office has said the transfers are perfectly legal and consistent with how agencies have used general implementation funds in the past. The \$1 billion fund was set aside for "federal" implementation activities, the GAO said, and can therefore be used by any agency—not just HHS, where the money is housed.

Still, significant transfers to the IRS and other agencies leave less money for HHS, and the department needs to draw on the \$1 billion fund for some of its biggest tasks.

The healthcare law directs HHS to set up a federal insurance exchange—a new marketplace for individuals and small businesses to buy coverage—in any state that doesn't establish its own. But it didn't provide any money for the federal exchange, forcing HHS to cobble together funding by using some of the \$1 billion fund and steering money away from other accounts.

The transfers also allow the IRS to make the healthcare law a smaller part of its public budget figures. For example, the tax agency requested \$8 million next year to implement the individual mandate, and said the money would not pay for any new employees.

An IRS spokeswoman would not say how much money has been spent so far implementing the individual mandate.

Republicans charged during the legislative debate over healthcare that the IRS would be hiring hundreds of new agents to enforce the mandate and throwing people in jail because they don't have insurance.

However, the mandate is just one part of the IRS's responsibilities.

The healthcare law includes a slew of new taxes and fees, some of which are already in effect. The tax agency wants to hire more than 300 new employees next year to cover those tax changes, such as the new fees on drug companies and insurance policies.

The IRS will also administer the most expensive piece of the new law—subsidies to help low-income people pay for insurance, which are structured as tax credits. The agency asked Congress to fund another 537 new employees dedicated to administering the new subsidies.

The Republican-led House last year passed an amendment, 246-182, sponsored by Rep. Jo Ann Emerson (R-Mo.) that would have prevented the IRS from hiring new personnel or initiating any other measures to mandate that people purchase health insurance. The measure, strongly opposed by the Obama administration, was subsequently dropped from a larger bill that averted a government shutdown.

Mr. BARRASSO. This money is transferred outside the normal appropriations process. That is a concern. The money is transferred outside the normal appropriations process. It goes to the very tax agency that is responsible for implementing many of the key provisions of the health care law. One would think that maybe we would have doctors and nurses implementing many of the provisions of the health care law. No, we have the IRS. This includes the controversial and unprecedented mandate that all Americans must buy a government-approved product—health insurance.

We remember the Supreme Court just held hearings on this unprecedented mandate. Seventy percent of Americans believe it is unconstitutional. They believe that either part or all of the health care law ought to be ruled unconstitutional. Yet the article says that the Obama administration's Health and Human Services Department has, to date, transferred almost \$200 million to the IRS over the past 2 years and plans to send another \$300 million this year. These secretive transfers hide the true cost of the health care law. They also make it difficult for Congress to perform the agency oversight that is part of our obligation.

So I look at this and I say this law is bad. It is bad, I believe, for our patients and providers and taxpayers. I look at the way it has been structured and the way this money is being transferred and I think it highlights the problems with the law. What does the IRS intend to do? They want to hire more than 300 new employees next year to implement the Tax Code changes, such as the taxes imposed on drug companies, device manufacturers, and health insurers. This bill is a laundry list of taxes and fees. The IRS also has to implement and monitor the laws of the priciest component—the exchange subsidies. For this, the IRS is asking Congress to fund another 537 new employees dedicated to administering just the subsidies.

Last week Ways and Means Committee Chairman CAMP sent a letter to

the IRS Commissioner asking that the Commissioner provide specific details about these reports.

Chairman CAMP specifically asked the IRS Commissioner to tell the committee how many employees are being hired and which tax increases the agents will be working on. The American people deserve to know how their dollars are being spent, where these tax dollars are being used, what the IRS is doing with the money. They deserve to know because the health care law actually increases the IRS's power to insert itself into the American people's lives.

How is it the health care law increases the IRS's power to insert itself into Americans' lives? By, one, having the IRS verify that Americans have acceptable government-approved insurance; also by having the IRS penalize Americans if they do not have acceptable government-approved insurance; also by having the IRS confiscate Americans' tax refund dollars if they do not have government-approved insurance; and, finally, by having the IRS have additional power in terms of auditing our American citizens' lives.

This is all included in the health care law. This is not health care reform. The IRS should never be allowed to intrude into the private health care decisions of the American people. The American people deserve to know how this alleged \$500 million transfer is being spent and how many additional IRS agents will be hired to investigate their private health care decisions.

When Americans send their hard-earned dollars to Washington, they want to make sure their money is being spent wisely. The American people want to know they are getting value for their tax dollars. They do not want their dollars to create more bureaucracy and further invade their privacy.

So I come to the floor, as I have over the last couple years since the health care law has been passed, with a doctor's second opinion. This health care law did not provide the American people with what they wanted, which was the care they need, from a doctor they want, at a price they can afford. Instead, what they are seeing is the President's promises have been broken.

The President promised if someone likes their care, they can keep it. We now know that is not going to be true for many Americans. The President promised health care costs would actually go down instead of going up and he told Congress and he told others the health care insurance costs would drop \$2,500 per family. Instead, what families across the country have seen is that their health care premiums have gone up by about \$2,100 a year since the health care law has gone into effect, rather than going down. So we hear the President's promises and we see the reality on the ground.

When I travel Wyoming and talk to folks and ask: How many of you believe under the health care law your own costs—your own costs—are going to go

up, despite the President's promises they are going to go down, every hand goes up. When I ask the question: How many of you believe the quality of your own care—which is what people are concerned about: their own care, their own family—how many of you believe the quality of your own care will go down, again, every hand goes up. That is not what Americans want: paying more and getting less. That is why it is time to repeal and replace this terrible health care law.

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

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

POSTAL SERVICE REFORM

Mr. TESTER. Mr. President, I rise to discuss this postal reform bill. The Postal Service keeps rural America connected. It helps Montana seniors receive everyday necessities such as medicines, it allows our small businesses to conduct business, and it even makes sure our election ballots get counted on time. That is why this reform bill is so critically important all across rural America.

First, I wish to thank my colleagues on the committee for their hard work on the substitute amendment to the postal reform bill. I want them to know how much I appreciate their efforts to work across the aisle with my colleagues and me to address several of our concerns with this bill. This bill has come a long way from the version I opposed in committee. But there is still a lot of work that needs to be done to make sure it works for rural America.

I have been working for several months on some changes, such as preserving the requirement for overnight delivery and providing better protection for rural communities that could lose their post offices. But we need to go further to find more ways to keep rural post offices open and functioning. That is why Senator FRANKEN and Senator LEVIN and I have submitted an amendment to prevent the Postal Service from closing a post office if it leaves rural communities without sufficient access to Postal Services, from buying stamps to regular mail service.

Our amendment gives the Postal Regulatory Commission more teeth in being able to reject the Postal Service's efforts to close post offices and mail processing facilities if the Postal Service does not follow the criteria laid out in the bill.

The Postmaster General is seeking to close around 3,700 post offices and over 200 mail processing facilities in this country.

This bill will result in the reduction of another 100,000 postal employees. It will rewrite the rules of workers' com-

pensation across the entire Federal Government. In short, it will change the lives of many people—to say nothing of the millions of Americans who will be impacted by a change in mail service.

With this in mind, I think it is critically important that the upper management at the Postal Service and the Board of Governors lead by example. That is why I am offering an amendment to reduce the number of Governors on the Postal Board of Governors from nine to seven. The Board is currently not at capacity, and it should be encouraged to work with the six Governors who presently sit on the Board.

Governors receive compensation for expenses and a stipend of about \$30,000 a year, with total compensation up to about \$42,600. It seems like a small savings. However, reducing up to \$80,000 a year by cutting two positions could save three post offices in my State: For example, in Dupuyer or Wyola or Coffee Creek.

We need to make sure everyone is tightening their belts, not just the folks who depend on mail service or the employees who will be forced into retirement or laid off over the next few years.

My final amendment limits the six most senior postal executives—including the Postmaster General—to a base salary of not more than \$200,000, which is what a Cabinet Secretary makes.

I know there are some folks who think the Postal Service should be a private enterprise and that the pay of the postal executives should reflect that. But the reality is, the Postal Service is a public service. It is right there in the Constitution that the Congress has the power to establish post offices. You cannot get much more public than that.

Again, the savings from this amendment may seem like a drop in the bucket, but saving just \$200,000 a year in reduced executive compensation is the same savings we would get from the closure of the mail processing centers in Helena, Montana's State capital, and Havre, an important town in north-central Montana.

To me, the choice is simple. If the Postal Service is out of money and painful cuts have to be made, they need to be felt up at the top as much as at the bottom.

I hope we get a chance to consider these amendments. They are relevant to the bill. This is a debate that is long overdue. It is time to have a serious debate in the Senate about what we want the Postal Service to look like. That is why I voted to begin the debate on a bill I cannot support yet. I want to get to the point where we have a bill that is going to save the Postal Service and not lead to its dismantling.

So let's have the debate, let's look at amendments, and let's start voting.

I'd like to add one additional point that is of critical importance to rural America.

I have expressed my concern that the Postal Service is rushing to close rural post offices, and I have asked the Postmaster General to find alternatives to this effort.

Many people aren't aware that, in rural America, nearly 90 percent of postal facilities are owned by private parties and leased to the Postal Service, rather than the Postal Service owning those facilities itself. Across the nation as a whole the Postal Service leases more than one-third of its facilities.

Without the Postal leasing program, the Postal Service would not be able to meet its mandate of universal service. It would not be able to provide mail service to huge swaths of our nation in rural America. By partnering with the private sector, the Postal Service has facilities and provides service without the enormous expense of constructing, owning and maintaining its own buildings.

More than 40 of the postal facilities in Montana are leased by the Postal Service. In all, more than 3,000 private property owners lease facilities to the USPS across America. Without the Postal leasing program, the infrastructure to serve many parts of America either would simply not exist or would require massive expenditures on building facilities that the Postal Service cannot afford.

As the Postal Service explores options about the future of rural post offices across America, I urge it to look carefully at the leasing program and to realize the role it plays in saving money and providing universal mail service. Both of those roles are critically important. So as we make the tough choices about the how we can preserve rural post offices, I hope that the Postal Service will continue to consider the leasing program as part of its future.

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. WICKER. 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. WICKER. Mr. President, I ask unanimous consent to speak as in morning business.

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

RESTORE ACT

Mr. WICKER. Mr. President, this week marks the somber anniversary 2 years ago, on Friday, April 20, 2010, of an explosion on the Deepwater Horizon oilrig in the Gulf of Mexico which took 11 lives and triggered the worst oilspill in American history. We still remember the families of those who were lost and those who were injured on that fateful day. We are forever grateful to

the thousands of volunteers and relief workers from all over the world who responded in the wake of this disaster.

In Mississippi, like other Gulf States, the BP oilspill caused immeasurable damage not only on the shoreline but also to all sectors of our economy. Misperceptions of tainted seafood and oil-covered beaches devastated our seafood and tourism industries. Local businesses already challenged by a difficult economy were crippled by the disruption in market demand.

The moratorium that the Obama administration put on drilling cost our economy critical jobs related to domestic energy production and its associated support industries. The administration's delays on drilling permits are still stalling job creation along the gulf coast.

Many of my colleagues and I have come to the floor in recent weeks to talk about a better energy policy, specifically to offer solutions to lower gas prices. The administration's slowdown of domestic energy production keeps us dependent on foreign energy providers, ultimately hurting Americans at the pump.

There is no doubt that the residents of Mississippi and other Gulf States are resilient and have persevered through unprecedented circumstances. But there is work left to do. I urge all of my colleagues to remain committed to the coast's full recovery. I applaud the Senate's recent bipartisan passage of the RESTORE Act as part of the Transportation bill. It is imperative that coastal communities have the resources they need to rebuild and revitalize.

Under the provisions of the RESTORE Act, local officials will have the ability to prioritize the economic and ecological projects that are most critical to their own recovery. Local communities are in the best position to make these decisions, and needless government redtape should not stand in the way. Directly distributing Clean Water Act fines would ensure that the affected parties are compensated accordingly.

The RESTORE Act is an encouraging step forward for all Gulf Coast States.

I urge the House of Representatives to show the same support for the gulf coast in passing this important piece of legislation. Both parties can agree that the revitalization of our Gulf States is a priority and that providing local perspectives is vital to our recovery efforts. The disaster that occurred 2 years ago was an extraordinary tragedy with long-term consequences, and we cannot forget about the needs that persist.

The gulf coast provides one-third of the seafood harvested in the continental United States. The gulf coast is home to 6 of our country's 10 largest commercial ports. Mississippi and all Gulf States make up a vibrant part of this country, and the residents and businesses there are key contributors to the national economy.

There is no doubt that keeping our gulf strong is vital to our national interest, and part of that would be the passage of the RESTORE Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I concur with my friend from Mississippi on the importance of passing the RESTORE Act. It is in our transportation reauthorization bill, and it is an important part. It not only helps the Gulf States but all the States that border oceans in this country. It is an important part of the bill that we worked out in a consensus manner in the Senate.

I take this time and ask unanimous consent that I may speak as in morning business.

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

SURFACE TRANSPORTATION ACT

Mr. CARDIN. Mr. President, we need to pass a long-term transportation reauthorization bill. The Senate has done this. The Senate passed its bill 2 months ago by a very strong margin of 74 to 22. I call it a consensus bill and not a bipartisan bill, because we went beyond bipartisan. This bill came out of the two committees of jurisdiction, the Banking Committee and the Environment and Public Works Committee, by a unanimous vote. The Finance Committee dealt with the financing provisions.

This bill gives us predictability in transportation funding. Here is the problem: The other body, the House, is currently working on a bill that would basically be a short-term extension of our transportation program. We need a long-term commitment as to the Federal partnership in transportation. We need that for many reasons. We need it for predictable funding so our local governments can commit to do the types of transportation programs that are necessary for our safety, necessary for economic expansion, and necessary for our communities.

We are missing the construction season by the failure to enact a long-term transportation reauthorization plan. Major projects cannot be planned—whether it is to replace a bridge, major maintenance programs, new highways, or expansion of our transit systems.

This translates into jobs. We are in a recovery. We all want to do everything we can to maintain and expand job opportunities in this country so our economy can recover at a quicker pace. The transportation reauthorization bill that passed the Senate is responsible for 3 million jobs.

In my State of Maryland, 28,700 jobs are connected to the passage of the transportation reauthorization program—21,000 in highways and over 7,000 in transit.

The Senate bill, as I pointed out, was a consensus bill. It was done in the finest manner of legislating. I compliment Senators BOXER and INHOFE on the Environment and Public Works Committee, on which I serve, for marshaling this bill through. There were

numerous challenges in the Senate, and a number of committees had to consider it and, of course, there was floor consideration. During that entire process, we maintained the consensus and the balance that is important.

Let me point out that here you have a bill that invests in transit and roads and bridges. We were able to reach a compromise to make sure that both priorities were preserved in the transportation reauthorization bill.

I authored an amendment, with Senator COCHRAN, that dealt with local input into the transportation decisions. We had the right balance between the Federal Government's partnership working with our States but allowing the locals to have input particularly on transportation enhancement programs. We have reform in our bill that consolidates a lot of specific programs into broader programs, providing greater flexibility, but still maintaining accountability on the Federal partnership.

During this most recent work period, when we were off for Easter and Passover, I visited various parts of Maryland. I was down in western Maryland, Appalachia country. I heard firsthand how important reauthorization of this transportation bill is to the economy of western Maryland. This is a rural part of our State. They need to build a north-south highway that will connect Pennsylvania, West Virginia, and Maryland. The bill we passed—the transportation reauthorization bill—contains some very important provisions to allow that highway to be constructed. It provides toll credits so Pennsylvania can complete an important segment of this north-south highway. It also contains a stronger match so that it makes it more feasible that we can move this highway to completion. The completion of the north-south highway means jobs and hope to the people of that region of America. It is very important to get that done. It will mean jobs. They told me—the companies that are directly dependent upon that highway being constructed—if we don't pass a multiyear reauthorization bill, that project gets delayed. Once it is delayed, we lose job opportunities.

I also spent part of the work period visiting other parts of Maryland. I was a few miles from here at the Metro Command, at the Carmen Turner facility in New Carrollton, where they operate the bus and rail command center for the Nation's transit system, which is both bus and rail in this area. It is the Nation's system. The Federal Government depends upon this, upon the Washington transit system. Many people who work in the Capitol come to us through the transit program. It is true in all of the Federal facilities.

That is an aging system. The rail system needs to be repaired. It is the second busiest rail transit system in the Nation. It is in desperate need of repair. Without predictable funding, major projects will be delayed. I will

give you a list of some of the projects we need to do for the Washington metro transit system:

Overhauling the Landover and Southern Avenue bus maintenance shop in Prince George's County, MD; improving perimeter security at the Bladensburg bus garage, also in PG County; complete the design and construction of 10,000 feet of test track at Greenbelt that is needed to test the new, safer 7,000 series railcars due to arrive in 2014.

I remind my colleagues that we had a tragedy on the transit system here not too long ago. There was a study done as to improvements that need to be made, including replacement of railcars to safer cars. These changes need to be done to improve safety of people who depend upon the transit system in this region. Also we need to continue to implement systemwide switch testing and replacement needed to comply with the National Transportation Safety Board's safety recommendations following the June 2009 red-line crash. All of that will be delayed. Yes, safety will be put at risk if we do not pass a reauthorization of the transportation program.

It is interesting that one part of my State is very rural, which I visited, and the other part of the State is urban, and it is important to that region. It is important to the entire country. We need to get this done. Every State is impacted by bridge replacement, highways, and transit.

The Maryland Department of Transportation tells me that due to the uncertainty, they are planning on a 20-percent reduction in the projects that would otherwise be done in this year. That will have a huge impact on our workforce—a huge impact on our economy.

As I am speaking, the House is taking action. It is going to pass a short-term extension. That is not good enough. That doesn't solve the problem. That doesn't give us the predictability or allow us to complete the north-south highway in western Maryland, or make the improvements we need to in the WMATA system, or in any State, to be able to move forward with transportation projects. That is not good enough. We need to do more.

However, I am pleased to see the House taking some action. I urge that as soon as they complete action, let's get into conference and resolve the differences between the House and Senate and get a bill back on the floor as quickly as possible. We did our work. We passed a bipartisan consensus bill. They are passing a partisan bill in the other body. They are delaying things again. That is not good.

Let's get together and complete a conference as quickly as possible. Let's get Americans back to work building roads and transit systems that are vital to the continued economic recovery of this Nation.

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

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

Mr. RUBIO. I ask unanimous consent to speak as in morning business.

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

Mr. RUBIO. Mr. President, I think this is topical to the item we are debating, which is to proceed to the Violence Against Women Act, and I wish to take a moment to highlight a couple of egregious examples around the world where young girls and women are being threatened by violence in what remains a scourge throughout the planet, and then I will focus on here at home as well.

On April 17—and this is a pretty shocking incident—about 150 Afghan school girls were poisoned after drinking contaminated water. It appears by all signals that it was a deliberate contamination of the water. They are blaming this on conservative radicals who are opposed to female education. So there is evidence to suggest that 150 girls from Afghanistan were poisoned because they went to school. This is happening in the 21st century.

A new report from the Human Rights Commission on Pakistan says there were 943 Pakistani women killed in 2011 and they were killed for "honor." Of the 953 victims, 93 were minors. Around 595 of the women killed in 2011 were accused of having "illicit relations," and 219 of them were accused of marrying without permission. Again, this is the 21st century we are talking about where these things are happening. In fact, this same report, in 2010, says there were 791 honor killings of women in Pakistan.

Here is one that is really disturbing and very sick. In South Africa, a group of young males in Soweta were filmed raping a 17-year-old who was believed to be mentally ill. In fact, the term "rapevideo" was trending on Twitter in South Africa on Wednesday. It is estimated by some organizations that a woman is raped every 26 seconds in South Africa. There is a report with regard to this specific Soweta rape that the men promised the girl 25 cents if she kept silent.

Let's turn to our hemisphere for a moment, where, tragically, of the 25 countries around the world with the highest homicide rates for women, 14 are in Latin America and the Caribbean, according to a recent survey by a Geneva-based research organization called Small Arms Survey. The three most dangerous countries for women were El Salvador, Jamaica, and Guatemala, respectively.

As a region, a U.N. study found in 2011 that the Americas, including the United States and Canada, were ranked

second only to Africa for female homicide rates. While females represent only 10 percent of the murder victims in the Americas, the sheer level of violence in the region, particularly in Latin America, puts women at risk.

Here at home, I was honored a few weeks ago to sign a letter, along with Senators KIRK, BLUMENTHAL, and CORNYN, which we wrote to about 40 organizations back on April 12 to inform them that the parent company of the Village Voice publications they advertise on owns backpage.com, an online classified advertising Web site linked to dozens of child-trafficking cases in this country. We asked these companies, charitable organizations, and public, educational, and cultural institutions to work together to use their economic influence to stop this from happening, to stop this online child sex trafficking that is being facilitated by sites such as these.

I want to report to my colleagues today that there has been some progress. This letter is already having an impact. We have had representatives from two of the recipients of the letter respond that their companies will quickly act to end their advertising on the Village Voice publications.

The fact is what I just outlined now is happening here in the United States of America. I highlighted things happening around the world, and I highlighted a case of something we can be doing right now here in the United States.

The reason I come to the floor on occasion to speak about human rights violations that are happening around the world and in our own country is to remind us that atrocities are not just things that happened in history, they are happening today. If we just open a newspaper and open our eyes, we will find modern-day atrocities that rival things we have read about in history. Things we might believe are unimaginable or impossible are occurring in this century. Here in our country, we have instances such as this, where it is estimated that up to 300,000 children could potentially be at risk—300,000 people, young women, children, et cetera, in our hemisphere—to become victims of human trafficking. Part of that happens here in our own country. So we have an obligation to focus on these issues.

I will continue to use this forum and any opportunity I get to highlight human rights abuses that are happening across the world and in our own country because awareness is always the first step toward confronting these issues. The notion that one can somehow get away with this without condemnation encourages people to do more of it, encourages people to think they can get away with it, encourages people to think it may even be culturally acceptable. It is not culturally acceptable for any civilized people to stand by and watch human beings being enslaved, trafficked, abused, or

targeted. We cannot stand by silently—and I am not claiming anyone in this Chamber does this—and argue that it is culturally acceptable to carry out an honor killing of a woman because she got married without permission. That is outrageous and it is absurd. It has no place in our world.

If this Nation is to remain a leader on human rights, then those of us who serve it have an obligation to use forums such as this to call attention to egregious examples, such as those I cited today, and to condemn them in the loudest voice possible. So in the weeks and months to come, I hope to continue to come to the floor and provide not just examples of abuses happening around the world but also examples, such as the one I finished with today. That is an example of how we can, working across the party aisle in this Chamber, work collaboratively to do something about it. This letter to the advertisers on backpage.com in the Village Voice is just one example of the things we can be doing to ensure we condemn and put a stop to some of these most heinous practices.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, before I proceed to the Senator from Missouri, I want to thank my friend from Florida for his principled and passionate statement. He speaks from his own experience—his family's own experience in leaving a dictatorship in Cuba and coming to the freedom of this country, but he speaks more broadly from the depths of American history and American experience. We are a very different nation. We are different from our beginning because we defined ourselves not by our geographical borders but by our values and the values expressed in the Declaration of Independence about those human rights, that life, liberty, and the pursuit of happiness are the endowment of our Creator. Those rights, obviously, were not just the endowment God gave the people of the United States but all human beings anywhere on this planet. It is what makes us a great nation. I think the extent to which we hold to that principle that was the motivation for our founding is one by which we can measure ourselves day by day.

I really appreciate that the Senator from Florida has committed himself both to the upholding and the application of the principle of human rights, the sanctity of human rights, and America's role in protecting them, and to persistently continue to come to the floor to speak of particular cases where that principle is being violated. I happened to be on the floor for the postal reform bill, but I wanted to take this opportunity to thank him for his very compelling statement.

I yield the floor to my friend from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

POSTAL REFORM

Mrs. MCCASKILL. Mr. President, I spent a lot of my childhood in a very small town in Missouri. From the time I was about 3 years old until the fourth grade, I lived in a town called Lebanon, MO. My dad was a life insurance salesman and sold life insurance, in fact to many of the soldiers at Fort Leonard Wood, and my mother's family had the corner drugstore about a block off Main Street in Lebanon, MO.

I have fond and vivid memories of my childhood in Lebanon, and one of them was the trip I would take whenever I was hanging out down at my family's drugstore. This was my great-uncle and great-aunt who had raised my mother, so they were like my grandparents. He was the pharmacist and she ran the lunch counter at the drugstore, and I would go with my great-uncle on his run to the post office. We would walk up 2 blocks and go into the post office. I even remember how it smelled. I remember how it looked. I remember what happened there. My memory is that it was a gathering place, that I would have to tug on my great-uncle's coat and say, "Let's go, Uncle Tom. Let's go" because he would invariably find people at the post office with whom he needed to visit. It wasn't a big place, but it was a very important place in Lebanon, MO.

I rise today to talk about an amendment that will save that sense of community for dozens of rural towns in Missouri. I am very aware, as a former auditor and someone who spends a lot of time looking at our budgets and trying to figure out the numbers, of the crisis we have in terms of the fiscal sustainability of our Postal Service.

I commend the work of the committee on which I am lucky to serve with Senator LIEBERMAN as the chair and Senator COLLINS as the ranking member. It is one of the places where we have maintained strong bipartisanship in the Senate. In fact, I believe Senator LIEBERMAN's committee could serve as a role model for other committees on how to work in a bipartisan way. And I commend Senator CARPER and many others—Senator BROWN of Massachusetts and also Senator MERKLEY—who have worked on this amendment, also, trying to find a way to save these rural post offices.

I know we have a problem here, but when we look at the numbers, closing rural post offices doesn't help. It is 1 percent—less than 1 percent—of the budget. It is less than 1 percent of the amount of savings we need to save out of the postal budget. So in 167 different communities in my State, something that is essential far beyond the bricks and mortar to those communities would close all in the name of less than 1 percent. That doesn't make sense to me.

The strength of our Postal Service has been that it is reliable, that it is affordable, and that it goes to the very last mile. What will we lose in these communities if we shut down these

post offices? Senior citizens would lose a place where they can depend on getting their prescription medicines. Many of these communities have no pharmacies—in fact, most of them don't—and they rely on the mail for their drugs. Small business owners would lose a shipping location. The small business owners in these rural communities depend on that post office to take packages to and to receive packages from. I think this is a sacrifice we should not make. These post offices are worth fighting to save.

When I go home and meet with Missourians and when I get outside of St. Louis and Kansas City and Springfield and Columbia, almost every single time, someone walks up to me and talks about their post office. They feel strongly that it is the one symbol they have in their community that makes them viable as a community, and I would hate to see them lose it.

I believe we should look at the closure of these post offices as a very last resort. Frankly, to me, it looks knee-jerked because it doesn't appear to me to be very thoughtful. I have not been able to get the post office to even give me the rhyme or reason as to why some of these post offices are closing. Very few of them save a significant amount of dollars.

This amendment would impose a 2-year moratorium on rural post office closures to allow the Postal Service to enjoy some of the reforms that have been put in this bill in a very thoughtful and thorough process by Chairman LIEBERMAN and many of his colleagues. It would also say after 2 years that there is a specific list of transparent criterion that must be considered before a post office could be closed.

First, it would have to ensure that seniors could retain the same access to their prescriptions they receive in the mail, that seniors and those with disabilities would have the same access to postal services they currently do, and make sure small businesses are not financially harmed by a rural post office closure.

This is not kicking the can down the road. This is being more thoughtful about preserving the part of the Postal Service that defines it. I am hopeful this is not a Republican or a Democratic issue. I am hopeful this is a rural issue.

We all know the last mile is the most expensive. Throughout the history of our country, government has stepped in and done a little more to give services the last mile. No business model in the world works when you have to take services that last mile down that one road, all the way down to a house at the end of the road sometimes several miles. It didn't work for electricity, so we did things to help with rural electric co-ops. It didn't work for phones, so we did the USX fund to help with phones. It didn't work for broadband, so we stepped in and have done things to assist with broadband. Now we are going to say to these rural commu-

nities: The last mile is not as important. These post offices are not as important. We can make due without it.

I think that is a big mistake, and I hope we can save these rural post offices. This is very important in my State, and I want young girls who are growing up in these small communities to have the same warm and fond memories of the local post office that I carry with me every day.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank Senator MCCASKILL for her statement. What is interesting, this is one of those cases where maybe we appreciate something more than we would every day when we think it may disappear. It is true of institutions as well as people. There is no question that post offices, both in rural areas and small towns—and I will say for Connecticut, in neighborhoods and cities—that the post office has played an important community-building role. But beyond that, in a tough time economically, a lot of people depend on those post offices for their mail, for their prescription drugs, and for the business interactions they need. But here is the other side of it, which my friend from Missouri knows very well.

We have 32,000 post offices in America. If we consider them to be retail outlets, which they are, that is more retail outlets than Walmart, Starbucks, and McDonald's combined. But we are talking about necessities. So we are very concerned that post offices not be closed in a precipitous manner if some have to be closed.

So as my friend from Missouri knows, we put language in this bill that doesn't stop the process of review but forces the Postal Service to consider other options, such as consolidating post offices within a reasonable distance, reducing the number of operating hours, for instance, and permitting a contractor or a rural carrier to provide retail services in the communities served by the post office.

We also allow an appeal to the Postal Regulatory Commission, and I know there are other amendments that will come in to strengthen that part of the bill.

We have to find a balance between the financial pressures on the post office—which, if unresponded to, will take it down—and the continuing dependence that millions of American people, including in small towns and rural areas, have on the post office.

Just a final word. Some of our colleagues have come to the floor and spoken about the post office as if it was in its entirety a relic which has no purpose anymore because of the Internet. Obviously, the Internet is affecting the volume of first-class mail. But the fact is today—I repeat, every day 563 million pieces of mail are delivered by the Postal Service, as you said, consistent with the promise of universal service anywhere you are, anywhere your business is.

Incidentally, that capacity to deliver to the last mile is one of the great, unique, irreplaceable assets of the Postal Service, so irreplaceable that big private sector companies such as FedEx and UPS depend on it. People depend on the Postal Service increasingly for packages too. I maybe have a limited horizon, but I still can't conceive of an Internet that can transport a package from one place to another, and a lot of those packages are needed by the recipients, including, particularly, prescription drugs.

So I thank my friend from Missouri. I say that Senator COLLINS and I would like to work with her. I think we can find a way without doing damage to the purpose of the bill to accommodate the concerns about the preservation of rural post offices, and I look forward to doing so.

I might add this for the information of Members who haven't said this yet today: Yesterday, both cloakrooms hotlined—in the vocabulary of the Senate—a request to every Senator to indicate whether they have an intention to file amendments. At this point, we have a list of over 50 amendments that have been filed. Senator COLLINS and I, Senator CARPER, and Senator BROWN are working to try to reduce that to a number that can be the basis, I hope, of a bipartisan agreement to go ahead and debate those amendments and vote on them.

We have a cloture vote that probably will occur tomorrow, unless vitiated, which will critically determine whether we have the 60 votes that say we can go forward. If we get those 60 votes, I think we can come to an agreement on a number of amendments, have a good, open debate, both sides, and then pass this bill.

If we don't pass this bill or if we don't achieve the 60 votes tomorrow, it is not as if nothing is going to happen to the post office. The fact is the deficit will continue to build, and let me be more specific.

A while back the Postmaster General issued a notice, which he was required to do, saying that as of May 15, less than a month from now, he would have a list of mail processing facilities—not post offices but mail processing facilities—which are candidates for closure. I believe he will close some on or about May 15 unless there is movement on this bill.

So I hope we can reason together; that we can agree on a good, balanced, representative, bipartisan group of amendments and, most of all, that we will not block the bill from being taken up for the lack of 60 votes to grant cloture and stop any attempt at a filibuster.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

PAT SUMMITT

Mr. ALEXANDER. Mr. President, today, the University of Tennessee, where I was once President, announced that our basketball coach, Pat Summitt, is resigning after 38 years in that position. Women's college basketball will never be the same without Pat Summitt and women's college basketball would not be the same were it not for Pat Summitt's 38 years of leadership. There will be much said about her winning record, and it is an astonishing accomplishment: 1,098 wins in basketball, more than any other coach, man or woman, in the sport; 8 national championships; in the Southeastern Conference, 32 Southeastern Conference titles, 31 straight trips to the NCAA tournament. But the statistic I always valued most, especially when I was president of the university, was every single one of Pat Summitt's athletes who have completed their eligibility with her have graduated from the University of Tennessee. That is over 38 years. So she has a remarkable record, for which we all are very grateful.

It is hard for people outside Tennessee to understand how much Pat Summitt has become a part of the lives of so many citizens in our State. She actually was asked by the university to take over the basketball program when she was in her early twenties. This was in 1974. Back then, many women's basketball games were played with three women on one end and three women on the other end, offense and the defense.

She changed all that in a big-time way. When I say women's college basketball would not be the same without her, I mean that because almost every women's coach in America would attest to the fact that Pat Summitt has played a role, either an important model or personal role in their development. Even before big games, she would have over to her house in Knoxville the opposing team and the opposing coach. She always had time for community events in Knoxville, despite her busy schedule as such a winning coach. She is a terrific person individually and a great model.

She taught many of us in Tennessee the game of women's college basketball. She was so upfront and personal about it, with her famous stare, which could stare anybody down, and her discussion of these extraordinary athletes she had and what their pluses were and what the things were that they had to work on, that we all felt we not only knew her, but we knew the athletes as well.

I have enjoyed watching Pat Summitt's team for many years. I made a point to watch three of her games in person this year in Knoxville. I arranged my Senate schedule around it because I feared this might be her last season. She announced last year that she has Alzheimer's disease and she is now devoting herself to fighting

that disease. So I am sure she will be as accomplished in some appropriate way in the next stage of her life as she has been in the last 38 years.

I wanted to come to the Senate floor and say, on behalf of all the people of our State, that women's college basketball will never be the same without Pat Summitt, and women's college basketball would never be what it is today if it weren't for Pat Summitt.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to thank my friend for his moving and eloquent statement, as a Senator from Connecticut, a proud fan and admirer of UConn women's basketball, with the great coach Geno Auriemma. No one appreciates someone such as Coach Summitt more than those who have competed against her, including Coach Auriemma and the great players in the University of Connecticut women's basketball history.

She sets the standard and she has set the standard. I join my colleague in his praise of her, and with some confidence, wishing her well in the future.

Mr. ALEXANDER. Mr. President, I thank Senator LIEBERMAN. I think it is appropriate, and most fans of women's college basketball would agree, that the first two Senators on the floor to commend Pat Summitt would be the Senator from Tennessee and the Senator from Connecticut.

Mr. LIEBERMAN. It is fortuitous and I cannot believe it is accidental.

Mr. ALEXANDER. I thank the Senator for his generous remarks. I know Pat would as well.

Mr. LIEBERMAN. If Geno Auriemma were here, he would have at least echoed what I had to say and added some great stories and words of tribute because I know the respect that Coach Auriemma has for Coach Summitt.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Minnesota.

Mr. FRANKEN. 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. FRANKEN. I ask unanimous consent to speak as in morning business for about 20 minutes.

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

POSTAL SERVICE REFORM

Mr. FRANKEN. Mr. President, I rise today to talk about the importance of the Postal Service to Minnesota and to urge my colleagues to make thoughtful changes to strengthen S. 1789.

The Postal Service has proposed a cost-cutting plan that would close or consolidate nearly 3,700 mostly rural post offices. This plan will eliminate

thousands of jobs in communities across the country and will leave many residents and businesses without direct access to the Postal Service. Of course, that includes Oregon, the Presiding Officer's State.

In Minnesota, 117 post offices are on the closure list. That includes the post office in Calumet, MN, a town of 367 people in northeastern Minnesota. I have heard from the mayor of Calumet, John Tourila, about the hardship that closing the post office would have on his community. He told me about disabled residents who can't get a driver's license and how important it is that they are able to walk to the post office. He also told me about an elderly couple in the town. The husband has Alzheimer's, and he and his wife take a walk every day, hand in hand, to the post office.

When the Postal Service held a public meeting in Calumet to discuss the proposed post office closure, over 70 residents showed up. That is a lot. That is about one-fifth of the town.

These are the stories I hear when I travel across Minnesota, especially in rural Minnesota. Post offices are the center of so many communities. They serve as the gathering place and a source of information. Individuals and businesses rely on the Postal Service to receive medications, paychecks, absentee ballots, equipment, and even livestock. If the Postal Service's closure plan is implemented, it will have a devastating impact on rural Minnesota.

The Postal Service has also proposed to close 250 processing facilities. Five of Minnesota's processing facilities are on the block. Under the Postal Service's plan, all of the mail processing activities currently taking place in Duluth, Bemidji, Mankato, Rochester, and Waite Park would be moved to the Twin Cities.

For anyone who hasn't driven around Minnesota, let me explain what that means. When someone in Bemidji, MN, sends a birthday card to her neighbor or a local small business sends an invoice to a customer a few streets away, that letter will be sent more than 200 miles south to the Twin Cities to be processed before it is sent 200 miles back north to Bemidji.

That doesn't make any sense. During Minnesota winters when roads are impassable, that is going to mean severe mail delay. It is going to drive business away from these communities.

The processing centers in Rochester and Duluth are also on the list. These are the third and fourth largest cities in Minnesota. Duluth is over 150 miles away from the Twin Cities. Closing these processing centers will significantly impact local businesses and will drive business away from the Postal Service. One important example is the Duluth News Tribune. This one business distributes over 2 million pieces of mail annually through the Postal Service. Last year, they paid the Postal Service well over \$400,000 for these

services. If the Duluth processing center is closed, the Postal Service will no longer be able to guarantee overnight delivery of local newspapers. The Duluth News Tribune is going to have to find a different way to deliver their papers—the daily paper. That will cost both the businesses and the Postal Service a lot of money.

I have heard from hundreds of Minnesotans and met with postal workers, mayors, concerned community members, and business leaders who rely on the Postal Service. What they all agree on is that we need a strong and financially sound Postal Service. They understand that tough choices need to be made and that some cuts are on the way. But not like this, not by closing five of Minnesota's seven processing facilities and forcing the workers to move to the Twin Cities if they want any hope of keeping their jobs, not by closing nearly 3,700 post offices to save less than 1 percent of the budget, not by slowing down mail so much that it will basically render it useless for many businesses.

The Post Office is in the Constitution. It is in the Constitution. It has been around since the beginning of our country. There is a reason for this. For centuries, universal service has been at the heart of the Postal Service's mission. It is the mission that is described in the Constitution. No matter where people live—be it in Minneapolis or International Falls, MN—people count on the Postal Service delivering their mail. The Postal Service gives us a connection to the outside world. Somehow we have lost sight of that.

Senators LIEBERMAN, CARPER, COLLINS, and SCOTT BROWN put forward a bill to reform the Postal Service. I wish to thank them all for their important work moving this bill forward. S. 1789 would refund overpayments the Postal Service has made to the Federal pension program. It will also reduce the requirement that the Postal Service prefund retiree health care benefits. I am very supportive of both of these provisions. It could save the Postal Service over \$15 billion over the next 2 years.

However, I believe the bill can be strengthened to maintain delivery standards and better protect rural post offices. I have been working with a group of my colleagues, including the Presiding Officer, led by Senator SANDERS, to improve the bill. I wish to thank Senators CARPER and LIEBERMAN for working with us.

The managers' amendment addresses some of our concerns. Most importantly, it would require the Postal Service to retain regional overnight delivery standards. This will protect many processing facilities. Importantly for Minnesota, it will likely keep the Duluth processing facility open.

But the substitute still doesn't do enough to protect rural post offices. I have introduced an amendment with my friends and colleagues, Senators

TESTER and LEVIN, that will give communities the opportunity to fight to prevent the closure of their local post offices and processing facilities.

Right now the Postal Regulatory Commission can review post office closure decisions, but it can only issue advisory options. Our amendment would give the commission authority to reverse post office and processing facility closure decisions. That would guarantee that individuals and communities impacted by closures would have real recourse. I urge my Senate colleagues to support our amendment.

We need to make thoughtful changes to S. 1789 and we need to act now. Last December, I joined with a number of my Senate colleagues in pushing the Postmaster General for a 5-month moratorium on postal closures. The moratorium is now running out and the Postal Service is not waiting. It can't. On May 16, the Postal Service will close thousands of post offices and hundreds of processing centers. We need to act now.

Mr. President, I wish to now change the subject to speak about a topic that hits close to home for many Minnesotans.

(The remarks of Senator FRANKEN pertaining to the introduction of S. 2295 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FRANKEN. Mr. President, 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. 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 to speak as in morning business.

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

TRIBUTE TO COACH PAT SUMMITT

Mr. BLUMENTHAL. Mr. President, I noted earlier the very eloquent exchange between the Senator from Tennessee and my colleague from Connecticut, Senator LIEBERMAN, on Pat Summitt's resignation as the coach for women's basketball at the University of Tennessee. I wanted to comment very briefly at the opening of my remarks on Pat Summitt—like Senator LIEBERMAN, a fan of UConn women's basketball team, a rival to the University of Tennessee, deeply entrenched rival, enthusiastic and stalwart rival—in recognition of her enormous contribution to women's sports.

As a coach, leader, and mentor Pat Summitt transformed women's athletics in America fundamentally and forever. Her passion for excellence and her fight for fairness made her a force on and off the court. In a cause larger than herself, she achieved recognition for women's basketball, not just for her

own team, and enriched the lives and careers of countless women.

Although her team was a rival of the University of Connecticut and I rooted against her when she played us, I wish her every good thing in the years ahead and admire her continued courage and fortitude.

NCAA ACADEMIC PROGRESS RATE

Mr. President, I want to speak on another basketball topic, one that is serious to the University of Connecticut and to my State where we have some wonderful student athletes—we do. The University of Connecticut has great student athletes. Connecticut residents have watched with pride as the UConn Huskies, both the women's and men's teams, have brought home numerous basketball championships.

I am a strong believer that success in the classroom must accompany success on the court. I support efforts by universities and the NCAA to develop rigorous academic standards for student athletes. I believe schools failing to meet these standards should be penalized. But I also believe these standards must be applied fairly, not capriciously or arbitrarily.

Regrettably, the NCAA's application of its own rules appears to be arbitrary, unjust, and unfair against the UConn men's basketball program. Last October, the NCAA adopted new standards that determined a school's eligibility based on 2- or 4-year average academic progress rates, so called APRs. These standards set a high bar for performance, but unfortunately they did not provide schools with a phase-in period for the new rules.

Because these standards are based on several years of data, it is possible a school could be retroactively punished for actions that occurred before the rules were implemented. That is exactly what has happened to the UConn men's basketball team. Those players have been told they will not be eligible to compete in the 2013 postseason, including the Big East tournament and March Madness, because of the APR scores from the 2006 to 2010 academic years.

None of the players from those seasons remain on the UConn team now. This severe punishment falls on players who are clear of any substandard academic performance. In fact, UConn's recent student athletes have demonstrated exemplary academic performance. The team's academic progress rate for the 2010 to 2011 academic area was nearly perfect. The team's academic progress rate for the fall 2011 semester was, in fact, perfect.

Instead of commending this improvement, the NCAA is ignoring it. The NCAA is basing its 2013 eligibility decision on data from the 2006 to 2010 academic years. If they had included the scores from the 2010 to 2011 academic years, UConn's average would be high enough to meet the NCAA's new standards.

UConn's administrators, coaches, and student athletes have placed a strong

emphasis on academic performance. The school and students have worked hard to meet these standards and to improve academics. They have demonstrated laudable success. Instead of this progress being acknowledged, it has been ignored by the NCAA, and these student athletes have been harshly punished for their predecessors' actions, not for their own.

I have written—joined by my colleague from Connecticut, Senator LIEBERMAN—to the President of the NCAA, Mark Emmert, raising these objections. We have been joined by other colleagues of the delegation. I ask unanimous consent that letter be printed in the RECORD.

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

DEAR PRESIDENT EMMERT: We write to express our concern with the implementation of the National Collegiate Athletic Association's (NCAA's) new structure for the Academic Progress Rate (APR). As currently implemented, we believe this structure will have unfair negative ramifications for our academic institutions and their students.

As you are aware, last October the NCAA Board of Directors adopted new standards (four year average of 900 or two year average of 930) that institutions must meet in order to qualify and participate in NCAA post-season championship events. These standards were made effective immediately and were to be applied to student-athlete academic performance that had already occurred.

We appreciate and support the NCAA's pursuit of new standards as a means to improve academic achievement. We are dismayed, however, that the NCAA based eligibility for the 2013 NCAA Men's Basketball Tournament on data from the already completed academic years of 2009-10 and 2010-11. As a result, student-athletes and their institutions were given no phase-in period, no opportunity to adjust to the new standards, and no chance to avoid the penalty. We are deeply concerned that with this action the NCAA is ignoring the reality that more current data are now available to determine an institution's most current APR for purposes of determining eligibility for the 2013 Tournament. Using the most current, available data would remedy the existing unfairness.

While we understand and support the goals of ensuring quality educational opportunities for student-athletes and the need for strong sanctions for failure to meet those goals, we have misgivings about the retroactive implementation of the penalty. In particular, the NCAA appears to have imposed an overly harsh and unfair penalty by imposing APR sanctions retroactively for conduct and circumstances that had already occurred. By including previous years in a rolling four year average, it should have been clear at the time of adopting the new standard that some universities would be unable to avoid the new penalties—even if the university had achieved a stellar score in the most current year. Due to this rule's retroactive application, student-athletes, who are not in any manner culpable for the APR performance that is the basis of these new penalties, will be punished.

The uncompromised commitment to the academic success of student-athletes remains the paramount responsibility for any academic institution engaged in intercollegiate athletics. With this obligation in mind, we support necessary and reasonable measures that condition participation in intercollegiate post-season events on a requisite

level of academic progress or achievement by student-athletes. However, and no less critical, the process for developing, adopting and implementing regulatory type measures that will be applicable to all academic institutions must be grounded in fundamental fairness. Only then will the regulatory structure appropriately address the institutional responsibility for academic success without penalizing innocent individual student-athletes.

With the enactment of the new APR penalty structure, however, we believe the NCAA has failed to meet this important standard. The NCAA has the means to address this matter at its upcoming meeting of the Committee on Academic Progress on April 23. We therefore call on the NCAA to review and modify the APR rule this session to remove its retroactive application. Such an approach would be a sensible and fair way to resolve this matter while ensuring tough standards and penalties to ensure future compliance.

Thank you for your consideration of our concerns.

Mr. BLUMENTHAL. This letter expresses our outrage and frustration with this process. It is a process that may be well intentioned. Its goals may be laudable. Raising academic standards must be done, and I support that effort enthusiastically and passionately. But the application of any rule must be fair, and applying them arbitrarily and unjustly undermines the credibility of the cause that is sought.

As we say to President Emmert of the NCAA: The present performance, current data, and facts as they now are on the ground, on the court, in the classroom are the ones that should be operative and determinative. To deny this team an opportunity to demonstrate its excellence on the court as well as in the classroom and punish it for the failures of past teams is simply unfair and arbitrary. I hope its decision will be changed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Connecticut for his words. I stand with him in this cause. You can say this is parochial, but it is obvious that we are all—both of us and most everybody in Connecticut are very proud of our UConn basketball programs, both the men's and the women's. But there by the grace of the NCAA go every one of our colleagues and their teams.

Everybody understands and agrees that there has to be academic standards. As Senator BLUMENTHAL said so well, these standards are being unfairly applied to the University of Connecticut men's basketball program in this case because they have been punished essentially already and they have corrected the shortcomings. They have had what might be described as a perfect record in terms of players achieving academic—the threshold standard.

To keep them out of the NCAA tournament next year is unfair. Frankly, in a direct sense, it hurts the University of Connecticut in terms of the revenues it needs to continue to produce not only good basketball but great aca-

demic offerings. It also deprives basketball fans around the country of a competition with all the best teams in it. And it has, for our program at the University of Connecticut, consequences beyond next year. In my opinion, this is cruel and unusual punishment.

I am very glad to be joining with Senator BLUMENTHAL. He has taken the lead on it, but I stand arm in arm with him and the other members of the Connecticut congressional delegation. We are going to push forward until we get this unjust decision overturned.

I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

(Mr. CASEY assumed the Chair.)

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

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

MATT RUTHERFORD'S SOLO SAIL

Mr. HARKIN. Mr. President, I just had a very wonderful phone call from a young Matt Rutherford, a 31-year-old man. I have spoken about him on the floor on a couple of occasions. He just made it safely home on his boat, the St. Brendan. He just crossed the finish line, coming out of the Atlantic Ocean into the Chesapeake Bay.

For those of you who have not followed this story, about 309 days ago young Matt Rutherford, on a 27-foot sailboat—a 36-year-old sailboat to boot—left the Chesapeake Bay on one of the most audacious adventures ever undertaken. It has never been done before. He sailed his little boat out of the Chesapeake Bay. He sailed it in the Atlantic Ocean, up around Newfoundland, Labrador, by Greenland, and sailed that little boat through the Northwest Passage, from the Atlantic Ocean over to Alaska. He has been certified now as the first person to ever do so solo in a small sailboat.

He sailed around Alaska. He sailed it from Alaska down to Cape Horn. Mind you, he is by himself on a 27-foot boat. He rounded Cape Horn and came up the east coast of South America, sailed up through the Caribbean, and is back, as of just a few hours ago, into the Chesapeake Bay—solo, nonstop, all by himself. He never touched land in all these days. He will set foot on land this Saturday at a homecoming in Annapolis at the National Sailing Hall of Fame dock in Annapolis, this Saturday around noontime. I am sure it will be a big welcome for Matt Rutherford.

To add frosting to the cake of what he did—which, again, is an incredible, incredible adventure—he did it to raise funds for CRAB, Chesapeake Region Accessible Boating, which is an organization that helps people with disabilities, including wounded warriors from our armed services who have service-connected disabilities, to get them out

on boats that will teach them how to sail, to let them know they too can participate in that recreational activity.

So to Matt Rutherford, who has done something that has never been done before, welcome back. I am glad you are safe. I am glad you made it OK.

To those of you who want to catch up on this incredible, incredible journey—I mean, think about Robert Peary going to the North Pole. Think about Roald Amundsen going to the South Pole. Think about Sir Francis Chichester sailing around the world in the Gypsy Moth IV, who, by the way, stopped once, or Joshua Slocum, who was the first person to sail solo around the world. Think about Sir Edmund Hillary climbing Mount Everest. These are the kinds of people whom Matt Rutherford now stands alongside of in sailing solo. You can go to the Web site to catch up on this. It is www.solotheamericas.org. To think about him sailing all the way around by the North Pole, all the way down, almost, to the South Pole, back up to America again—nonstop, never touched land, never stopped, and did it solo in a small 27-foot sailboat—it is one of the great adventures of our time—of any time.

So I am happy he is back and he is safe and will be back on dry land this Saturday.

REBUILD AMERICA ACT

Mr. President, as chair of the Health, Education, Labor, and Pensions Committee, I have come to the floor on a number of occasions over the last year to express my concern about the distressed state of the American middle class. I do so again today in order to share with my colleagues my ideas for how we can rebuild the middle class in America and make our economy work for those who work for a living.

Over the past year, while Washington has been gripped by a fear of budget deficits, I gave speech after speech here on the Senate floor pointing out an even more serious deficit: the deficit of vision in Washington, our failure to confront the current economic crisis with the boldness earlier generations of Americans summoned in times of national challenge.

By this economic crisis, I do not just mean the current economic downturn. Instead, I am referring to the economic crisis that has taken place over the last 30 to 40 years that has resulted in a shrinking middle class, rising inequality in our country, a weakened economy, and a sense that the American dream is slipping away. This is the fundamental challenge—the fundamental challenge—facing our Nation today: rebuilding the American middle class.

Altogether, I now have chaired five HELP Committee hearings on the crisis of the middle class. Last year my State staff visited all 99 counties in Iowa to gain greater insight into the challenges facing working Americans. During these events, I have heard from

a diverse array of Americans, including economists, employers, union members, community college students, and everyday, hard-working, middle-class families. Not surprisingly, we found that more and more people are struggling just to make ends meet. Their jobs are insecure, their savings and pensions have shrunk, and they see an economic system that is rigged in favor of the very rich and the powerful.

At a hearing last June, I invited Amanda Greubel, a social worker in her local Iowa school district, to share her story with the HELP Committee. During her testimony, she defined what it means to be in the middle class in this way:

My husband and I didn't have dreams of great wealth. We never expected to have summer homes or expensive cars or vacations on the Riviera. We chose careers that inspire us, knowing that we would never make six-figure salaries. All we have ever wanted is security and a little comfort . . . to know that our bills are paid, our needs are met, that we can have a getaway every now and then, that our children can pursue higher education without the burden of student-loan debt, and that someday we can retire and enjoy our final years together in the way we choose. . . . When I think back over our adult lives, it strikes me that we did everything we were always told to do in order to have the American dream. . . . We did everything that all the experts said we should do, and yet still we're struggling. When you work as hard as we have and still sometimes scrape for the necessities, it really gets you down.

That was Amanda.

Unfortunately, those of us in Washington have not listened enough to people such as Amanda. People such as Amanda do not feel this way because of factors such as “globalization” or “technology change.” Indeed, harnessing those developments has helped to make the U.S. economy the envy of the world.

Instead, the crisis of the middle class can be traced largely to unwise policy choices made here in Washington. For starters, for the last three decades, too many here in Washington have bought into the failed economic doctrine that says if we give more and more to the very wealthy and to the largest corporations, then prosperity will somehow trickle down to the rest of us. That idea has utterly failed to work for the American people. It is time we get back to policies that are premised on how our economy really works. A strong, vibrant middle class with money in their pockets to spend drives the economy forward because, very simply, businesses will not make things if they do not have any customers.

As Mr. Nick Hanauer, a very successful private sector investor, put it in a recent Business Week column:

Rich business people like me don't create jobs. Middle-class consumers do, and when they thrive, U.S. businesses grow and profit.

So what is the best way forward? Instead of the slash-and-burn approaches of the past year and the failed economic doctrines of the past few dec-

ades, we need a way forward that rebuilds the middle class by reflecting the hopes and the can-do spirit of the American people, people such as Amanda Greubel.

To meet the great challenge of our day, restoring and revitalizing the middle class, after having a number of hearings last year, as I said, and countless visits with people throughout my State, I recently introduced sweeping legislation called the Rebuild America Act. It now has a number, S. 2252. This legislation provides comprehensive solutions to rebuilding the American middle class.

Some will say it is too bold and too ambitious, but I disagree. The sweep of this legislation is commensurate with the extraordinary challenge it addresses. The bill aims to rebuild the middle class in four broad ways: creating jobs, investing in the future, helping families, and bringing balance back into our tax system. Let me touch briefly on those four principles.

One, we need to create jobs for all Americans, including for groups of Americans such as people with disabilities who have been especially hard hit by the recent recession. With the official unemployment rate over 8 percent, and some unofficial measures as high as 17 percent, the middle class will continue to lose ground.

When jobs are scarce, workers do not have the leverage to demand fair treatment, paychecks stop growing, or even fall, and even people who are fortunate enough to have a job become fearful of losing it. People have less discretionary money in their pockets or the confidence to spend it. In the absence of robust consumer demand, businesses choose not to expand or invest.

Secondly, we must invest in our future. Not only will investing in our infrastructure help create badly needed jobs in the short term, these investments will lay the groundwork for sustained economic growth in the long term. So my bill tackles this challenge head on by providing for robust new investments in America's infrastructure, including, of course, time-tested things such as roads and bridges, energy efficiency systems, also rebuilding and modernizing our public schools, rebuilding our manufacturing base in America.

In addition, there is also the investment in the human infrastructure: helping prepare great teachers, providing better pathways to good jobs for workers, job retraining so that the old jobs that are now gone, we can now take those workers and retrain them for the future jobs, to ensure that current and future workers will have the education and skills they need to be successful and to be in the middle class.

Three, we need to do more to help middle-class families succeed. It is time for us in Washington to wake up to the harsh reality that middle-class families have been living in for the last few decades. Unfortunately, the programs and policies that helped create

the middle class have been either intentionally discarded or have fallen victim to neglect.

For example, the real value of the minimum wage has declined for the last four decades, dragging down all workers' paychecks. In 1968, that was the height. That was when someone making the minimum wage had the highest purchasing power ever since we had a minimum wage—1968. Since that time, it has fallen in real terms. If, in fact, the minimum wage had kept pace just with inflation from 1968 to today, the minimum wage would be slightly over \$10.30 an hour. Right now the Federal minimum wage is \$7.25 an hour. So think of it this way: The same class of people that was making the minimum wage in 1968 is basically the same class of people making the minimum wage today: young people, minorities, people in businesses that are just starting, people who are not highly educated, new immigrants to this country, for example. So the same people who are making the minimum wage then are the same kind of class of people making the minimum wage today.

But think about it this way. That same class of people today—today—has 30 percent less buying power than that same class had in 1968—30 percent less. Think about that. That same person making the minimum wage today is making 30 percent less than his or her counterpart in 1968.

So what my bill does is basically over a stage raise that minimum wage and then peg it to inflation in the future so we do not have that erosion again in the future. Also families and workers have seen basic rights, such as the right to organize and to bargain collectively, eroded. It is harder and harder and harder all the time for people to organize and join a union in this country.

The right to overtime pay has been eroded under the Fair Labor Standards Act. So a lot of these things have been eroded by misguided regulations, bad court decisions, and years of lax enforcement.

The fourth part of the bill. It is essential that we put balance back in the economy through a balanced tax system that will help reduce our deficit, get our fiscal house in order over the longer term. To do so, among other provisions, my bill includes a tax on Wall Street trades, often called a financial transaction tax. At just 3 cents per \$100 dollars in trade value, that would raise \$350 billion over 10 years.

Again, you might say, well, is this something now? No. We had a transaction tax, a financial transaction tax, in this country until 1966. Then it was done away with. Well, that is again one of the reasons why we have seen this terrible inequality grow in our society where more and more of our wealth goes to fewer and fewer people.

A small transaction tax would do two things. It would raise money. It would also discourage a lot of the spinning and the churning of transactions on

Wall Street whereby some of these traders make hundreds of thousands of dollars a day, megamillions of dollars a year, but not adding much to our economy at all. So it's a small transaction tax.

In addition, the bill requires high-income taxpayers to pay their fair share. Well, sort of like the Buffett rule that the present occupant of the chair, the distinguished Senator from Rhode Island, championed the other day that we voted on here. It got voted down on party lines. I do not understand this, that we cannot even ask those who have the most in our society to pay their fair share.

Well, just because we lost the vote on the Senate floor the other day does not mean we have to give up on it. I am sure the Senator from Rhode Island, Mr. WHITEHOUSE, is going to continue his efforts, as he always has, to make sure that we have more fairness in our tax system. So that is in our bill also.

Restoring balance and fairness to the Tax Code is critical to the success of our economy and is critical to the rebuilding of the middle class in America. So in sort of broad strokes, that is my Rebuild America Act, S. 2522.

Over the last few years, the American people have heard from too many of us politicians and talking heads that our country is broke, that we can no longer afford the investments that make for a strong middle class. You know, that is sort of the premise of the Ryan budget in the House, cut and slash. The premise is one that has been in favor around this town for far too long. Here is the premise. The premise is that we are broke, the United States of America is broke and we cannot afford to do these things.

This is false. The United States of America remains a wealthy Nation. We are the wealthiest Nation in the history of the world. We have the highest per capita income of any major country. So one might reasonably ask: If we are so rich, how come we are so broke? Think about that. If we are the richest Nation in the history of the world, if we have the highest per capita income of any major country, then why can we not afford to invest in our infrastructure, invest in better teachers, make sure our kids get a good education without a mountain of debt on their heads? Why cannot we invest in making new energy systems that are cleaner and more productive for the future?

We can. We can do these things. The problem is not that we are broke, the problem is that because of actions or inactions by this government over the last 30 years, America's wealth has not been spread among our people in a reasonable way. The wealth has been concentrated in fewer and fewer hands. And the middle class in the meantime has been decimated.

I submit that there can be no sustainable economic recovery to America, no sustained return to fiscal balance, without the recovery of the middle class. That is exactly the aim of the

Rebuild America Act. It is comprehensive. Yes. Ambitious. Of course. But it rises to the challenge of our time.

I urge my colleagues to join me in advancing this legislation and doing all we can to restore the American middle class. It is the fundamental challenge of our time.

I yield the floor 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.

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

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

POSTAL SERVICE REFORM

Mrs. SHAHEEN. Mr. President, the U.S. Postal Service is a fundamental part of our Nation's history and what it means to be an American. In fact, it was actually talked about in our Constitution.

Nationwide, the Postal Service employs 550,000 Americans, and it serves as the linchpin of an industry that contributes over \$1 trillion to our economy. I have heard from a number of businesses in New Hampshire—one being Goss International in a neighboring community, which has been a major competitor in the area of printing presses, and now they are making wind turbines, or parts of wind turbines. They are very concerned, as is a company called Polaris Direct, about what is going to happen to our Postal Service and are we in Congress going to resolve this issue.

In New Hampshire, the Postal Service provides thousands of jobs, as well as a critical economic connection for many of our rural communities, which are not often in some areas of New Hampshire connected to the Internet, so they don't have high-speed broadband, and the Postal Service is their connection with much of the outside commerce and community.

Today, as we know, the Postal Service is facing a fiscal crisis that threatens its future. We should all be concerned about Draconian proposals that seek to slash 220,000 good jobs, close 3,700 post offices, and make mail delivery slower across America. The bill before us today attempts to avoid the worst of these outcomes, and I commend all of the bipartisan managers of the legislation, including Senator LIEBERMAN, Senator COLLINS, and Senator CARPER, for their tireless work to save the U.S. Postal Service.

I was proud to join a group of 28 Senators who pushed for important changes to the bill in an attempt to better protect rural post offices, develop new sources of business, and maintain the reliable and timely service Americans have come to expect. Some of these changes have been incorporated into the legislation, and I think they are an important step toward improving it.

With that said, I think we have more work to do. I know there are a lot of

people in this body who wish to see us debate a number of amendments related to the bill and try to make changes to improve the work already done. Rural communities rely on the Postal Service, and I think Congress and this Senate should improve the legislation to make sure that people have a real voice in the process when their post office is threatened.

If we don't act, the Postal Service could go bankrupt or could be forced to make devastating service cuts. So while this legislation is not perfect, I urge my colleagues to vote for cloture tomorrow so we can consider relevant amendments and make sure this important American institution, the U.S. Post Office, is saved for all Americans who so desperately need the services it provides.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

AFRICA

Mr. ISAKSON. Mr. President, I rise to speak to the Senate, but in a broader sense to the American people and, in particular, to the young people of America. An Internet posting went viral a few weeks ago, by a group called Invisible Children about Joseph Koni in Uganda, the Central African Republic, Congo, and the South Sudan.

As a member of the Africa Subcommittee of the Foreign Relations Committee and one who travels to Africa quite frequently, I have just returned from a trip to meet, in part, with our special forces and U.S. advisers who have been deployed in those countries to help assist in the search for Joseph Koni.

I wish to share with the Senate the information about what America is doing, what Joseph Koni has done, and how important our commitment is to Central Africa and to see to it that this evil man is brought to justice. Joseph Koni is under indictment by the International Criminal Court today, but for 26 years he has roamed Central Africa with his Lord's Resistance Army, killing, raping, and maiming the African people. By some estimates, Joseph Koni has abducted 66,000 children into his army and young women as sex slaves. He has displaced over 2 million Africans into camps, and they have had to be displaced because their villages were destroyed and their families disrupted. He has killed untold tens of thousands of people. He is by any stretch of the imagination an evil person. Invisible Children's posting, which went viral on the Internet, has caught the attention of America's youth, because they see the damage that has been done to the youth of Africa, and they want to know what America is doing.

I am proud to include in my remarks what America is doing, and has been

doing even before the posting went viral on the Internet and most people didn't know who Joseph Koni was. Our President deployed 100 special advisers to the Central African Republic, in the Sudan and Uganda, about 2 months before this posting went viral. I met with them in a private, secured briefing, a lot of which I cannot talk about but a lot of which I can.

Because of U.S. technology, U.S. resources, and the commitment of these individuals, we are assisting to a much higher level in the intelligence that we are gaining on Joseph Koni. A lot of people think Koni is in Uganda. He isn't there and hasn't been there for 5 or 6 years. He is somewhere near the Central African Republic, where it is extremely easy to hide. We thought Vietnam had jungles. You haven't seen foliage until you've seen the Central African Republic, the Sudan, and the Congo. There is no electricity, no roads, no paths, and no listening devices. Intelligence is all human intelligence. We are fortunate to have great intelligence operatives over there and great resources there, and we are gaining more and more information.

I commend our forces also in what they have done in an amnesty program. They dropped leaflets in villages that are known to house some of Koni's workers and cronies. They drop leaflets that offer amnesty for anybody who leaves Koni, comes back to their village, and gives information to our forces, the Ugandan Army, and the African Union Army as to where Joseph Koni might be. We are getting closer all the time. We are not there yet, but thanks to the assistance of our foreign-deployed individuals, the commitment of our country, the commitment of Uganda, the Democratic Republic of the Congo, the Central African Republic, and the new country of South Sudan, we are going to close that noose and stay until the job is finished, because Joseph Koni needs to be brought to justice. He is an evil man who has killed and raped far too many people and maimed far too many people, and Africa is too good a friend of the United States for us not to offer the necessary assistance.

My message to the American people and our youth is we are doing our job. Joseph Koni hasn't been caught, but we are in pursuit. I commend Senator KERRY, the chairman of the Foreign Relations Committee; Senator COONS, chairman of the Africa Subcommittee; and Senator LUGAR and myself have joined together to support legislation that will be introduced in the Senate to include Joseph Koni, or information leading to the arrest and conviction of Joseph Koni, in our rewards program that we offer mostly now for terrorist capture. That will be an incentive for more information to be brought forward so that the noose will grow tighter.

It is time for Joseph Koni to be brought to justice, and the United States is making every effort to assist in that process in Central Africa.

My other reason for going to Central Africa is equally important. I was accompanied by members of CARE. CARE is a tremendous nongovernmental organization that delivers humanitarian aid, assistance, education, knowledge, and technical assistance to countries around the world and, in particular, in the nation of Africa. It was the second time I traveled with CARE; the first time was 10 years ago to Ethiopia, where I saw CARE's outreach in terms of basic education and improvement and enhancement of educating young Muslim women.

On this trip, I got to see what they are doing firsthand in the city of Gulu on the border with the Congo and Northern Uganda—an area that 5 or 6 years ago, because of Joseph Koni, had been destroyed, people were displaced, everybody was in hunger, and there was a lot of violence. It is now a beautiful village. Granted, it is not a village such as you and I might know, Mr. President—thatched huts with thatched roofs, mud huts with thatched roofs, small enclaves of African citizens eking out an existence in a very difficult part of the world.

Because of what they are doing in their project, known as the village savings and loan, they are bringing about microeconomics in Africa, and they are empowering women. The village savings and loan program is a very simple program that teaches basic economics and capitalism to these villages. Groups form together, they are given a strongbox, literally like the ones that used to be on the stagecoach in the old "Lone Ranger" days. In that box, each of the women will make contributions of the money that they have into the strongbox, and they get a passbook savings account just like the occupant of the chair and I used to get when we were in elementary school a long time ago. Then they make loans out of that money they save to other people in the village to start businesses, whether it is making beads, using the shea tree to make shea butter, or doing boutique cloth, or whatever it may be. As those industries develop, those cottage industries develop, the money they make goes back into the savings and loan to be reinvested in other plans.

We met a young lady who was making beads, and I bought about 12 strands. My wife and grandkids love them. She makes beads for a German distributor in Europe. It is unbelievable what you can see being developed because of what CARE is doing. They are empowering African women and families and are bringing about the principles of economics that you and I enjoy and appreciate, and they are uplifting people who need that with empowerment, so they can be sufficient on their own, so they can rise up economically and educationally.

I also visited with the CDC folks delivering PEPFAR and health care and better awareness and better testing to identify those with AIDS, to get our retrovirals distributed to those mothers who are pregnant, so their babies

can be born without AIDS and live a happy life. One of our great challenges now in Africa—it used to be that the challenge was what we did with all the children who died because they were born to a mother with AIDS. Now we see what we can do to keep them through their life because they live a normal and happy life. And their mother, although infected with AIDS, because of the U.S. technology and retrovirals, and the CDC is providing them with a lifetime of drugs and an opportunity to live as normal and productive a life as possible.

It was great to go with CARE and to see U.S. tax dollars deployed and helping uplift the nation, uplift the people, help solve the greatest scourge on the continent, which is AIDS and its spread, and help people to be able to reinvest in themselves. CARE is a great nongovernmental entity that happens to be housed in Georgia, which is helping all over the continent of Africa, and they are empowering women and African citizens, and they are making their plight in life better, and they are reducing the amount of Federal assistance we will provide in the years to come because they will be more productive, which is the payback you want to see from foreign assistance dollars when they are invested.

As far as Joseph Koni is concerned, America knows he is a bad man, that he is indicted by the International Criminal Court, and America is making the investment of intelligence and manpower to assist the Central African Republic, Uganda, the Congo, and the South Sudan to pursue him until he is captured. He needs to be brought to justice for the evil and terror he has contributed to the continent of Africa.

I was proud to go and see America's investment of our best, our men and women in harm's way in Africa who are looking for him and providing the assistance necessary to bring him to justice.

With that said, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I thank the Senator from Georgia. I so appreciate Senator ISAKSON's comments about Africa. He is lucky enough to represent the CDC, which is one of the greatest organizations in human history, which has made such a difference in health care for low-income people in this country and around the world and, frankly, not just low-income people but what we call the public health of this country. Few achievements are greater than the achievements of public health, whether it is eradicating smallpox internationally—we are both old enough—the Presiding Officer may not be—to remember kids that we knew from grade school who were afflicted with polio and the fear of every parent that their child might get that, and the CDC and the public health system in this country removed that threat with vaccines and all that.

THE EXPORT-IMPORT BANK

Mr. President, I rise briefly for 4 or 5 minutes to talk about one way that companies in my State grow and create jobs, and that is by selling their products around the world. President Obama set a goal to double exports from the United States in the next 5 years. I am part of the President's advisory council. There is a handful of Senators and a few Members of the House of Representatives who are part of this advisory committee, along with many business leaders in the country, CEOs of large companies, presidents and CEOs of small companies, small businesses, too, to advise the President.

Earlier today, I joined with Fred Hochberg, president of the Export-Import Bank of the United States, and Eric Burkland, president of the Ohio Manufacturing Association in Columbus, to discuss the need to reauthorize the Export-Import Bank.

Ohio has had quicker increases in job growth than other States. We are coming back; our unemployment rate is now lower than the national average, but it is still far too high. Too many Ohioans want to work and cannot find jobs. Some have jobs but are not working full time or their pay has been cut or is stagnant. Manufacturing is gaining nationally, adding 470,000 jobs since January 2010. To put that into historical perspective, for 12 years, from 1997 to 2010—12-plus years—we saw a manufacturing job loss in this country every single year from the year before, with fewer factories, fewer workers, and less manufacturing. But since early 2010, we have seen almost every single month, in Ohio and across the country, job growth in manufacturing. It is still not enough. It is positive, but we are not out of the woods yet. I fear we take a step back if Congress fails to reauthorize the Export-Import Bank.

We know that Ohio manufacturers and small businesses can compete with anyone in the world, from Zanesville to Springfield, to Ashtabula, to Toledo; American manufacturers can compete with anybody in the world if there is a level playing field.

We know how to make things in Ohio. When we stamp “made in Ohio” on a product, we know it was made with pride and by some of the most efficient, progressive companies in the world, and some of the best workers in the world.

Exporting is tough, especially for small businesses. Fewer than 1 percent of the Nation's nearly 26 million small businesses export their products. Very few small businesses are able to export for a whole host of reasons.

I hear from small business owners who want to expand and who want to get access to foreign markets, but they can't secure private financing due to the credit risks associated with some overseas investments. One of the most important resources to help small businesses and midsize manufacturers to boost their exports is the Export-Import Bank.

Ex-Im's mission is simple: It facilitates exports and contributes to job creation in the United States. It does it through loans, through guarantees, through insurance. It fills in gaps through trade financing at no cost to taxpayers. The market sometimes doesn't deliver in these situations. The Ex-Im Bank can fill in some gaps and help companies that have the ability to grow and export to actually do that.

The Ex-Im Bank generates revenue to the U.S. Treasury. Yet despite this record of success in exports, jobs are at stake because Congress cannot agree to the Ex-Im reauthorization. The Ex-Im Bank's lending authority expires May 31. We know companies that export products create jobs, pay higher wages, and are more likely to remain in business. Export-supported jobs linked to manufacturing already account for an estimated 7 percent. One out of fourteen of Ohio's total private sector jobs, 1 out of 14 Ohio workers are linked to export. More than one-fourth of manufacturing workers in Ohio depend on exports for their jobs—the eighth highest among the 50 States.

We need to do a better job in ensuring that America's small businesses have access to that global market. The Ex-Im Bank helps. It provides credit that otherwise wouldn't be available to turn export opportunities for businesses into increased jobs, higher wages, and increased sales.

In 2011, the bank worked with almost 100 Ohio businesses to support more than \$400 million in export sales. According to the National Association of Manufacturers, Ex-Im supports 290,000 export-related jobs. More than 8 percent of Ex-Im's transactions supported small businesses last year.

Renewing the bank's charter should be a cause all Senators support, just like the 25 times the Senate has overwhelmingly reauthorized the agency since its establishment in 1934. Think about that. Since 1934, time after time after time, this body has unanimously or overwhelmingly reauthorized—kept going—the Export-Import Bank—but not today, for whatever reason. Perhaps it is the same reason as when the Presiding Officer's Buffett rule was on the floor of the Senate this week that a number of Senators said no to moving forward. I don't know if it is because the Republican leader has said he wants President Obama to fail or if it is just this rigid philosophy that there is no positive role for government.

Whether it is the highway bill, the Buffett rule or the Ex-Im Bank, we know at least that the Ex-Im Bank works, and it is strongly supported by the chamber of commerce, the National Association of Manufacturers, and the machinists who testified in our Banking Committee this week. It is supported by all kinds of people who want to see this economy grow. Unfortunately, a number of my colleagues, for whatever reason, don't want to move forward.

This is a matter of American jobs. It is a matter of competitiveness. We had

a trade deficit with China of \$295 billion in 2011, meaning every day we buy about \$800 million more in goods from China than we sell to China. The first President Bush, some years ago, said that \$1 billion in exports or imports could translate into 13,000 jobs. When we have a \$295 billion deficit, with one country alone last year, one can see the kind of job loss it means. We know China's Export-Import and development banks provide as much as \$100 billion in export credits each year. That is three times as many new export credits as the U.S. Export-Import Bank does.

So we know, even with reauthorization, that China still does way more of this than the United States. Yet we are unilaterally disarming if we allow this May 31 date to come and go and the Ex-Im Bank reauthorization expires. It makes no sense for our manufacturers, for our big and small companies, and it makes no sense for our workers and our communities that will all be hurt if we don't do that.

It is time to end the delay. It is time to reauthorize the Export-Import Bank.

I yield the floor, and 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. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SURFACE TRANSPORTATION ACT

Mr. WHITEHOUSE. First, I want to thank my colleague, Senator CARDIN, and just recently Senator BROWN of Ohio, for referencing the highway bill.

The state of play on that at this point is that the House has just passed another extension. We passed an extension back at the end of March that extended the existing highway program to the end of June. What that bill did is cause significant job loss because not knowing for sure what the highway plan will be means that jobs will fall off the list of the departments of transportation around the country. So a further extension to September—which just passed the House 1 hour ago—just makes the situation even worse.

The solution to that problem is to make sure the House and the Senate appoint their conferees so we can get to conference quickly on that bill and get out a lasting authorization.

So I want to again thank Senator CARDIN for spending some time on the floor this afternoon on that subject. We will keep the pressure on until we actually have a highway authorization as we go through these different procedural hurdles.

CLIMATE CHANGE

I came to speak on the floor about an issue that many in Washington would prefer to ignore; that is, climate changes that are being caused by our

carbon pollution. Nature keeps sending us messages about what is happening out there, and in Washington we continue to ignore those messages. But they keep on coming.

Every week for the past 15 months I have distributed in our caucus, as the Presiding Officer knows, a quick thumbnail summary of the week's Climate News.

The stories from this week include that "Temperature Variations"—which relate to the extra energy put into the climate by the warming weather—"Could Lower Life Expectancies of the Chronically Ill." That is one story.

Another is a new report from the NOAA that "Coral Risks Extinction Due to Climate Change." More than 50 coral species in U.S. waters are likely to go extinct by the end of the century, and the experts cited human-driven releases of carbon dioxide as a key driver of the ocean's warming and acidification that is causing these extinctions.

A third is, "Tree Diseases Likely to Spread as Temperatures Rise." According to a new report by the U.S. Forest Service, forest diseases are expected to spread more quickly in the western U.S. as climate change warms the region's forests.

The fourth is a recent study published in the journal *Nature*, which finds that rising carbon dioxide levels drove temperature increases at the end of the last Ice Age. At the end of the last Ice Age, atmospheric CO₂ concentrations rose 80 parts per million. Over the past 100 years, CO₂ concentrations have risen roughly 100 parts per million. So the effects are linked very closely to climate.

Other news, as reported in the *Providence Journal* on March 30, said: The winter's warm air temperatures have helped drive up water temperatures in the Gulf of Maine, in line with a continuing trend, and the warm waters could result in lobsters molting their shells earlier than usual and ocean algae blooming ahead of schedule.

Jeffrey Runge, a biological oceanographer at the University of Maine and a researcher at the Gulf of Maine Research Institute in Portland, told the paper that the Gulf of Maine water temperatures have been rising gradually since at least the 1870s, but the increase has been pronounced in the last decade or so.

Moving from the North to the South, we have Professor Emeritus Orrin H. Pilkey, a professor of geology at Duke University, who wrote in the *Charlotte Observer* on March 25 that new peer-reviewed research demonstrates that sea level rise and storm-surge elevations could be greater along much of the U.S. coastline than has been predicted. His opinion piece went on to say that North Carolina, Washington, California, Louisiana, Florida, and Maine have convened sea level rise panels that estimate a sea level rise of 3 to 5 feet by the year 2100.

A new study has come out from the Center for Biological Diversity con-

firmed the link between massive oyster die-offs in the Pacific Northwest and ocean acidification caused by carbon dioxide emissions. The release reports that each day the oceans absorb 22 million tons of carbon dioxide pollution from cars and industry, setting off an unprecedented chemical reaction that since the Industrial Revolution has made the world's oceans 30 percent more acidic.

Just this morning in the Senate, Senators BINGAMAN and MURKOWSKI held a bipartisan hearing on the devastating effects of sea level rise on coastal communities. So it is good that some leaders on both sides of the aisle are starting to talk about the terrible consequences of climate change.

However, the special interests who control so much of what goes on around here and who deny that carbon pollution causes global temperatures to increase and deny that melting ice caps will raise our seas to dangerous levels still have a stronghold. Dr. Pilkey, writing in the *Charlotte Observer*, warned that the deniers' influence is, tragically, starting to influence local planning decisions, despite what he calls "new studies that predict higher than previously predicted sea level rise and storm-surge levels in coming decades." He concludes:

Preservation of the status quo (including real estate prices) may prevail on our coasts, but in a democratic society such as ours, the state has no right to shield citizens from unpleasant environmental realities.

In the face of so much evidence constantly, daily, of a changing climate, we have special interests working overtime in Washington to propagate a myth. This myth is that the jury is still out on climate change caused by carbon pollution. So with the jury still out, we don't need to worry about it or even take precautions.

This is simply outright false. Virtually all of our most prestigious scientific and academic institutions have stated that climate change is happening and that human activities are the driving cause of this change.

On October 21, 2009, I think all of us in the Senate received a letter from virtually every leading scientific organization in the country, stating:

Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver. These conclusions are based on multiple independent lines of evidence, and contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

Contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

So the American Association for the Advancement of Science, the Chemical Society, Geophysical Union, Institute of Biological Sciences, Meteorological Society, Society of Agronomy, Society of Plant Biologists, Botanical Society, and on and on it goes of the scientific community signed up for this.

It is, of course, not just the scientific community that knows that the jury is not in fact still out; that knows that in fact the verdict is in and that it is time to act. The insurance industry is alarmed about our inaction and has started to take action, holding a press conference with myself and Senator SANDERS not too long ago.

Marsh & McLennan, one of the largest insurance brokers in the world, called climate change “one of the most significant emerging risks facing the world today.” The insurance giant AIG has established an Office of Environment and Climate Change to assess the risks to insurers in the years ahead.

It is not just the insurance industry. It is our intelligence community, it is our military services, many of our electric utilities, some of our biggest capitalists and investors all recognize that the jury is not still out; that in fact a verdict is in, and we should act.

Unfortunately, Governor Romney once wrote:

I believe that climate change is occurring. I also believe that human activity is a contributing factor.

Under the pressure of the Republican primary, he has changed his views and now claims: “We don’t know what’s causing climate change on this planet.”

Well, that runs contrary to the evidence. More than 97 percent of the climate scientists most actively involved in publishing on this issue accept that the verdict is actually in on carbon pollution causing climate change and oceanic changes—97 percent. Think of that in terms of your own life if you were relying on expert opinion.

If you had a child who was sick and you went to a doctor and they said: She is pretty sick and she needs treatment, you thought: Well, let’s be prudent and let’s get a second opinion. So on you went and got a third opinion and a fourth opinion. Let’s say you were just a wildly determined parent, and you went and got 99 more second opinions so that you had 100 opinions of doctors, and 97 of those 100 doctors said: Yes, your child is ill and you need to do something about this.

How foolish would you be if you did not pay attention to the 97 percent and you allowed the 3 percent to sway your judgment and not take action to protect your child. Well, it looks as if Governor Romney is with the 1 percent when it comes to the economy for the middle class, and he is with the 3 percent when it comes to the science of carbon pollution.

This is not very debatable stuff. The basic principle that carbon dioxide traps heat in the atmosphere and traps more of it as its concentration increases was determined in 1863, at the time of the American Civil War. There is nothing new about this.

In the early 1900s it became clear that changes in the amount of carbon dioxide in the atmosphere could account for significant increases and decreases in the Earth’s annual average

temperatures, and that carbon dioxide released from what we call anthropogenic sources, manmade sources—primarily then the burning of coal—would contribute to these changes. This is well-established stuff, and the effects are measurable.

Over the last 800,000 years, until very recently, the atmosphere stayed within a bandwidth of 170 to 300 parts per million of carbon dioxide, 170 to 300 parts per million. That is the bandwidth, and that is a measurement. That is not a theory. We know that. We can find ancient bubbles in ancient ice and measure, and there are different ways that scientists do this, but it is measurement.

Since the Industrial Revolution, we have burned carbon-rich fuels, also in a measurable way. Now we know we burn up to 7 to 8 gigatons a year. That is the release. A gigaton, by the way, is a billion with a “b” metric tons. When you release that enormous amount of carbon into the atmosphere, it is predictable that it would have a result, and, indeed, it is having a result. We now measure carbon concentrations climbing in the Earth’s atmosphere—again, a measurement, not a theory. The present concentration exceeds 390 parts per million. For 8,000 centuries we were in a bandwidth of between 170 and 300, and in recent years we have veered out that bandwidth. We are at 390 parts per million and climbing.

The increase has a trajectory—there is nothing very new about plotting trajectories either. Children do that in school, soldiers do that in the field, corporations do that to plan their businesses, and scientists do that. We do that every day. If you follow the trajectory of our carbon pollution, it predicts 668 parts per million at the end of this century and 1,097 parts per million at the end of the next century. Those carbon concentrations are not just outside the bounds of 8,000 centuries but of millions of years.

It is coming home to roost particularly in our oceans, which is a matter of real concern to me as a Senator from the Ocean State. In April of last year, a group of scientific experts came together at the University of Oxford to discuss the current state of our oceans. Their workshop report stated:

Human actions have resulted in warming and acidification of the oceans and are now causing increased hypoxia.

That is when there is not enough oxygen in the water to sustain life.

Studies of the Earth’s past indicate that these are the three symptoms . . . associated with each of the previous 5 mass extinctions on Earth.

We experienced two mass ocean extinctions, 55 and 251 million years ago. Last year at Brown University in Providence, RI, paleobiologist Jessica Whiteside published a study demonstrating that after the earlier extinction 251 million years ago, it took 8 million years for plant and animal diversity to return to preextinction levels. We also know that in the lead-up

to those extinctions, scientists have estimated that the Earth was emitting carbon into the atmosphere at the rate in the first one of 2.2 gigatons and 1 to 2 gigatons per year, respectively. You recall we are currently releasing at the rate of 7 to 8 gigatons per year.

We are taking some very dangerous chances with our planet. We have very solid information that is the product of measurement and not theory about the changes that are already underway. It is a continuing disgrace that in this building and in this Chamber, we are unable to do anything about this issue because of the continuing power of a small group of special interests who are controlling the debate, who are interfering with progress, and who are putting us all at risk.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORAN. 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. MORAN. I ask unanimous consent that I be allowed to address the Senate as in morning business.

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

POSTAL SERVICE REFORM

Mr. MORAN. Mr. President, I am here this evening to express concern about the developments of the day in which I thought we were going to be addressing the issue of postal reform with the goal of making certain that this Senate, this Congress makes decisions in short order that would preserve the financial viability, the future of postal delivery and the Postal Service of the United States. I am concerned now because apparently the process has been put in place by which virtually no amendment can be offered to the 21st Century Postal Service Act of 2011.

On two occasions I voted to proceed to this piece of legislation. It is an important one, in my view. The idea of reforming and improving the opportunity for the financial viability of the Postal Service is important to the country. It matters to the Nation. We have an obligation under the U.S. Constitution to provide postal service. It matters in the sense that there are many items that are transported in commerce on an ongoing daily basis in which the Postal Service is the method by which that transportation occurs, by which we certainly deliver mail and packages. Shipping occurs in the United States as a result of the viability of the U.S. Postal Service. It is important, in my view, especially to me as a Kansan.

One of the things that is pending in the absence of reform, improvements, and financial stability in the Postal Service is the potential demise of many rural post offices across Kansas and around the country. In my view,

and I have expressed this to the Postmaster General, the U.S. Postal Service on many occasions has made a decision that I think, while it may save a few dollars, reduces the service the Postal Service provides and ultimately hastens the day in which the Postal Service has even more challenges remaining viable. One of those was the decision by the Postal Service to close many rural post offices across the country, 130-plus in Kansas.

We have had attendance at more than 90 of the community meetings that revolve around the potential closing of a post office. I have expressed great concern in the committee. I serve on the Committee on Homeland Security, in which this bill originates. During that markup and debate, I expressed concern then and expressed concern on several occasions to the Postmaster General that there is no basis for making an intelligent decision about which post office should or should not be closed. In fact, when citizens across Kansas and across the country attend one of these community meetings, their question to the representative of the Postal Service is, What can our community do? What can I do to make certain our post office remains open and we have the opportunity to receive and have mail delivered from here at the U.S. post office in our community?

In working with the committee, provisions were added to the 21st Century Postal Service Act that create criteria by which these decisions would be made and the community has an opportunity to appeal should the decision be adverse and those criteria not met.

In my view, the Senate should not delay any longer addressing the issue of what we do to make certain the Postal Service is and remains viable today and in the future. It matters, as I say, for a series of reasons but certainly to me as a Kansan who is concerned about what happens to the community, its senior citizens, if there is no longer postal service provided.

I know there are some in the Senate and in the House of Representatives and across the country who want to make certain the Postal Service is operated as a business. I certainly support that concept and believe we ought to do what is necessary to improve the business environment by which the Postal Service conducts its business. There is a long list of those. Some of them are addressed in the legislation that I hope remains pending here in the Senate.

But there is another reason in addition to the need to provide service to Americans that we need to address this issue. I want to make certain the decisions we make today eliminate the need that there ever would be a call upon the taxpayers of the United States to provide taxpayer dollars to support the Postal Service.

I am here this evening to encourage my colleagues but particularly the majority leader to work to find an agree-

ment by which amendments can be offered to this bill so that we do not lose the opportunity we have this week and next to address this issue of making certain we make changes to the Postal Service that allow it to be successful.

I am concerned that, as I understand it, there is no agreement yet that would allow Members of the Senate to offer amendments to this legislation. While the provisions of this bill are important to me and important to Kansans, I also recognize the importance to every Member of the Senate to be able to offer legislation, to have debate, to make certain that our rights are protected. I know that particularly in a sense as a member of the minority, as a Republican in the Senate, but I know that even more as a member of a minority called rural America. I do not want to lose the opportunity in the Senate for me to be able to speak on issues that are important to my constituents and to be able to offer amendments to legislation that is important to a minority of Americans called rural America.

What I am troubled by and what I want to see addressed is the legislation that is pending. I do not want it to disappear because there is no agreement for Members of the Senate, all 100 of us, majority and minority, to offer amendments. So I am asking the majority leader to work with Senators to make certain their amendments are available for consideration in this legislation. Don't put me and other Senators, who care about this legislation, in the position of not being able to support moving forward because the rights of some Senators have been violated in their ability to offer amendments to this piece of legislation.

Again, this matters. The Postal Service desperately needs our attention. The American people who are served by the Postal Service desperately need our attention. We need to set the stage today in which the taxpayers of the United States are protected from any future calls for support for the U.S. Postal Service. We need to make certain in that process, as we pursue this legislation, that the ability of those who live in rural communities, where it is very difficult for the Postal Service to be financially viable, to have access to the Postal Service is not trampled on by the desire to see that only those post offices that are financially viable individually are the ones that remain. In fact, I remind my colleagues that the Postal Rate Service Commission in their study said we could close 3,700 post offices in the United States and save less than .7 percent of the money necessary to put the Postal Service back on a financially sound basis.

This legislation is important. The concepts that are contained in it matter to me as a Member of the Senate who represents a very rural State, Kansas. But I also know how important it is to make sure we do not lose our ability to offer amendments on this legislation or legislation in the future.

Please, Mr. Majority Leader and other Senators, please come together to make certain those rights are protected so this legislation can be fully considered by the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

MORNING BUSINESS

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

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

TRIBUTE TO JUDGE G. WIX UNTHANK

Mr. MCCONNELL. Madam President, I rise today in honor of a man who has made a great contribution to our Nation's judiciary system and to his native Commonwealth of Kentucky. The man of whom I speak has valiantly served in the line of duty and justly served in almost every level of our Nation's court system. He is a pioneer in the legal discipline, a patriot through and through, and a dear friend: the Honorable Judge G. Wix Unthank of Harlan County, KY.

Judge Unthank has announced his retirement and will soon bang the gavel for the last time on June 1 of this year, ending a six-decade-long legacy in the legal field. Although his official day-to-day job may be coming to an end, his public service is most likely far from over. Judging by the colorful life he has led thus far, I trust that his passion for the law and the legal system will lead him back inside the familiar walls of the courthouse for many years to come.

The Honorable Judge Unthank is a solid testimony to the attainment of the American dream. G. Wix Unthank proved that with hard work and ambition you can accomplish truly anything. He was born in the small Harlan County, KY, town of Tway in 1923. His father, Green W. Unthank, and mother, Estelle Howard Unthank, were both teachers in the Harlan County school system. Between the two of them, they spent 68 years in the classroom inspiring young men and women to achieve great things. The emphasis placed on education in the Unthank household rubbed off on young Wix, and he graduated from Loyall High School in Harlan County with the class of 1940. That same year he enlisted in the U.S. Army and proudly served in World War II.

Not even having been on this Earth for two decades, the young Mr.

Unthank displayed courage, bravery, and patriotism well beyond his age. While in the service, he was a member of the 509th Paratrooper Battalion. During their training, the unit practiced jumping out of airplanes that flew at heights of 250 to 300 feet. Squad sergeant Ernie Komula of Wix's battalion will never forget how surprised his men were when the planes wouldn't go lower than 2,000 feet once behind enemy lines. Despite the unfamiliar new height, Unthank and the rest of the men didn't think twice about jumping out of that plane and fighting for their beloved country.

After completing a 5-year stint in the Army, in which he received both a Bronze Star and a Purple Heart, he was honorably discharged in 1945. He attended the University of Kentucky for his undergraduate schooling. Then he went on to the University of Miami, where he obtained a J.D. in 1950. Once he had acquired the knowledge his parents had always hoped he would, Wix entered public service in what would turn out to be a prosperous and fulfilling professional life.

Judge Unthank worked as a practicing attorney in Harlan County for a short time before running for the public office of county judge. Throughout his political career, Judge Unthank used the slogan "You'll never be Unthankful with Unthank," and obviously the people never were because he never lost an election.

In the summer of 1980, President Jimmy Carter appointed G. Wix Unthank to the U.S. district court to serve as the presiding judge of the Eastern District of Kentucky. Eight years after his appointment, he assumed the honorable title of senior judge on the U.S. district court.

After many years of successfully running the courts in the Eastern District, Judge Unthank was honored with a portrait unveiling ceremony in Lexington, KY, in 1991 and Pikeville, KY, in 1992. At the ceremonies the judge was honored by his colleagues, family, and friends for the many achievements he had been blessed with throughout his lifetime up until that point. His portrait was hung in the courtrooms of both Lexington and Pikeville, which Judge Eugene E. Siler, Jr., who led the ceremonies, said that he believed were among the best courtrooms in the United States.

Judge Unthank was known for running a top-notch court system. He promoted collegiality amongst the judges and employees of the Eastern District. Under the leadership of Judge Unthank, they were more than just colleagues, they were a family. They enjoyed working together and seeing that the law was carried out equally and justly with each and every case.

Despite the judge's high-ranking senior status, he never shied away from work. He had an unheard-of workload for a senior judge. Day in and day out, he worked through social security cases, bankruptcy appeals, and retire-

ment disputes with hard work and dedication.

The words carved into the front of the Supreme Court Building in our Nation's Capital read "Equal Justice Under Law." That is a standard that we as a country hold up highly and a motto that those in the legal profession look to for guidance in every decision they make. Wix Unthank was no exception to this rule. He understands the importance of equal justice, and he demonstrated an unbelievable amount of integrity both in and out of the courtroom.

As I have said many times before, I am not in the business of speculation, so I would not testify to the character of Judge G. Wix Unthank if I was at all unsure of it. Therefore, with the utmost certainty, it is my pleasure today to stand and honor the Honorable Judge G. Wix Unthank for his tremendous contribution to his profession, his community, the Commonwealth of Kentucky, and the United States of America, and I ask my Senate colleagues to join me in paying tribute to a brave veteran, a wise jurist, and a confirmed patriot of our great Nation.

CONGRATULATING STEPHANIE THACKER

Mr. MANCHIN. Madam President, today I wish to congratulate Stephanie Dawn Thacker, a native of Hamlin, WV, on her confirmation to the 4th Circuit Court of Appeals.

It is my privilege and my honor to speak on her behalf, and I am so proud she was confirmed. I would like to thank my colleague Senator JAY ROCKEFELLER for nominating such a qualified jurist.

Stephanie Thacker's impressive background and extensive list of accomplishments in both the public and private sectors make her an exceptional judge for the 4th Circuit. She is renowned in our State for her mastery of the law and of the courtroom, and I have no doubt that she will make a highly successful Federal judge.

Ms. Thacker has dedicated much of her career to fighting some of the worst offenses in our society. As a trial attorney, Deputy Chief of Litigation, and Principal Deputy Chief, she spent several years prosecuting cases on Child Exploitation and Obscenity at the Department of Justice. Her outstanding work and leadership earned her a number of honors at the Department of Justice, including four "Meritorious" Awards and two "Special Achievement" awards.

Her impressive performance in prosecuting the case of United States v. Dwight York earned her the Attorney General's "Distinguished Service" award, one of the Department's highest honors. She was also a recipient of the Assistant Attorney General's award for "Special Initiative" and "Outstanding Victim and Witness Service."

Prior to her service at the Department of Justice, Ms. Thacker worked

with the U.S. Attorney's Office for the Southern District of West Virginia, where she prosecuted a wide variety of criminal cases, including money laundering and fraud. While at the U.S. Attorney's Office, Ms. Thacker participated on the trial team prosecuting United States v. Bailey, the first case ever brought under the Violence Against Women Act.

Since 2006, Ms. Thacker has been a partner at the law firm of Guthrie & Thomas in Charleston, West Virginia. There, she has concentrated on cases involving product liability, environmental and toxic torts, complex commercial defense, and criminal defense.

Ms. Thacker was a model student in both her undergraduate and legal studies. She earned her Bachelor's degree in Business Administration, magna cum laude, from Marshall University, and her J.D., Order of the Coif, from West Virginia University College of Law. While at West Virginia University she was a recipient of the Robert L. Griffin Memorial Scholarship and Editor of West Virginia Law Review's Coal Issue. She has also recently been named "Outstanding Female Attorney" by WVU Law's Women's Caucus.

Ms. Thacker's wide-ranging expertise in civil and criminal matters, her impressive track record in the courtroom as both a prosecutor and a defense attorney, and her outstanding academic accomplishments will make her a first-rate addition to the 4th Circuit. I am proud to call her a fellow West Virginian and I am pleased that she has finally been confirmed.

ADDITIONAL STATEMENTS

TRIBUTE TO KIKKAN RANDALL

• Mr. BEGICH. Madam President, I wish to recognize Kikkan Randall, an Olympic athlete and World Champion Nordic skier from Anchorage, AK. On March 18, 2012, Kikkan was awarded the Joska crystal globe as the Cross Country World Cup sprint champion, recognizing her as the world's top sprint ski racer. She clinched the sprint title in Drammen, Norway, despite breaking a binding and skiing on one ski for part of the race. Nevertheless, Kikkan secured the sprint title with a World Cup record that included four podium finishes. This victory makes Kikkan the first American to win a World Cup Nordic skiing title since Bill Koch in 1982.

Kikkan made her Olympic debut in the 2002 Winter Olympics in Salt Lake City. Since then, she has represented the United States in the 2006 and 2010 Winter Olympics. In 2010 Kikkan finished eighth in the sprint competition, registering the best ever Olympic finish for a female American Nordic skier.

Kikkan has been a role model for thousands of young athletes through her extensive community involvement and encouragement of a healthy and active lifestyle. She has worked with young athletes and trained with her

fellow Alaskans as a member of the Alaska Pacific University Nordic Ski Team. Her hard work, training, and dedication have clearly paid off. She is an inspiration to young skiers and athletes everywhere.

I would like to congratulate Kikkan on her championship season and wish her the best of luck as she trains for the 2014 Olympics in Sochi, Russia. All of Alaska is proud of Kikkan and her accomplishments.●

REMEMBERING PETER DOUGLAS

● Mrs. BOXER. Mr. President, earlier this month, California and the Nation lost one of our true environmental heroes when Peter Douglas, the longtime executive director of the California Coastal Commission, passed away. Peter was truly a giant among California conservationists, and our State is a much better and more beautiful place because of his life's work.

Peter Douglas was there at the creation of the California Coastal Commission, which for four decades has worked to protect, conserve, restore, and enhance the California coast and ocean for current and future generations. As a legislative aide in the early 1970s, he helped draft the 1972 Coastal Initiative and the California Coastal Act of 1976, which made the Coastal Commission a permanent public institution. After 7 years as the Commission's Chief Deputy Director, he was named executive director in 1985 and served brilliantly in that capacity for more than 25 years.

When Peter was diagnosed with cancer, he faced it as he did all the other challenges in his life with intelligence, courage, grace, and good humor. Last spring, Peter began writing a cancer blog. As he noted in his first posting, his doctors were "quite pessimistic and advised I get affairs in order and focus on my bucket list. But I am an inveterate and aggressive activist not about to give up on life, especially not my own. My time will come, but not quite yet I hope. Besides, I am too busy to die."

Peter kept writing, producing a remarkable record of his final battle with cancer along with his political autobiography and some profound personal insights. He advised his readers to "live mindfully and fully every moment. Keep hope alive. . . . When the time comes to pass over to the other side, try to embrace that passage with dignity and grace knowing you have done well." Peter Douglas certainly did just that.

On behalf of the people of California, who have benefitted so much from Peter Douglas's life work, I send my deepest gratitude and condolences to his sons, grandchildren, brother, sister, and extended family and friends. Peter's memory and legacy will live on with everyone who loves the California coast and our priceless natural heritage, which he did so much to preserve and protect.●

TRIBUTE TO JAMES MICHAEL KELLY

● Mr. JOHANNIS. Madam President, today I pay tribute to a dedicated public servant and true legal professional, James Michael Kelly. For nearly 40 years, he has served with distinction in his many roles at the U.S. Department of Agriculture. This spring, J. Michael will be retiring from USDA's Office of General Counsel. It is a privilege to take this opportunity to recognize his many contributions and thank him for his service.

Since beginning his career at USDA in 1973, J. Michael has served as the department's Ethics Counselor, Acting General Counsel, Deputy General Counsel, and Associate General Counsel. In these roles, he has distinguished himself as a legal professional of the highest integrity. I had the honor of working closely with J. Michael during my service as Secretary of Agriculture. In fact, throughout his career he has worked with a total of 13 Secretaries of Agriculture. J. Michael has guided many at USDA in upholding all legal and ethical standards. His character, commitment, and professionalism are to be commended.

Though J. Michael's nearly 40-year history with USDA is impressive, it does not reveal the full extent of his service to our country. In addition to his years at USDA, he served for two years in the U.S. Army and for six years at the U.S. Small Business Administration. I thank J. Michael for his combined 47 years of military and civilian service.

I can personally speak to J. Michael's dedication to USDA, which will long be remembered and appreciated. I congratulate him on his retirement and thank him again for his service to our country. I also wish to express my gratitude to J. Michael's wife, Mary Jo (Josie), and their family for supporting his service. May God bless J. Michael and Josie as they begin a new chapter in their lives.●

RECOGNIZING DAVIS HIGH SCHOOL MARCHING BAND

● Mr. LEE. Madam President, today I wish to congratulate the marching band of Davis High School in Kaysville, UT. The band was recently selected to represent Utah and the Mountain West region in the 124th Tournament of Roses Parade, an exceptional honor bestowed upon only 15 of the finest marching bands in the country.

Director Steven Hendricks has been a music educator for 24 years and the director at Davis High School for 22 years. During his time there, the band has tripled in size and has been a five-time Bands of America regional finalist. Mr. President, 2013 will mark the second time that the band will march in the Tournament of Roses Parade under Hendricks's leadership, having already received the honor once in 2003. Earlier this year, Hendricks was recog-

nized as Utah's Outstanding High School Music Educator by the Utah Music Educators Association.

It should also be noted and is of equal importance that Davis High School regularly sets a high standard of academic excellence. The school is consistently ranked as one of the top 1,000 high schools in the country. In addition, the Davis High School advanced placement examination scores are among the highest in Utah.

The members of the Davis High School Marching Band have worked diligently for this day, and the reward is undoubtedly well deserved. They will be able to demonstrate their talent and skill in front of nearly 1 million live spectators and tens of millions more watching on television. I know that the band will represent Utah and the Mountain West with excellence and professionalism.●

TRIBUTE TO LAUREN BARLOW

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Lauren Barlow for her hard work as an intern for the U.S. Senate Republican Policy Committee. I recognize her efforts and contributions to my office.

Lauren is a native of Gilbert, AZ, and a graduate from Gilbert High School. She graduated from the Brigham Young University with a degree in English. She has demonstrated a strong work ethic which has made her an invaluable asset to the U.S. Senate Republican Policy Committee. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Lauren for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO GREYSON BUCKINGHAM

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Greyson Buckingham for his hard work as an intern for the U.S. Senate Republican Policy Committee. I recognize his continued efforts and contributions to my office.

Greyson is a native of Kelly, WY, and a graduate of Jackson Hole High School. He is a student at Georgetown University, where he is majoring in history and government. He has demonstrated a strong work ethic which has made him an invaluable asset to the U.S. Senate Republican Policy Committee. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Greyson for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know

he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

TRIBUTE TO LAURA CAPASSO

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Laura Capasso for her continued dedication as an intern in my Casper office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Laura is a native of Wyoming and a graduate of Kelly Walsh High School. She currently attends the University of Wyoming/Casper College Center where she is majoring in psychology and minoring in sociology. She has once again demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the time she has been with us.

I want to thank Laura for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO KEVIN FETTEL

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Kevin Fettel for his hard work as an intern in the U.S. Senate Committee on Indian Affairs. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Kevin is a native of Laramie, WY, and graduated from Laramie Senior High School. He currently attends the University of Wyoming, where he is majoring in microbiology and molecular biology and minoring in chemistry. He has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Kevin for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

TRIBUTE TO STEPHEN HUDSON

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Stephen Hudson for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Stephen is a native of Casper, WY, and a graduate of Natrona County High School. He graduated from Casper College with an associate of arts and from the University of Wyoming with a

bachelor's degree in international studies and minor in Russian. He has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Stephen for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

TRIBUTE TO TYLER NEASLONEY

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Tyler Neasloney for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Tyler is a native of Cheyenne, WY, and a graduate of Central High School. He graduated from the University of Wyoming with a bachelor of arts in Russian and a bachelor of science in marketing. He has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Tyler for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

TRIBUTE TO BERNADETTE NELSON

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Bernadette Nelson for her hard work as a volunteer in my Washington, DC, office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Bernadette is a native of Jackson, WY, and a graduate of Jackson Hole Community School. She attends the Georgetown University School of Foreign Service, where she is majoring in science, technology, and international affairs with a concentration in global health. She has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Bernadette for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO LAUREN PERRY

● Mr. BARRASSO. Madam President, I would like to take the opportunity to

express my appreciation to Lauren Perry for her hard work as an intern in my Washington, DC office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Lauren is a native of Buffalo, WY, and graduated from Paint Branch High School in Burtonsville, MD. She recently earned a master of arts in English at the University of Wyoming. She has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Lauren for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO KATELYNN THOMAS

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Katelynn Thomas for her hard work as an intern for the U.S. Senate Republican Policy Committee. I recognize her efforts and contributions to my office.

Katelynn is a native of Rock Springs, WY, and a graduate of Oakton High School in Vienna, VA. She graduated from the University of Kentucky with degrees in marketing and management and a minor in international business. She has demonstrated a strong work ethic which has made her an invaluable asset to the U.S. Senate Republican Policy Committee. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Katelynn for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO KALEIGH WILLIAMS

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Kaleigh Williams for her hard work as an intern—for a second term—in my Cheyenne office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Kaleigh is a native of Cheyenne and a graduate of Cheyenne East High School. She graduated from the University of Wyoming in 2011 with a degree in political science. She has once again demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Kaleigh for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with

all of her future endeavors. I wish her all my best on her next journey.●

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 and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:33 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1815. An act to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement.

H.R. 4089. An act to protect and enhance opportunities for recreational hunting, fishing and shooting.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1815. An act to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement; to the Committee on Banking, Housing, and Urban Affairs.

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-5691. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Silicic Acid, Sodium Salt etc; Tolerance Exemption" (FRL No. 9333-6) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5692. A communication from the Manager of the BioPreferred Program, Office of Procurement and Property Management, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Designation of Product Categories for Federal Procurement" (RIN0599-AA14) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5693. A communication from the Secretary of the Commission, Division of Clear-

ing and Risk, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Customer Clearing Documentation, Timing of Acceptance for Clearing, and Clearing Member Risk Management" (RIN3038-0092, -0094) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5694. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Ann E. Rondeau, United States Navy, and her advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-5695. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General John E. Sterling, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-5696. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-5697. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to whether providing an annual allowance would increase the use of preventive health services among members of the Armed Forces and their family members; to the Committee on Armed Services.

EC-5698. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to clinical quality management in the Military Health System; to the Committee on Armed Services.

EC-5699. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled "The Department of Defense Evaluation of the TRICARE Program: Access, Cost and Quality Fiscal Year (FY) 2012"; to the Committee on Armed Services.

EC-5700. A communication from the Assistant Secretary of Defense (Logistics and Material Readiness), transmitting, pursuant to law, a report relative to core depot-level maintenance and repair capability requirements and sustaining workloads; to the Committee on Armed Services.

EC-5701. A communication from the Under Secretary of Defense (Policy), Department of Defense, transmitting, pursuant to law, a report relative to the training of the U.S. Special Operations Forces with friendly foreign forces during fiscal year 2011; to the Committee on Armed Services.

EC-5702. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to the Evolved Expendable Launch Vehicle (EELV) program and program baseline estimates; to the Committee on Armed Services.

EC-5703. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Rule; Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-5704. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community

Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-5705. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-5706. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-5707. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons on the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States" (RIN0694-AF43) received in the Office of the President of the Senate on April 16, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-5708. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-5709. A communication from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Chicago, transmitting, pursuant to law, the Bank's 2011 management reports; to the Committee on Banking, Housing, and Urban Affairs.

EC-5710. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on April 12, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-5711. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on April 12, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-5712. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs during fiscal year 2011; to the Committee on Commerce, Science, and Transportation.

EC-5713. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Rules and Regulations Implementing the Telephone Consumer

Protection Act of 1991" (CG Docket No. 02-278) received during adjournment of the Senate in the Office of the President of the Senate on April 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5714. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations (EAR): Export Control Classification Number 0Y521 Series, Items Not Elsewhere Listed on the Commerce Control List (CCL)" (RIN0694-AF17) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5715. 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 "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Interim Action" (RIN0648-BB89) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5716. A communication from the Acting Assistant Secretary of Energy (Energy Efficiency and Renewable Energy), transmitting, pursuant to law, the semi-annual Implementation Report on Energy Conservation Standards Activities of the Department of Energy; to the Committee on Energy and Natural Resources.

EC-5717. A communication from the Director of the Sustainability Performance Office, Department of Energy, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department's Fleet Alternative Fuel Vehicle Acquisition Report for fiscal year 2008; to the Committee on Energy and Natural Resources.

EC-5718. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the cost of the Little Calumet River, Indiana, Local Flood Control and Recreation Project; to the Committee on Environment and Public Works.

EC-5719. 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; South Dakota; Regional Haze State Implementation Plan" (FRL No. 9658-9) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC-5720. 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; Delaware; Amendments to the Handling, Storage, and Disposal of Volatile Organic Compounds Emissions; Automobile and Light-Duty Truck Coating Operations; Paper Coating; Coating of Flat Wood Paneling; Graphic Art Systems; and Industrial Cleaning Solvents" (FRL No. 9657-1) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC-5721. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule en-

titled "Approval and Promulgation of State Implementation Plans; Missouri: Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule; New Source Review Reform" (FRL No. 9657-8) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC-5722. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Technical Corrections and Clarifications Rule" (FRL No. 9659-7) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC-5723. 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; Illinois; Small Container Exemption from VOC Coating Rules" (FRL No. 9651-5) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC-5724. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan; Yolo-Solano Air Quality Management District" (FRL No. 9652-2) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC-5725. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units; Correction" (FRL No. 9654-8) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC-5726. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality Implementation Plans; Kentucky; Attainment Plan for the Kentucky Portion of the Huntington-Ashland 1997 Annual PM_{2.5} Nonattainment Area" (FRL No. 9657-4) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC-5727. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Northern Sierra and Sacramento Metropolitan Air Quality Management District" (FRL No. 9659-8) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC-5728. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Imple-

mentation Plan, Pinal County Air Quality District" (FRL No. 9639-5) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Environment and Public Works.

EC-5729. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2012-28) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Finance.

EC-5730. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Nonconventional Source Fuel Credit, 2011 Section 45K Inflation Adjustment Factor and Section 45K Reference Price" (Notice 2012-30) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Finance.

EC-5731. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Alan Baer Revocable Trust v. United States" (AOD 2012-04) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Finance.

EC-5732. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Convention on Cultural Property Implementation Act, a report relative to extending the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Bolivia Concerning the Imposition of Import Restrictions on Categories of Archaeological Material; to the Committee on Finance.

EC-5733. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress: Plan to Reform the Medicare Wage Index"; to the Committee on Finance.

EC-5734. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012-0037—2012-0041); to the Committee on Foreign Relations.

EC-5735. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to the waiver of the restrictions contained in Section 907 of the FREEDOM Support Act of 1992; to the Committee on Foreign Relations.

EC-5736. A communication from the Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Examinations of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards" (RIN1219-AB75) received in the Office of the President of the Senate on April 16, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-5737. A communication from the General Counsel, General Services Administration, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator, General Services Administration, received during adjournment of the Senate in the Office of the President of the

Senate on April 12, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-5738. A communication from the Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Administration's decision to enter into a contract with a private security screening company to provide screening services at Greater Rochester International Airport, Rochester, NY, Tupelo Regional Airport, Tupelo, MS and Key West International Airport, Key West, FL; to the Committee on Homeland Security and Governmental Affairs.

EC-5739. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Certified Business Enterprise Expenditures of Public-Private Development Construction Projects for Fiscal Year 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-5740. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Inmate Communication with News Media: Removal of Byline Regulations" (RIN1120-AB49) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-70. A resolution adopted by the Legislature of the State of Arizona urging Congress to adopt the measures and policies contained in the Save Arizona's Forest Environment (SAFE) Plan and provide for a temporary emergency suspension of the requirement to perform National Environmental Policy Act studies; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT MEMORIAL No. 1001

To the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, the State of Arizona, its citizens and its communities have drastically suffered from catastrophic wildfires that devastated more than 850,000 acres of wildlife habitat, watersheds, timber, livestock forage and private property; and

Whereas, the water and air pollution from these catastrophic wildfires have negatively impacted human health and have endangered species and the human environment; and

Whereas, millions more acres of Arizona's forest lands face the threat of future catastrophic wildfires.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress adopt the measures and policies contained in the Save Arizona's Forest Environment (SAFE) Plan and provide for a temporary emergency suspension of the requirement to perform National Environmental Policy Act studies on forest thinning and timber and forage management activities in Arizona's forest lands that have suffered from or are threatened by future catastrophic wildfires.

2. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-71. A resolution adopted by the Legislature of the State of Arizona urging Congress to adequately fund the United States Forest Service in order to properly manage forests and grasslands and prohibit the Forest Service from acquiring and managing additional lands until the Forest Service demonstrates its ability to properly manage and protect forests; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT MEMORIAL No. 1003

To the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, the United States Congress established the United States Forest Service in 1905 to provide quality water and timber for the nation's benefit; and

Whereas, over the years, the United States Congress has directed the United States Forest Service to manage more national forests and grasslands; and

Whereas, the President's fiscal year 2012 budget increased funding for land acquisition by \$26,360,000; and

Whereas, the President's fiscal year 2012 budget reduced funding for the Wildland Fire Management by \$396,675,000; and

Whereas, the President's fiscal year 2012 budget reduced budgeting for the FLAME Wildfire Suppression Reserve Fund by \$97,114,000; and

Whereas, in 2011, the total number of acres consumed by wildland fires on Arizona lands that are managed by the United States Forest Service was 878,540 out of the total of 981,189 acres that were burned in Arizona that year; and

Whereas, the United States Forest Service has existed for more than 100 years with the express purpose of managing public forests and grasslands; and

Whereas, the mission of the United States Forest Service is to sustain the health, diversity and productivity of the nation's forests and grassland.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress adequately fund the United States Forest Service in order to properly manage forests and grasslands.

2. That the United States Congress prohibit the United States Forest Service from acquiring and managing additional lands until the Forest Service demonstrates its ability to properly manage and protect forests.

3. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the Chief of the United States Forest Service, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-72. A resolution adopted by the Legislature of the State of Arizona urging Congress to enact legislation making monies collected under the federal gas tax immediately available to the individual states to fund their transportation needs; to the Committee on Finance.

HOUSE CONCURRENT MEMORIAL No. 2004

To the Congress of the United States and the Secretary of the United States Department of Transportation:

Your memorialist respectfully represents:

Whereas, the United States Department of Transportation was established by an act of Congress on October 15, 1966, and the department's first official day of operation was April 1, 1967; and

Whereas, the mission of the department is to "serve the United States by ensuring a

fast, safe, efficient, accessible and convenient transportation system that meets our vital national interests and enhances the quality of life of the American people, today and into the future"; and

Whereas, the main mission of the department has largely been fulfilled by the completion of the federal interstate highway system; and

Whereas, state and local governments are faced with difficult decisions regarding local transportation needs on a continuing and ever-increasing basis; and

Whereas, the federal motor fuel taxes charged to the citizens of Arizona are needlessly sent to the federal government before being returned to the state government; and

Whereas, federal restrictions, mandates and spending requirements prevent the citizens of Arizona from setting their own transportation priorities.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Congress enact legislation making monies collected under the federal gas tax immediately available to the individual states to fund their transportation needs.

2. That the United States Congress enact legislation to cease the collection of motor fuel taxes in Arizona so that this state can collect and distribute the taxes without the delay caused by federal collection and disbursement.

3. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Transportation and each Member of Congress from the State of Arizona.

POM-73. A joint memorial adopted by the Legislature of the State of New Mexico requesting a Congressional resolution requesting the United States postal service issue a commemorative stamp honoring the sesquicentennial anniversary of the battle of Glorieta pass in New Mexico and recognizing the importance of the battle; to the Committee on Homeland Security and Governmental Affairs.

HOUSE JOINT MEMORIAL

Whereas, in January 1862, confederate General Henry Hopkins Sibley, with a brigade of two thousand six hundred Texans, invaded the territory of New Mexico with the intention of claiming the territory and the west for the confederacy; and

Whereas, the volunteers of the Texas confederate forces were victorious in defeating the union forces at the battle of Valverde on February 21, 1862, and shortly afterwards, on February 25, 1862, they captured Socorro, and on March 7, 1862, Albuquerque was captured; and

Whereas, the confederate forces captured Santa Fe on March 10, 1862, the capital having been moved earlier by the New Mexico territorial governor, the honorable Henry Connelly, to Las Vegas, New Mexico; and

Whereas, following these battlefield successes, the Texas confederate forces planned to conquer Fort Union and then march to Colorado to take over the mines located there; and

Whereas, from there, the forces intended to form an alliance with the Mormons and together take over the gold fields of California, which would have provided much needed capital for the confederacy; and

Whereas, the conquest of California would have additionally provided two sorely needed ports, free of union blockades; and

Whereas, the fulfillment of their plans would have severed the western territories

from the Union and strengthened the position of the confederacy; and

Whereas, they next planned to take over the Mexican states of lower California, Sonora and Chihuahua, which had the potential to gain much needed recognition by foreign countries; and

Whereas, the Texas confederate forces were met in a skirmish and fought two battles with the union forces at Glorieta Pass on March 26 to 28, 1862; and

Whereas, even though the confederate forces were victorious in these two battles, they were forced to abandon their dream of taking over Fort Union and conquering the west when their supply of sixty to eighty wagons, loaded with weapons, medical supplies, food and blankets, was burned and four hundred mules and horses were captured by a contingent of United States regular army forces from Fort Union and volunteers from Colorado and New Mexico; and

Whereas, after this tremendous loss, the confederate Texans had no other choice but to abandon General Sibley's dream and retreat back to Santa Fe, then to Albuquerque and eventually out of New Mexico and back to Texas; and

Whereas, this turning point in the confederate campaign in New Mexico, the "battle of Glorieta pass", is referred to by some historians as "the Gettysburg of the west"; and

Whereas, although the loss of men killed, wounded or missing in the Civil War battles fought in New Mexico may seem insignificant compared to the carnage of the Civil War battles that were fought in the east and south, the importance and significance of this battle cannot be overstated, as the ultimate outcome helped hold the union together and assured its survival in what we now know as the United States of America; Now, therefore, be it

Resolved by the legislature of the State of New Mexico, That the New Mexico congressional delegation be requested to introduce a congressional resolution requesting the United States postal service to issue a commemorative stamp honoring the sesquicentennial anniversary of the battle of Glorieta pass in New Mexico and recognizing the importance of the battle of Glorieta pass; and be it further

Resolved, that copies of this memorial be transmitted to the president of the United States, the speaker of the United States house of representatives, the president of the United States senate, the members of the New Mexico congressional delegation, the secretary of the United States department of the interior, the postmaster general of the United States postal service and the non-profit organization, the friends of the Pecos national historical park.

POM-74. A resolution adopted by the Lauderdale Lakes City Commission, Lauderdale Lakes, Florida urging the public condemnation of President Bashar al-Assad of Syria and renouncing all genocidal regimes and the use of genocidal methods on civilian populations, including women, children and the elderly, in order to retain dictatorial power against repeated cries for freedom; to the Committee on Foreign Relations.

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 Mrs. BOXER (for herself, Mrs. GILLIBRAND, and Mr. MERKLEY):

S. 2293. A bill to establish a national, toll-free telephone parent helpline to provide in-

formation and assistance to parents and caregivers of children to prevent child abuse and strengthen families; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB):

S. 2294. A bill to provide for continued conservation efforts in the Chesapeake Bay watershed, increase energy production from animal waste, improve transparency of Federal restoration efforts, and expand agricultural opportunities to participate in State voluntary water quality credit trading programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself, Mr. FRANKEN, Mr. COONS, Mr. WHITEHOUSE, Mr. BINGAMAN, Mr. BROWN of Ohio, and Mr. BLUMENTHAL):

S. 2295. A bill to permit manufacturers of generic drugs to provide additional warnings with respect to such drugs in the same manner that the Food and Drug Administration allows brand names to do so; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HAGAN (for herself and Mr. HARKIN):

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; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MANCHIN (for himself, Mr. KIRK, and Mrs. GILLIBRAND):

S. 2297. A bill to amend the Controlled Substances Act to make any substance containing hydrocodone a schedule II drug; to the Committee on the Judiciary.

By Mr. BROWN of Ohio:

S. 2298. A bill to amend the Rural Electrification Act of 1936 to improve the program of access to broadband telecommunications services in rural areas; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. MURRAY (for herself, Mr. BEGICH, Mr. WHITEHOUSE, Mr. ROCKEFELLER, and Mr. AKAKA):

S. 2299. A bill to amend the Servicemembers Civil Relief Act and title 38, United States Code, to improve the provision of civil relief to members of the uniformed services and to improve the enforcement of employment and reemployment rights of such members, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MORAN (for himself and Mr. ROBERTS):

S. 2300. A bill to allow for a reasonable compliance deadline for certain States subject to the Cross State Air Pollution Rule; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. GRAHAM, Mr. KYL, Ms. AYOTTE, and Mr. HOEVEN):

S. Res. 424. A resolution condemning the mass atrocities committed by the Government of Syria and supporting the right of the people of Syria to be safe and to defend themselves; to the Committee on Foreign Relations.

By Mr. WEBB (for himself, Ms. SNOWE, Mr. WARNER, Mr. BROWN of Ohio, and Mr. COCHRAN):

S. Res. 425. A resolution designating April 23, 2012, as "National Adopt a Library Day"; considered and agreed to.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. Res. 426. A resolution congratulating the Lady Bears of Baylor University on winning the 2012 National Collegiate Athletic Association Division I Women's Basketball Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 714

At the request of Mr. BINGAMAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 714, a bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 881

At the request of Mr. VITTER, his name 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. 941

At the request of Mr. REED, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 941, a bill to strengthen families' engagement in the education of their children.

S. 1039

At the request of Mr. CARDIN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1316

At the request of Mr. ENZI, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1316, a bill to prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending.

S. 1575

At the request of Mr. CARDIN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1575, a bill to amend the Internal Revenue Code of 1986 to modify the depreciation recovery period for energy-efficient cool roof systems.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1833

At the request of Mr. MANCHIN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1833, a bill to provide additional time for compliance with, and coordinating of, the compliance schedules for certain rules of the Environmental Protection Agency.

S. 2051

At the request of Mr. REED, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor 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. 2076

At the request of Mr. FRANKEN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2076, a bill to improve security at State and local courthouses.

S. 2103

At the request of Mr. LEE, the name of the Senator from Mississippi (Mr. WICKER) 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. 2120

At the request of Ms. MURKOWSKI, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2120, a bill to require the lender or servicer of a home mortgage upon a request by the homeowner for a short sale, to make a prompt decision whether to allow the sale.

S. 2165

At the request of Mrs. BOXER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2172

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2172, a bill to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns, and for other purposes.

S. 2205

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade

Treaty that restricts the Second Amendment rights of United States citizens.

S. 2230

At the request of Mr. WHITEHOUSE, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2230, a bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

S. 2270

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2270, a bill to amend the Farm Security and Rural Investment Act of 2002 to improve energy programs.

S. 2277

At the request of Mr. THUNE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2277, a bill to respond to the extreme fire hazard and unsafe conditions resulting from pine beetle infestation, drought, disease, or storm damage by declaring a state of emergency and directing the Secretary of Agriculture to immediately implement hazardous fuels reduction projects in the manner provided in title I of the Healthy Forests Restoration Act of 2003, and for other purposes.

S.J. RES. 38

At the request of Mr. GRAHAM, the name of the Senator from South Carolina (Mr. DEMINT) 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 non-agricultural employment.

S. RES. 418

At the request of Mr. BROWN of Ohio, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Res. 418, a resolution commending the 80 brave men who became known as the "Doolittle Tokyo Raiders" for outstanding heroism, valor, skill, and service to the United States during the bombing of Tokyo and 5 other targets on the island of Honshu on April 18, 1942, during the Second World War.

AMENDMENT NO. 2003

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 2003 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2004

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 2004 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2005

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr.

BROWN) was added as a cosponsor of amendment No. 2005 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2008

At the request of Mr. MCCAIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 2008 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2011

At the request of Mr. MCCAIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 2011 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2020

At the request of Mr. WYDEN, the names of the Senator from Colorado (Mr. BENNET), the Senator from Montana (Mr. BAUCUS), the Senator from Ohio (Mr. BROWN) and the Senator from California (Mrs. BOXER) were added as cosponsors 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. 2031

At the request of Mrs. MCCASKILL, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Colorado (Mr. UDALL), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 2031 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. FRANKEN, Mr. COONS, Mr. WHITEHOUSE, Mr. BINGAMAN, Mr. BROWN of Ohio, and Mr. BLUMENTHAL):

S. 2295. A bill to permit manufacturers of generic drugs to provide additional warnings with respect to such drugs in the same manner that the Food and Drug Administration allows brand names to do so; to the Committee on Health, Education, Labor, and Pensions.

Mr. LEAHY. Mr. President, today, I am introducing legislation that will protect American consumers by improving the labeling on prescription drugs to promote consumer safety. This important bill will ensure that all drug manufacturers can update the warning labels for their products so that the information provided to doctors and consumers is as accurate and up-to-date as possible. It is a straightforward measure that has the support of patient groups and consumer advocates. I am pleased that Senators FRANKEN, COONS, WHITEHOUSE, BINGAMAN, BROWN of Ohio, and BLUMENTHAL

have joined me as original cosponsors of the bill.

The Patient Safety and Generic Labeling Improvement Act will promote consumer safety by ensuring that generic drug companies can improve the warning information for their products in the same way that brand manufacturers can under existing law. This ability is especially important given the large role that generics play in the market for prescription drugs. The Department of Health and Human Services reports that generic drugs now make up 75 percent of the market for pharmaceuticals. Studies show that when a generic version of a drug is available, 90 percent of prescriptions are filled with the generic version of the drug. The large role that generics play in the market gives them important insight into side effects experienced by their customers. The Patient Safety and Generic Labeling Improvement Act will allow generic manufacturers to act on this information, by authorizing them to improve their labels to provide accurate and up-to-date warnings to consumers.

A recent Supreme Court decision, *Pliva v. Mensing*, created the need for this important legislation. In the *Mensing* case, a narrow 5–4 majority on the Court held that a Minnesota woman, Gladys Mensing, could not recover for debilitating injuries she received from a mislabeled drug that was intended to treat her diabetes symptoms. Despite evidence that long-term use of the drug could cause a severe neurological condition known as tardive dyskinesia, the manufacturer's label did not expressly warn against long-term use until years after Ms. Mensing began taking the drug. She developed the condition, losing control of muscles in her face, arms and legs.

Ms. Mensing's injuries are life-changing and irreversible. The Supreme Court held that she cannot be compensated for the drug company's failures because of a technicality in the law. That technicality arose because Ms. Mensing's pharmacy had filled her prescription with the generic version of the drug. The Supreme Court held that, unlike brand name companies, generic manufacturers cannot be held liable for inadequate labeling, because they cannot change the labels on their products independently. Generic manufacturers should have the ability to participate fully in the labeling process, but they are unable to do so. More important to injured consumers, there is no remedy for them. The generic manufacturers can use this Supreme Court decision and the quirk in the labeling laws to avoid any accountability, even if they fail to inform the FDA that a label is inadequate.

The *Mensing* decision creates a troubling inconsistency in the law governing prescription drugs. If a consumer takes the brand-name version of drug, she can sue the manufacturer for inadequate warnings. If the pharmacy happens to give her the generic

version, as happened to Ms. Mensing, she is unable to seek compensation for her injuries. The result is a two-track system that penalizes consumers of generic drugs even though many consumers have no control over which drug they take, because their health insurance plan or state laws require them to take generics if they are available.

In an editorial published last month, The New York Times criticized the inconsistency of this outcome, writing: "Same drug. Same devastating health consequences. Opposite results. This injustice will affect more people as generics, which already dominate the market, expand even more under the pressure to control health care costs." Even Justice Thomas, writing for the majority in *Mensing*, acknowledged the inconsistent outcome, writing: "[I]t is not the Court's task to decide whether the statutory scheme established by Congress is unusual or even bizarre." Writing in dissent, Justice Sotomayor accurately warned of "absurd consequences" that will flow from the "happenstance" of whether a prescription was filled with a brand-name or generic drug.

I agree that having different rules for patients who take generic and brand-name drugs makes little sense, and raises significant policy concerns. It is also troubling that generic manufacturers cannot update their safety labels in the same way that brand manufacturers can. In today's world, where generic drugs make up 75 percent of the prescription drug market, all manufacturers should be able to improve the warning information they provide to doctors and consumers. The Patient Safety and Generic Labeling Improvement Act will achieve this goal.

This legislation is not intended to overburden the makers of generic drugs. Instead, it authorizes generic drug manufacturers to act upon drug safety information that they already gather pursuant to existing regulation. The FDA requires generic manufacturers to monitor, investigate and report adverse side effects experienced by users of their drug. Generics already must submit an annual report to the FDA summarizing new information that "might affect the safety, effectiveness or labeling of a drug product", including a "description of actions they have taken or intend to take as a result of this new information". When brand-name manufacturers exit the market—as is often the case after generics are introduced—generics may be the only manufacturers who gather this information.

The Patient Safety and Generic Labeling Improvement Act authorizes generics to act on the information they gather to improve the labeling on their product in the same way that brand-owners may do under existing law. It creates an exception to the general requirement that the labeling of a generic drug must be the same as the labeling of its brand-name or listed

equivalent, and instead allows generic manufacturers to initiate a labeling change where that process is available to brand-name manufacturers. Under the law, a generic manufacturer would be able to use the "Changes Being Effected" process that permits manufacturers to implement a labeling change while the change is simultaneously reviewed by the FDA. When a labeling change is made under this provision, the FDA would be authorized to order conforming changes across equivalent drugs to ensure consistent labeling among products.

This legislation has the support of public interest groups and advocates, including the AARP, Public Citizen, the Alliance for Justice, and numerous consumer groups.

I have long worked to ensure that safe, affordable generic drugs are available to American consumers. Earlier this Congress, I introduced legislation to facilitate the importation of low-cost generic drugs from Canada, a measure that will increase competition and help drive down the prices of prescription drugs. We all benefit from the availability of safe, affordable medication to help reduce the overwhelming costs of healthcare.

The legislation I am introducing today will promote accountability and ensure that all drug makers can take appropriate steps to enhance warnings given to doctors and consumers. I hope that other Senators will join me and my cosponsors in supporting this important legislation.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

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

S. 2295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patient Safety and Generic Labeling Improvement Act".

SEC. 2. WARNING LABELING WITH RESPECT TO GENERIC DRUGS.

Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) is amended by adding at the end the following:

"(1)(A) Notwithstanding any other provision of this Act, the holder of an approved application under this subsection may change the labeling of a drug so approved in the same manner authorized by regulation for the holder of an approved new drug application under subsection (b).

"(B) In the event of a labeling change made under subparagraph (A), the Secretary may order conforming changes to the labeling of the equivalent listed drug and each drug approved under this subsection that corresponds to such listed drug."

AARP,
March 30, 2012.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: AARP is pleased to endorse your legislation, the Patient Safety

and Generic Labeling Improvement Act, to address the issue of whether generic drug manufacturers have a duty to include new warnings about potentially serious side effects on their labels as they become known. Your bill would accomplish this by giving generic drug makers the same ability to update their labeling as currently exists for manufacturers of brand name drugs.

AARP believes generic drugs are one of the safest and most effective ways for consumers to lower their prescription drug costs, and we encourage our members to use generic drugs whenever possible. However, AARP is concerned that, unlike brand name drug manufacturers, generic drug manufacturers cannot be held liable for inadequate drug warning labels due to their inability to directly update their labels under current law.

As noted in an AARP Foundation amicus brief submitted in *Pliva v. Mensing*, AARP believes that holding generic drug makers to a lower standard will effectively punish consumers for choosing generic drugs and send the message that generics are less trustworthy than name brand drugs—directly counter to the intent of the Hatch-Waxman Act. We are encouraged by your bill and hope it will serve to not only ensure patients have adequate legal protections, but also prompt improvements to the FDA process for updating warning labels when new information about potentially harmful side effects comes to light.

We thank you for your leadership in this area, and we look forward to working with you and your colleagues on both sides of the aisle to advance the Patient Safety and Generic Labeling Improvement Act. If you have any further questions, please feel free to call me or have your staff contact KJ Hertz of our Government Affairs staff at 202-434-3770.

Sincerely,

JOYCE A. ROGERS,

Senior Vice President, Government Affairs.

APRIL 17, 2012.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN LEAHY: We write to express our strong support for the Patient Safety and Generic Labeling Improvement Act, which would promote consumer safety by ensuring that generic drug companies can improve the warning information for their products in the same way that brand manufacturers can under existing law.

By authorizing generic manufacturers to improve their labels using the same “Changes Being Effected” process that is currently available to brand-name manufacturers, this legislation will help protect millions of Americans. The Department of Health and Human Services reports that generic drugs now make up 75 percent of the market for pharmaceuticals, and studies show that when a generic version of a drug is available 90 percent of prescriptions are filled with the generic.

This much-needed legislation responds to the Supreme Court’s 2011 decision in *PLIVA v. Mensing*, in which the Court held 5–4 that a Minnesota woman, Gladys Mensing, could not recover damages for debilitating injuries she received from a drug with an inadequate warning label simply because her prescription was filled with the generic version of the drug, rather than with the brand-name drug. The Court previously held in *Wyeth v. Levine* (2009) that federal law does not preempt failure-to-warn claims against brand-name drug manufacturers. The *Mensing* decision thus created an arbitrary distinction whereby a court’s ruling on whether or not a consumer can obtain relief turns solely on the happenstance of whether his or her prescription was filled with a brand-name or generic drug.

This troubling and unfair inconsistency in the law is exacerbated by the fact that many consumers have little control over which version of a drug they are given. Many brand-name manufacturers exit the market after generics are introduced. Moreover, many state laws and health insurance plans require consumers to be given generics if they are available.

Given the inherent unfairness of the current law and the ongoing harm to millions of Americans, the Senate should pass this legislation without delay.

Sincerely,

Alliance for Justice, Consumer Action,
Consumer Federation of America, Consumers Union, Consumer Watchdog,
National Association of Consumer Advocates, and US PIRG.

PUBLIC CITIZEN,
Washington, DC, April 18, 2012.

Re Letter in support of Patient Safety and Generic Labeling Improvement Act

Hon. PATRICK LEAHY, *Chairman,*
U.S. Senate, *Committee on the Judiciary,*
Washington, DC.

DEAR CHAIRMAN LEAHY: Public Citizen, a nonprofit consumer advocacy organization with 250,000 members and supporters nationwide, writes to applaud your introduction of legislation that would give generic drug manufacturers the authority to revise labeling for their products when they become aware of risks that are not adequately disclosed. This bill would fill a gaping hole in drug regulation that poses a threat to patients’ health and safety.

Your legislation reflects the concerns voiced by Public Citizen in a citizen petition that we submitted to the Food and Drug Administration in August 2011. As we explained in the petition, the generic drug market has grown exponentially in the past 25 years, and generic drugs now constitute a majority of the prescription drugs sold in the United States. The growth of generic drug sales reflects the fact that generics offer equally effective but more affordable alternatives to their brand-name counterparts. The regulatory system, however, has not adjusted to the marketplace.

Under current law, a generic drug manufacturer is not authorized to revise product labeling when it becomes aware of inadequacies in the labeling. Specifically, FDA regulations provide that, unlike brand-name manufacturers, generic drug manufacturers are not permitted to initiate labeling revisions to strengthen warnings, contraindications, or precautions. As a result, the millions of patients who use generic drugs may not have access to up-to-date information on safety and proper use. And generic drug manufacturers lack incentive to monitor and ensure the safety of their products, even when the generic versions represent a majority of the market for a particular drug. Your legislation would correct this problem.

Your bill would also correct an illogical inconsistency in the accountability that generic and brand-name drug manufacturers have to patients. In a 2011 decision, *PLIVA v. Mensing*, the Supreme Court relied on FDA regulations to hold that a consumer injured by a generic drug with inadequate warnings cannot seek compensation under state law for failure to warn. By contrast, in a 2008 decision, *Wyeth v. Levine*, the Court had held that manufacturers of prescription drugs could be held accountable to patients for harm their drugs caused. The Justices in *Mensing* itself noted that this inconsistency “makes little sense,” with four Justices calling it “absurd.”

As the Supreme Court has noted, “the FDA has limited resources to monitor the 11,000

drugs on the market, and manufacturers have superior access to information about their drugs, especially in the postmarketing phase as new risks emerge.” Under your bill, generic drug manufacturers, who already have access to relevant safety information, would be able to revise their labeling as new information comes to light, thereby making their products safer for patients.

For these reasons, Public Citizen strongly supports your intent to fill the regulatory gap in generic drug safety. We look forward to working with you to pass this important legislation.

Sincerely,

ALLISON M. ZIEVE,
Director,
Public Citizen Litigation Group.
SIDNEY M. WOLFE, MD,
Director,
Public Citizen Health Research Group.

[From the New York Times, Mar. 23, 2012]

A BIZARRE OUTCOME ON GENERIC DRUGS

Dozens of suits against drug companies have been dismissed in federal and state courts because of a decision by the Supreme Court last year that makes it virtually impossible to sue generic manufacturers for failing to provide adequate warning of a prescription drug’s dangers. This outrageous denial of a patient’s right to recover fair damages makes it imperative that Congress or the Food and Drug Administration fashion a remedy.

This situation is particularly bizarre because patients using the brand-name drug can sue when those using the generic form of the drug cannot, as explained by Katie Thomas in *The Times* on Wednesday. In 2008, the Supreme Court ruled that a Vermont woman who had her hand and forearm amputated because of gangrene after being injected with a brand name antinausea drug could sue the manufacturer for inadequate warning of the risks; she won \$6.8 million from Wyeth.

In 2011, the court ruled that similar failure-to-warn suits could not be brought against makers of generic drugs. As a result, an Indiana woman who was also forced to have her hand amputated because of gangrene after being injected with a generic version of the same antinausea drug had her case dismissed.

Same drug. Same devastating health consequences. Opposite results. This injustice will affect more people as generics, which already dominate the market, expand even more under the pressure to control health care costs.

The Supreme Court’s disparate rulings hinge on the ability of the drug makers to change a warning label if they detect new evidence of dangers. In 2008, the court found that brand-name manufacturers had the unilateral power to change warnings through various mechanisms even before asking the Food and Drug Administration for a formal change.

Then, in 2011, the court found that, under the F.D.A.’s interpretation of a 1984 law, known as the Hatch-Waxman amendments to the Food, Drug and Cosmetic Act, the generic versions must carry warning labels identical to those of the brand-name drug. The goal was to minimize confusion and dispel any doubt that a generic was therapeutically equivalent to the brand-name drug. Generic makers can’t change the warnings but can propose a change to the F.D.A., which can then bring about a revision of the brand-name label to trigger a corresponding change in the generic label. The court ruled that because the generic makers do not control the

labeling, they cannot be sued under state law for inadequate warnings.

Justice Clarence Thomas, writing for the majority in 2011, acknowledged that the distinction “makes little sense” in the eyes of consumers, and Justice Sonia Sotomayor, writing the dissent, predicted “absurd consequences” depending on the “happenstance” of whether a prescription was filled with a brand-name or generic drug.

Congress should fix the disparity by amending the law to make it clear—as Representative Henry Waxman, a co-author of the statute contends—that the act did not intend to preempt all failure-to-warn claims. Alternatively, the F.D.A. should fix the liability problem by amending its regulations to allow generic manufacturers to change the warning labels.

Generic drugs have rapidly expanded their reach, and, by one estimate, from one-third to one-half of all generic drugs no longer have a brand-name competitor. The regulatory system needs to hold generic companies, many of them large multinationals, accountable for labels on the products they sell.

Mr. FRANKEN. Mr. President, Gladys Mensing lives in Owatonna, MN. She loves being around people. That is a good thing when one has a family as big as Gladys does. She is the loving mother of 8 children, with 15 grandchildren and 12 great-grandchildren.

Gladys, as I said, is from Owatonna. It is in southeastern Minnesota. A few weeks ago, I received some old family videos that showed her playing with her grandkids. Gladys used to work as a waitress and as an apartment manager, but what she truly enjoys is a good game of bingo.

In 2001, Gladys's doctor gave her a prescription for a medication known as MCP to treat a digestive tract condition. Gladys did what I would have done—she took her prescription to the pharmacy, got it filled, and started taking her medicine per her doctor's orders.

Meanwhile, however, evidence was mounting linking MCP to neurological disorders. Within a few years, Gladys began experiencing problems. She lost control of her face, tongue, and legs. It is very hard to understand Gladys when she speaks now. Her son says people sometimes give Gladys strange looks when she goes out in public. Gladys used to be very strong and independent. Now her family has to help her bathe and walk.

Gladys wanted to hold the drug manufacturer accountable for what happened to her. She believed the warning label that came with her prescription was inadequate; that it did not sufficiently disclose the risks of taking MCP. So Gladys, a bingo-playing grandma from rural Minnesota, decided to stand up for her rights.

Gladys took her fight all the way to the U.S. Supreme Court, but that is where things took a bizarre turn. In Minnesota, as in many other States, the law requires drug manufacturers to warn patients of the known—the known—dangers associated with their products. Manufacturers that do not follow the law are held accountable to the patients who are harmed as a result—people such as Gladys.

But the Supreme Court—in a 5-to-4 decision—said those laws do not apply to generic drugs such as the medicine Gladys was taking. Rather, the Court said Federal regulations actually prohibit generic drug manufacturers from updating their labels—prohibit generic drug manufacturers from updating their labels—and it said the Federal regulations prohibiting label changes trump Minnesota's patient protection laws, which require full disclosure of potential risks. So under that ruling, even if a generic drug company wanted to provide better warnings of risks to consumers, it cannot.

Generic drugs are, for all intents and purposes, the same as brand-name drugs. They have the same active ingredients. They are used for the same purposes and, yes, in most cases, they should have the same labels. That is why current FDA regulations require generic drug labels to match brand-name drug labels. But it does not make sense to prohibit generic drug makers from updating their labels to accurately reflect new side effects or risks that have come to light. Yet that is the current state of the law.

So the Court dismissed Gladys's case just because she was taking a generic drug. Let me say that again. Because Gladys was taking the generic version of her medicine, she was unable to vindicate her rights under Minnesota law. If Gladys had suffered the same injuries from the brand-name version of the same pill containing the same warning, she would have had her day in court.

Since the Supreme Court dismissed Gladys's case last June, lower courts have dismissed dozens of similar cases because, as a recent article in the New York Times aptly said, “What once seemed like a trivial detail—whether to take a generic or brand-name drug—has become the deciding factor in whether a patient can seek legal recourse from a drug company.”

That does not make any sense. Justice Thomas, who wrote the Supreme Court's decision in Gladys's case, admitted as much. He wrote this:

We recognize that from the perspective of Mensing . . . [this decision] makes little sense.

I agree with him on this point. I would like to think he would agree with me on this: Prescription drugs should be safe and their labels should be adequate.

So Senators LEAHY, BINGAMAN, BROWN, WHITEHOUSE, COONS, BLUMENTHAL, and I are introducing a bill that would guarantee just that. Our bill, the Patient Safety and Generic Labeling Improvement Act, would allow generic drug makers to update their warnings—allow them to update their warnings—to accurately reflect the known risks associated with their drugs. That is it. It would not require them to do so. It just lets them do what other drug manufacturers already are allowed to do.

Our bill says that millions of Americans who are taking generic drugs are

entitled to the same protections as people who take brand-name drugs, and it says people such as Gladys Mensing are entitled to their day in court when manufacturers fail to disclose risks.

I thank Senator LEAHY for his leadership on this issue and urge my colleagues to join with us in supporting this commonsense fix.

By Mrs. MURRAY (for herself, Mr. BEGICH, Mr. WHITEHOUSE, Mr. ROCKEFELLER, and Mr. AKAKA):

S. 2299. A bill to amend the Servicemembers Civil Relief Act and title 38, United States Code, to improve the provision of civil relief to members of the uniformed services and to improve the enforcement of employment and reemployment rights of such members, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, today, as Chairman of the Senate Committee on Veterans' Affairs, I am pleased to introduce the Servicemembers Rights Enforcement Improvement Act of 2012.

I remain deeply committed to protecting our servicemembers and veterans. I was concerned, last year, when banks improperly overcharged and foreclosed upon deployed servicemembers in violation of the Servicemembers Civil Relief Act. Failure to comply with the protections provided to our servicemembers is unacceptable.

Our men and women in uniform deserve better than this, and I appreciate the President's and the Attorney General's leadership and commitment to enforcing these important protections. This bill, which includes a significant number of proposals provided to the Congress by the Department of Justice, would further strengthen the Department's ability to enforce these laws on behalf of servicemembers and veterans.

The bill I am introducing today would improve the Department of Justice's ability to enforce the protections of the Servicemembers Civil Relief Act by giving the Attorney General limited authority to issue civil investigative demands, which would allow the Attorney General to take a more proactive approach to investigating allegations of Servicemembers Civil Relief Act violations. This bill would strengthen the protections that prevent judgments against a servicemember when they cannot appear in court because of military service. Finally, it would clarify that servicemembers may bring a private right of action to enforce their rights under the Servicemembers Civil Relief Act.

I also remain deeply concerned about veteran employment. The number of unemployed veterans remains unacceptably high. Last year, significant provisions of a bill I introduced, the Hiring Heroes Act, were signed into law as the VOW to Hire Heroes Act. This legislation was a good first step in combatting the high rate of unemployment among our nation's veterans. But we must do more. We must also ensure

that the laws designed to protect the employment rights of our servicemembers during periods of service are equally strong.

The Uniformed Services Employment and Reemployment Rights Act, commonly referred to as USERRA, protects servicemembers' employment rights during a period of military service. It also prohibits employer discrimination based on military service or obligation. This legislation would strengthen the ability of the Department of Justice and the Office of Special Counsel to enforce these valuable protections.

Specifically, this bill would grant the Attorney General the authority to investigate and file suit to challenge a pattern or practice in violation of USERRA and would grant the Attorney General limited authority to issue civil investigative demands. It will also provide the Office of Special Counsel with subpoena authority in USERRA investigations. These enhancements will ensure that when our National Guard and Reserve members deploy, they do so knowing their jobs are secure.

It is vital that the Federal departments and agencies charged with protecting our servicemembers have the tools necessary to enforce the protections provided to them. The legislation I am introducing today would do just that.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Servicemembers Rights Enforcement Improvement Act of 2012".

SEC. 2. MODIFICATION OF PLAINTIFF AFFIDAVIT FILING REQUIREMENT FOR DEFAULT JUDGMENTS AGAINST SERVICEMEMBERS.

Paragraph (1) of section 201(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 521(b)) is amended to read as follows:

“(1) PLAINTIFF TO FILE AFFIDAVIT.—

“(A) IN GENERAL.—In any action or proceeding covered by this section, the plaintiff, before seeking a default judgment, shall file with the court an affidavit—

“(i) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or

“(ii) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service.

“(B) DUE DILIGENCE.—Before filing the affidavit, the plaintiff shall conduct a diligent and reasonable investigation to determine whether or not the defendant is in military service, including a search of available records of the Department of Defense and any other information available to the plaintiff. The affidavit shall set forth in the affidavit all steps taken to determine the defendant's military status.”.

SEC. 3. RETROACTIVE APPLICATION OF PRIVATE RIGHT OF ACTION UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

Section 802(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 597a(a)) shall apply with respect to violations of such Act occurring on or after December 19, 2003.

SEC. 4. ENFORCEMENT OF RIGHTS OF MEMBERS OF UNIFORMED SERVICES WITH RESPECT TO STATES AND PRIVATE EMPLOYERS.

(a) ACTION FOR RELIEF.—Subsection (a) of section 4323 of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and”;

(B) by striking “for such person”;

(C) by striking the fourth sentence; and

(D) by adding at the end the following: “The person on whose behalf the complaint is referred may, upon timely application, intervene in such action, and may obtain such appropriate relief as is provided in subsections (d) and (e).”;

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

“(2)(A) Not later than 60 days after the date the Attorney General receives a referral under paragraph (1), the Attorney General shall transmit, in writing, to the person on whose behalf the complaint is submitted—

“(i) if the Attorney General has made a decision to commence an action for relief under paragraph (1) relating to the complaint of the person, notice of the decision; and

“(ii) if the Attorney General has not made such a decision, notice of when the Attorney General expects to make such a decision.

“(B) If the Attorney General notifies a person that the Attorney General expects to make a decision under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date on which the Attorney General makes such decision, notify, in writing, the person of such decision.”.

(3) by redesignating paragraph (3) as paragraph (4),

(4) by inserting after paragraph (2) the following new paragraph (3):

“(3) Whenever the Attorney General has reasonable cause to believe that a State (as an employer) or a private employer is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights and benefits provided for under this chapter, and that the pattern or practice is of such a nature and is intended to deny the full exercise of such rights and benefits, the Attorney General may commence an action for relief under this chapter.”; and

(5) in paragraph (4), as redesignated by paragraph (3), by striking subparagraph (C) and inserting the following new subparagraph (C):

“(C) has been notified by the Attorney General that the Attorney General does not intend to commence an action for relief under paragraph (1) with respect to the complaint under such paragraph.”.

(b) STANDING.—Subsection (f) of such section is amended to read as follows:

“(f) STANDING.—An action under this chapter may be initiated only by the Attorney General or by a person claiming rights or benefits under this chapter under subsection (a).”.

(c) CONFORMING AMENDMENT.—Subsection (h)(2) of such section is amended by striking “under subsection (a)(2)” and inserting “under paragraph (1) or (4) of subsection (a)”.

SEC. 5. SUBPOENA POWER FOR SPECIAL COUNSEL IN ENFORCEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES WITH RESPECT TO FEDERAL EXECUTIVE AGENCIES.

Section 4324 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) In order to carry out the Special Counsel's responsibilities under this section, the Special Counsel may require by subpoena the attendance and testimony of Federal employees and the production of documents from Federal employees and Federal executive agencies.

“(2) In the case of contumacy or failure to obey a subpoena issued under paragraph (1), upon application by the Special Counsel, the Merit Systems Protection Board may issue an order requiring a Federal employee or Federal executive agency to comply with a subpoena of the Special Counsel.

“(3) An order issued under paragraph (2) may be enforced by the Merit Systems Protection Board in the same manner as any order issued under section 1204 of title 5, United States Code.”.

SEC. 6. ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL.

(a) ISSUANCE UNDER SERVICEMEMBERS CIVIL RELIEF ACT.—Section 801 of the Servicemembers Civil Relief Act (50 U.S.C. App. 597) is amended by adding at the end the following:

“(d) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—

“(1) IN GENERAL.—Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation under this Act, the Attorney General may, before commencing a civil action under subsection (a), issue in writing and serve upon such person, a civil investigative demand requiring—

“(A) the production of such documentary material for inspection and copying;

“(B) that the custodian of such documentary material answer in writing written questions with respect to such documentary material; or

“(C) the production of any combination of such documentary material or answers.

“(2) FALSE CLAIMS.—The provisions of section 3733 of title 31, United States Code, governing the authority to issue, use, and enforce civil investigative demands shall apply with respect to the authority to issue, use, and enforce civil investigative demands under this section, except that, for purposes of applying such section 3733—

“(A) references to false claims law investigators or investigations shall be considered references to investigators or investigations under this Act;

“(B) references to interrogatories shall be considered references to written questions, and answers to such need not be under oath;

“(C) the definitions relating to ‘false claims law’ shall not apply; and

“(D) provisions relating to qui tam relations shall not apply.”.

(b) ISSUANCE UNDER CHAPTER 43 OF TITLE 38, UNITED STATES CODE.—Section 4323 of title 38, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

“(i) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—(1) Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation under this subchapter, the Attorney General may, before commencing a civil action under subsection (a),

issue in writing and serve upon such person, a civil investigative demand requiring—

“(A) the production of such documentary material for inspection and copying;

“(B) that the custodian of such documentary material answer in writing written questions with respect to such documentary material; or

“(C) the production of any combination of such documentary material or answers.

“(2) The provisions of section 3733 of title 31 governing the authority to issue, use, and enforce civil investigative demands shall apply with respect to the authority to issue, use, and enforce civil investigative demands under this section, except that, for purposes of applying such section 3733—

“(A) references to false claims law investigators or investigations shall be considered references to investigators or investigations under this subchapter;

“(B) references to interrogatories shall be considered references to written questions, and answers to such need not be under oath;

“(C) the definitions relating to ‘false claims law’ shall not apply; and

“(D) provisions relating to *qui tam* relations shall not apply.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 424—CONDEMNING THE MASS ATROCITIES COMMITTED BY THE GOVERNMENT OF SYRIA AND SUPPORTING THE RIGHT OF THE PEOPLE OF SYRIA TO BE SAFE AND TO DEFEND THEMSELVES

Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. GRAHAM, Mr. KYL, Ms. AYOTTE, and Mr. HOEVEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 424

Whereas, in March 2011, large-scale peaceful demonstrations began to take place in Syria against the authoritarian rule of Bashar al-Assad;

Whereas the Bashar al-Assad regime responded to protests by launching a campaign of escalating and indiscriminate violence, including gross human rights violations, use of force against civilians, torture, extrajudicial killings, arbitrary executions, sexual violence, and interference with access to medical treatment;

Whereas demonstrators initially demanded political reform, but under sustained violent attack by the Government of Syria, now demand a change in the Syrian regime;

Whereas forces loyal to Bashar al-Assad are increasingly and indiscriminately employing heavy weapons, including tanks and artillery, to attack civilian population centers;

Whereas, on November 23, 2011, the United Nations-appointed Independent International Commission of Inquiry on the Syrian Arab Republic reported that “crimes against humanity of murder, torture, rape or other forms of sexual violence of comparable gravity, imprisonment or other severe deprivation of liberty, enforced disappearances of persons and other inhumane acts of a similar character have occurred in different locations in Syria since March 2011” and that “the Syrian Arab Republic bears responsibility for these crimes and violations”;

Whereas, on February 22, 2012, the Independent International Commission of Inquiry on the Syrian Arab Republic found in a subsequent report that “commanding offi-

cers and officials at the highest level of government bear responsibility for crimes against humanity and other gross human rights violations”;

Whereas, on March 15, 2012, United Nations Secretary-General Ban Ki-Moon warned that “well over 8,000 people” have been killed because of the “brutal oppression” by authorities in Syria and called the status quo in Syria “indefensible”;

Whereas, on March 27, 2012, the United Nations reported that the death toll in Syria had climbed to “more than 9,000”;

Whereas at least 3,000 people have been killed in Syria in 2012 alone;

Whereas, on October 2, 2011, a broad-based coalition of Syrian opposition leaders announced the establishment of the Syrian National Council (SNC), calling for the end of the Bashar al-Assad regime and the formation of a civil, pluralistic, and democratic state in Syria;

Whereas, on February 24, 2012, Secretary of State Hillary Clinton called the Syrian National Council (SNC) “a leading legitimate representative of Syrians seeking peaceful democratic change” and an “effective representative for the Syrian people with governments and international organizations”;

Whereas growing numbers of people in Syria, under continued and escalating assault by the Assad regime, have taken up arms to defend themselves and organized armed resistance under the banner of the Free Syrian Army (FSA);

Whereas the leaders of the Free Syrian Army have rejected sectarianism;

Whereas, on December 6, 2011, the Syrian National Council issued a statement affirming that the Free Syrian Army “deserve[s] the backing of all supporters of human rights in Syria” and applauding the decision of FSA officers to “risk their lives and those of their families because they believe in Syria and have lost faith in the Assad doctrine”;

Whereas, on March 12, 2012, the Syrian National Council, through its spokesperson, called for “military intervention by Arab and Western countries to protect civilians” in Syria, and endorsed the arming of the Free Syrian Army;

Whereas, on March 16, 2012, opposition activists inside Syria staged protests calling for “immediate military intervention by the Arabs and Muslims, followed by the rest of the world”;

Whereas, on February 24, 2012, the Foreign Minister of Saudi Arabia, Saud bin Feisal, called providing weapons to the Syrian opposition “an excellent idea...because they have to protect themselves”;

Whereas, on February 27, 2012, the Prime Minister of Qatar, Sheikh Hamad bin Jassim al Thani, said of the Syrian opposition, “I think we should do whatever is necessary to help them, including giving them weapons to defend themselves.”;

Whereas, on March 1, 2012, the parliament of Kuwait voted overwhelmingly on a resolution calling on the Government of Kuwait to support the Syrian opposition, including by providing weapons;

Whereas, on March 16, 2012, Prime Minister Recep Tayyip Erdogan of Turkey said that the Government of Turkey was considering setting up a “security” or “buffer zone” along its border with Syria;

Whereas, on December 22, 2010, the Senate passed Senate Concurrent Resolution 71 (112th Congress), a bipartisan resolution recognizing that it is in the national interest of the United States to prevent and mitigate acts of genocide and other mass atrocities against civilians;

Whereas, on August 4, 2011, President Barack Obama issued Presidential Study Directive-10 (PSD-10), stating, “Preventing

mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States.”;

Whereas, on May 18, 2011, President Obama signed Executive Order 13573, targeting senior officials of the Government of Syria due to the Government’s continuing escalation of violence against the people of Syria;

Whereas, on April 29, 2011, President Obama signed Executive Order 13572, imposing sanctions on certain individuals and entities in the annex to the order and providing the authority to designate persons responsible for human rights abuses in Syria, including those related to repressing the people of Syria;

Whereas, on February 4, 2012, President Obama stated that Bashar al-Assad “has no right to lead Syria and has lost all legitimacy with his people and the international community”;

Whereas, on February 17, 2012, the Senate passed Senate Resolution 379 (112th Congress), stating that the “gross human rights violations perpetuated by the Government of Syria against the people of Syria represent a grave risk to regional peace and stability”;

Whereas, on February 28, 2012, Secretary of State Clinton, in testimony before the Subcommittee on the Department of State, Foreign Operations, and Related Programs of the Committee on Appropriations of the Senate concerning Bashar al-Assad, testified that, “based on the definitions of war criminal and crimes against humanity, there would be an argument to be made that he would fit into that category”;

Whereas, on March 1, 2012, Admiral James Stavridis, commander of United States European Command and Supreme Allied Commander of NATO, during testimony before the Committee on Armed Services of the Senate, agreed with the statement that “the provision of arms, communication equipment, and tactical intelligence” would “help the Syrian opposition to better organize itself and push Assad from power”;

Whereas, on March 6, 2012, General James Mattis, commander of United States Central Command, testified before the Committee on Armed Services of the Senate that Bashar al-Assad will “continue to employ heavier and heavier weapons on his people”;

Whereas, on March 6, 2012, General Mattis testified before the Committee on Armed Services of the Senate that there is “a full throated effort by Iran to keep Assad there and oppressing his own people” in Syria, including “providing the kinds of weapons that are being used right now to suppress the opposition,” as well as “listening capability, eavesdropping capability...and experts who I could only say are experts at oppressing”;

Whereas, on March 6, 2012, General Mattis testified before the Committee on Armed Services of the Senate that the fall of the Bashar al-Assad regime would represent “the biggest strategic setback for Iran in 25 years”;

Whereas the continuing gross human rights violations against the people of Syria represent a grave risk to regional peace and stability: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the mass atrocities and severe human rights abuses being perpetrated against the people of Syria by Bashar al-Assad and his followers;

(2) recognizes that the people of Syria have an inherent right to defend themselves against the campaign of violence being conducted by the Assad regime;

(3) supports calls by Arab leaders to provide the people of Syria with the means to defend themselves against Bashar al-Assad and his forces, including through the provision of weapons and other material support, and calls on the President to work closely

with regional partners to implement these efforts effectively;

(4) urges the President to take all necessary precautions to ensure that any support for the Syrian opposition does not benefit individuals in Syria who are aligned with al Qaeda or associated movements, or who have committed human rights abuses;

(5) affirms that the establishment of safe havens for people from Syria, as contemplated by governments in the Middle East, would be an important step to save Syrian lives and to help bring an end to Mr. Assad's killing of civilians in Syria, and calls on the President to consult urgently and thoroughly with regional allies on whether, how, and where to create such safe havens;

(6) urges the President, as part of an international effort to hold senior officials in Syria accountable for mass atrocities—

(A) to gather information about such mass atrocities, including gross human rights violations, use of force against civilians, torture, extrajudicial killings, arbitrary executions, sexual violence, and interference with access to medical treatment; and

(B) to continue to take actions to ensure that senior officials in the Government of Syria and other individuals responsible for mass atrocities in Syria are held accountable, including by using the authority provided under Executive Order 13572 and Executive Order 13573 to designate additional individuals;

(7) urges the Atrocities Prevention Board, once it is formally constituted by the President as called for in Presidential Study Directive-10, to provide recommendations concerning measures to prevent continued mass atrocities in Syria; and

(8) commends the establishment of the "Friends of the Syrian People" Contact Group and other international diplomatic efforts to end the violence and support a peaceful transition to democracy in Syria, and reaffirms the necessity of the departure from power of Bashar al-Assad.

SENATE RESOLUTION 425—DESIGNATING APRIL 23, 2012, AS "NATIONAL ADOPT A LIBRARY DAY"

Mr. WEBB (for himself, Ms. SNOWE, Mr. WARNER, Mr. BROWN of Ohio, and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 425

Whereas libraries are an essential part of the communities and the national system of education in the United States;

Whereas the people of the United States benefit significantly from libraries that serve as an open place for people of all ages and backgrounds to use books and other resources that offer pathways to learning, self-discovery, and the pursuit of knowledge;

Whereas libraries in the United States depend on the generous donations and support of individuals and groups to ensure that people who are unable to purchase books still have access to a wide variety of resources;

Whereas certain nonprofit organizations facilitate the donation of books to schools and libraries across the United States to extend the joy of reading to millions of people of the United States and to prevent used books from being thrown away;

Whereas libraries in the United States have provided valuable resources to individuals who are affected by the economic crisis by encouraging continued education and job training;

Whereas libraries are increasingly being used as a resource for those seeking the tools

and information to enter or reenter the workforce; and

Whereas several States that recognize the importance of libraries and reading have adopted resolutions commemorating April 23 as "Adopt a Library Day": Now, therefore, be it

Resolved, That the Senate—

(1) designates April 23, 2012, as "National Adopt a Library Day";

(2) honors the organizations that facilitate donations to schools and libraries;

(3) urges all people of the United States who own unused books to donate the books to local libraries;

(4) strongly supports children and families who take advantage of the resources provided by schools and libraries; and

(5) encourages the people of the United States to observe "National Adopt A Library Day" with appropriate ceremonies and activities.

SENATE RESOLUTION 426—CONGRATULATING THE LADY BEARS OF BAYLOR UNIVERSITY ON WINNING THE 2012 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S BASKETBALL CHAMPIONSHIP

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 426

Whereas the Baylor University women's basketball team, the Lady Bears, won its second National Collegiate Athletic Association Division I Women's Basketball Championship by defeating the University of Notre Dame by a score of 80 to 61, becoming the only team in men's and women's college basketball to finish the season with a perfect undefeated record of 40-0;

Whereas the Lady Bears' 2011-2012 season marked only the 7th undefeated season in the history of Division I women's college basketball;

Whereas Coach Kim Mulkey is the only woman in women's basketball history to have played on and coached a national championship team;

Whereas Coach Mulkey brought the Lady Bears its 2d national championship since 2005, with a starting lineup that included Brittney Griner, Destiny Williams, Odyssey Sims, Kimetria Hayden, and Jordan Madden;

Whereas All-American junior Brittney Griner led the Lady Bears to victory with 26 points, 13 rebounds, and 5 blocks in a dominating performance over the University of Notre Dame and finished the 2011-2012 season with more than 920 points;

Whereas the members of the Lady Bears basketball team should all be commended for their teamwork, dedication, and athletic prowess;

Whereas Baylor University as 2011-2012 women's basketball national champions, has continued to demonstrate excellence in both athletics and academics;

Whereas the Lady Bears basketball team has significantly advanced the sport of women's basketball by demonstrating character and sportsmanship;

Whereas the Lady Bears overcame significant adversity and competition by defying expectations to finish the season with a dominating performance in the final title game and a perfect undefeated record of 40-0;

Whereas the accomplishments of the Lady Bears are another testament to the strength and will of women across the State of Texas; and

Whereas the Lady Bears basketball team is the pride of its loyal fans, current and former students, and the Lone Star State: Now, therefore, be it

Resolved, That the Senate congratulates the Lady Bears of Baylor University on winning the 2012 National Collegiate Athletic Association Division I Women's Basketball Championship and completing the 2011-2012 season with an undefeated record of 40 wins and 0 losses.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2033. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table.

SA 2034. Mr. AKAKA (for himself, Mr. INOUE, Mr. HARKIN, Mrs. MURRAY, Mr. FRANKEN, Mr. LEAHY, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2035. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2036. Mr. PRYOR (for himself, Mr. BEGICH, Mr. SANDERS, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2037. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2038. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2039. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2040. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2041. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2042. Mr. CASEY (for himself, Mr. BROWN of Ohio, Mr. SANDERS, Mr. BAUCUS, Mr. LEAHY, and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2043. Mr. UDALL, of New Mexico (for himself, Mr. SANDERS, Mrs. McCASKILL, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2044. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2045. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2046. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2047. Mr. BENNET (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2048. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2049. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2050. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2051. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2052. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2053. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2054. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2055. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2056. Mr. TESTER (for himself, Mr. FRANKEN, Mr. LEVIN, Mr. PRYOR, Mr. WYDEN, Ms. STABENOW, Mr. BEGICH, Mrs. SHAHEEN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2057. Mr. UDALL, of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2058. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2059. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2060. Mr. COBURN (for himself, Mr. JOHNSON of Wisconsin, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2061. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2062. Mr. MERKLEY (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2063. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2064. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2065. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2066. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2067. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2068. Mr. WYDEN (for himself, Mr. MERKLEY, Mr. TESTER, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2069. Mr. ALEXANDER submitted an amendment intended to be proposed by him

to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2070. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2071. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2072. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2073. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2074. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2075. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2076. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2033. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE V—COMMISSION ON POSTAL REORGANIZATION

SEC. 501. SHORT TITLE.

This title may be cited as the “Commission on Postal Reorganization Act” or the “CPR Act”.

SEC. 502. DEFINITIONS.

For purposes of this title—

(1) the term “Postal Service” means the United States Postal Service;

(2) the term “postal retail facility” means a post office, post office branch, post office classified station, or other facility which is operated by the Postal Service, and the primary function of which is to provide retail postal services;

(3) the term “mail processing facility” means a processing and distribution center, processing and distribution facility, network distribution center, or other facility which is operated by the Postal Service, and the primary function of which is to sort and process mail;

(4) the term “district office” means the central office of an administrative field unit with responsibility for postal operations in a designated geographic area (as defined under regulations, directives, or other guidance of the Postal Service, as in effect on June 23, 2011);

(5) the term “area office” means the central office of an administrative field unit with responsibility for postal operations in a designated geographic area which is comprised of designated geographic areas as referred to in paragraph (4); and

(6) the term “baseline year” means the fiscal year last ending before the date of the enactment of this Act.

SEC. 503. COMMISSION ON POSTAL REORGANIZATION.

(a) ESTABLISHMENT.—There shall be established, not later than 90 days after the date of the enactment of this Act, an independent

commission to be known as the “Commission on Postal Reorganization” (hereinafter in this section referred to as the “Commission”).

(b) DUTIES.—The Commission shall carry out the duties specified for it in this title.

(c) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of 5 members who shall be appointed by the President, and of whom—

(A) 1 shall be appointed from among individuals recommended by the Speaker of the House of Representatives;

(B) 1 shall be appointed from among individuals recommended by the majority leader of the Senate;

(C) 1 shall be appointed from among individuals recommended by the minority leader of the House of Representatives;

(D) 1 shall be appointed from among individuals recommended by the minority leader of the Senate; and

(E) 1 shall be appointed from among individuals recommended by the Comptroller General.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—Members of the Commission shall be chosen to represent the public interest generally, and shall not be representatives of specific interests using the Postal Service.

(B) INELIGIBILITY.—An individual may not be appointed to serve as a member of the Commission if such individual served as an employee of the Postal Service or the Postal Regulatory Commission, or of a labor organization representing employees of the Postal Service or the Postal Regulatory Commission, during the 3-year period ending on the date of such appointment.

(3) POLITICAL AFFILIATION.—Not more than 3 members of the Commission may be of the same political party.

(d) TERMS.—Each member of the Commission shall be appointed for the life of the Commission and may be removed only for cause.

(e) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) CHAIRMAN.—The President shall, at the time of making appointments under subsection (c), designate one of the members to serve as chairman of the Commission.

(g) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Commission shall be paid at a rate equal to the daily equivalent of \$40,000 per year for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(B) EXCEPTION.—Any member of the Commission who is a full-time officer or employee of the United States may not receive additional pay, allowances, or benefits by reason of such member's service on the Commission.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions of subchapter I of chapter 57 of title 5, United States Code.

(h) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission. The Director shall be paid at the rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code. An appointment under this subsection shall be subject to the requirements of subsection (c)(2).

(i) ADDITIONAL PERSONNEL.—With the approval of the Commission, the Director may appoint and fix the pay of such additional personnel as the Director considers appropriate. Such additional personnel may be appointed without regard to the provisions of

title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay at a rate of basic pay in excess of the rate of basic pay payable to the Director. An individual appointed under this subsection shall serve at the pleasure of the Director.

(j) PROVISIONS RELATING TO DETAILS.—

(1) IN GENERAL.—Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of such department or agency to the Commission to assist the Commission in carrying out its duties under this title. Notwithstanding any other provision of law, to provide continuity in the work of the Commission, such details may be extended beyond 1 year at the request of the Director.

(2) NUMERICAL LIMITATION.—Not more than $\frac{1}{3}$ of the personnel of the Commission may consist of the number of individuals on detail from the Postal Service and the Postal Regulatory Commission combined.

(3) OTHER LIMITATIONS.—A person may not be detailed to the Commission from the Postal Service or the Postal Regulatory Commission if such person participated personally and substantially on any matter, within the Postal Service or the Postal Regulatory Commission, concerning the preparation of recommendations for closures or consolidations of postal facilities under this title. No employee of the Postal Service or the Postal Regulatory Commission (including a detailee to the Postal Service or the Postal Regulatory Commission) may—

(A) prepare any report concerning the effectiveness, fitness, or efficiency of the performance, on the staff of the Commission, of any person detailed from the Postal Service or the Postal Regulatory Commission to such staff;

(B) review the preparation of such a report; or

(C) approve or disapprove such a report.

(k) OTHER AUTHORITIES.—

(1) EXPERTS AND CONSULTANTS.—The Commission may procure by contract, to the extent funds are available, temporary or intermittent services under section 3109 of title 5, United States Code.

(2) LEASING, ETC.—The Commission may lease space and acquire personal property to the extent funds are available.

(1) AUTHORIZATION OF APPROPRIATIONS.—In order to carry out this section, there are authorized to be appropriated out of the Postal Service Fund \$20,000,000, which funds shall remain available until expended.

(m) FINANCIAL REPORTING.—

(1) AUDIT AND EXPENDITURES.—The Commission shall be responsible for issuing annual financial statements and for establishing and maintaining adequate controls over its financial reporting.

(2) INTERNAL AUDITS.—The Commission shall maintain an adequate internal audit of its financial transactions.

(3) ANNUAL CERTIFICATION.—The Commission shall obtain an annual certification for each fiscal year from an independent, certified public accounting firm of the accuracy of its financial statements.

(4) COMPTROLLER GENERAL.—The accounts and operations of the Commission shall be audited by the Comptroller General and reports thereon made to the Congress to the extent and at such times as the Comptroller General may determine.

(n) TERMINATION.—The Commission shall terminate 60 days after submitting its final reports under section 504(d)(3).

SEC. 504. RECOMMENDATIONS FOR CLOSURES AND CONSOLIDATIONS.

(a) PLAN FOR THE CLOSURE OR CONSOLIDATION OF POSTAL RETAIL FACILITIES.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Postal Service, in consultation with the Postal Regulatory Commission, shall develop and submit to the Commission on Postal Reorganization a plan for the closure or consolidation of such postal retail facilities as the Postal Service considers necessary and appropriate so that the total annual costs attributable to the operation of postal retail facilities will be, for each fiscal year beginning at least 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to this subsection, at least \$1,000,000,000 less than the corresponding total annual costs for the baseline year.

(2) CONTENTS.—The plan shall include—

(A) a list of the postal retail facilities proposed for closure or consolidation under this title;

(B) a proposed schedule under which—

(i) closures and consolidations of postal retail facilities would be carried out under this title; and

(ii) all closures and consolidations of postal retail facilities under this title would be completed by not later than 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to such plan;

(C) the estimated total annual cost savings attributable to the proposed closures and consolidations described in the plan;

(D) the criteria and process used to develop the information described in subparagraphs (A) and (B);

(E) the methodology and assumptions used to derive the estimates described in subparagraph (C); and

(F) any changes to the processing, transportation, delivery, or other postal operations anticipated as a result of the proposed closures and consolidations described in the plan.

(3) CONSISTENCY.—The methodology and assumptions used to derive the cost estimates described in paragraph (2)(C) shall be consistent with the methodology and assumptions which would have been used by the Postal Service if those closures and consolidations had instead taken effect in the baseline year.

(b) PLAN FOR THE CLOSURE OR CONSOLIDATION OF MAIL PROCESSING FACILITIES.—

(1) IN GENERAL.—Not later than 300 days after the date of the enactment of this Act, the Postal Service, in consultation with the Inspector General of the United States Postal Service, shall develop and submit to the Commission on Postal Reorganization a plan for the closure or consolidation of such mail processing facilities as the Postal Service considers necessary and appropriate so that—

(A) the total annual costs attributable to the operation of mail processing facilities will be, for each fiscal year beginning at least 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to this subsection, at least \$2,000,000,000 less than the corresponding total annual costs for the baseline year; and

(B) the Postal Service has, for fiscal years beginning at least 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to this subsection, no more than 10 percent excess mail processing capacity.

(2) CONTENTS.—The plan shall include—

(A) a list of the mail processing facilities proposed for closure or consolidation under this title;

(B) a proposed schedule under which—

(i) closures and consolidations of mail processing facilities would be carried out under this title; and

(ii) all closures and consolidations of mail processing facilities under this title would be completed by not later than 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to such plan;

(C) the estimated total annual cost savings attributable to the proposed closures and consolidations described in the plan;

(D) the criteria and process used to develop the information described in subparagraphs (A) and (B);

(E) the methodology and assumptions used to derive the estimates described in subparagraph (C); and

(F) any changes to the processing, transportation, delivery, or other postal operations anticipated as a result of the proposed closures and consolidations described in the plan.

(3) CONSISTENCY.—The methodology and assumptions used to derive the cost estimates described in paragraph (2)(C) shall be consistent with the methodology and assumptions which would have been used by the Postal Service if those closures and consolidations had instead taken effect in the baseline year.

(4) EXCESS MAIL PROCESSING CAPACITY.—The Commission shall cause to be published in the Federal Register notice of a proposed definition of “excess mail processing capacity” for purposes of this section within 120 days after the date of the enactment of this Act, and shall provide a period of 30 days for public comment on the proposed definition. Not later than 180 days after the date of the enactment of this Act, the Commission shall issue and cause to be published in the Federal Register a final definition of “excess mail processing capacity” for purposes of this section. Such definition shall include an estimate of the total amount of excess mail processing capacity in mail processing facilities as of the date of the enactment of this Act.

(5) UNDERUTILIZED MAIL PROCESSING FACILITIES.—In developing a plan under this subsection, the Postal Service may include the estimated total cost savings that would result from moving mail processing operations to any mail processing facility that, as of the date of introduction of this Act—

(A) is not currently used by the Postal Service; and

(B) is capable of processing mail to the Postal Service's standards.

(c) PLAN FOR THE CLOSURE OR CONSOLIDATION OF AREA AND DISTRICT OFFICES.—

(1) IN GENERAL.—Not later than 300 days after the date of the enactment of this Act, the Postal Service, in consultation with the Inspector General of the United States Postal Service, shall develop and submit to the Commission on Postal Reorganization a plan for the closure or consolidation of such area and district offices as the Postal Service considers necessary and appropriate so that the combined total number of area and district offices will be, for each fiscal year beginning at least 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to this subsection, at least 30 percent less than the corresponding combined total for the baseline year.

(2) CONTENTS.—The plan shall include—

(A) a list of the area and district offices proposed for closure or consolidation under this title;

(B) a proposed schedule under which—

(i) closures and consolidations of area and district offices would be carried out under this title; and

(ii) all closures and consolidations of area and district offices under this title would be completed by not later than 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to such plan;

(C) the estimated total annual cost savings attributable to the proposed closures and consolidations described in the plan;

(D) the criteria and process used to develop the information described in subparagraphs (A) and (B);

(E) the methodology and assumptions used to derive the estimates described in subparagraph (C); and

(F) any changes to the processing, transportation, delivery, or other postal operations anticipated as a result of the proposed closures and consolidations described in the plan.

(3) **CONSISTENCY.**—The methodology and assumptions used to derive the cost estimates described in paragraph (2)(C) shall be consistent with the methodology and assumptions which would have been used by the Postal Service if those closures and consolidations had instead taken effect in the baseline year.

(d) **REVIEW AND RECOMMENDATIONS OF THE COMMISSION.**—

(1) **INITIAL REPORTS.**—

(A) **IN GENERAL.**—After receiving the plan of the Postal Service under subsection (a), (b), or (c), the Commission on Postal Reorganization shall transmit to Congress and publish in the Federal Register a report under this paragraph, which shall contain the Commission's findings based on a review and analysis of such plan, together with the Commission's initial recommendations for closures and consolidations of postal facilities, mail processing facilities, or area and district offices (as the case may be).

(B) **EXPLANATION OF CHANGES.**—The Commission shall explain and justify in its report any recommendations made by the Commission that are different from those contained in the Postal Service plan to which such report pertains.

(C) **DEADLINES.**—A report of the Commission under this paragraph shall be transmitted and published, in accordance with subparagraph (A), within—

(i) if the report pertains to the plan under subsection (a), 60 days after the date on which the Commission receives such plan; or

(ii) if the report pertains to the plan under subsection (b) or (c), 90 days after the date on which the Commission receives such plan.

(2) **PUBLIC HEARINGS.**—

(A) **IN GENERAL.**—After receiving the plan of the Postal Service under subsection (a), (b), or (c), the Commission on Postal Reorganization shall conduct at least 5 public hearings on such plan. The hearings shall be conducted in geographic areas chosen so as to reflect a broadly representative range of needs and interests.

(B) **TESTIMONY.**—All testimony before the Commission at a public hearing conducted under this paragraph shall be given under oath.

(C) **DEADLINES.**—All hearings under this paragraph shall be completed within 60 days after the date as of which the Commission satisfies the requirements of paragraph (1) with respect to such plan.

(3) **FINAL REPORTS.**—

(A) **IN GENERAL.**—After satisfying the requirements of paragraph (2) with respect to the plan of the Postal Service under subsection (a), (b), or (c) (as the case may be), the Commission shall transmit to Congress and publish in the Federal Register a report under this paragraph containing a summary of the hearings conducted with respect to such plan, together with the Commission's final recommendations for closures and con-

solidations of postal facilities, mail processing facilities, or area and district offices (as the case may be).

(B) **APPROVAL.**—Recommendations under subparagraph (A) shall not be considered to be final recommendations unless they are made with—

(i) except as provided in clause (ii), the concurrence of at least 4 members of the Commission; or

(ii) to the extent that the requirements of subsection (b)(1)(A) or (c)(1) are not met, the concurrence of all sitting members, but only if the shortfall (relative to the requirements of subsection (b)(1)(A) or (c)(1), as the case may be) does not exceed 25 percent.

(C) **CONTENTS.**—A report under this paragraph shall include—

(i) the information required by paragraph (2) of subsection (a), (b), or (c) (as the case may be); and

(ii) a description of the operations that will be affected by the closure or consolidation and the facilities or offices which will be performing or ceasing to perform such operations as a result of such closure or consolidation.

(D) **DEADLINES.**—A report of the Commission under this paragraph shall be transmitted and published, in accordance with subparagraph (A), within 60 days after the date as of which the Commission satisfies the requirements of paragraph (2) with respect to the plan involved.

(e) **LIMITATION RELATING TO POSTAL RETAIL FACILITIES IDENTIFIED FOR CLOSURE OR CONSOLIDATION.**—

(1) **APPLICABILITY.**—This subsection applies to any plan of the Postal Service under subsection (a) and any report of the Commission under subsection (d) (whether initial or final) pertaining to such plan.

(2) **LIMITATION.**—Of the total number of postal retail facilities recommended for closure or consolidation (combined) under any plan or report to which this subsection applies, the number of such facilities that are within the K or L cost ascertainment grouping (combined) shall account for not more than 10 percent of such total number.

(3) **REFERENCES.**—For purposes of this subsection—

(A) any reference to a “cost ascertainment grouping” shall be considered to refer to a cost ascertainment grouping as described in section 123.11 of the Postal Operations Manual (as in effect on June 23, 2011); and

(B) any reference to a particular category (designated by a letter) of a cost ascertainment grouping shall be considered to refer to such category, as described in such section 123.11 (as in effect on the date specified in subparagraph (A)).

(f) **ANNUAL REPORTS.**—

(1) **IN GENERAL.**—There shall be included in the next 5 annual reports submitted under section 2402 of title 39, United States Code, beginning with the report covering any period of time occurring after the date of enactment of this Act, the following (shown on a State-by-State basis):

(A) In connection with closures and consolidations taking effect in the year covered by the report, the total number of individuals separated from employment with the Postal Service, including, if separation occurs in a year other than the year in which the closing or consolidation occurs, the year in which separation occurs.

(B) Of the total numbers under subparagraph (A)—

(i) the number and percentage comprising preference eligibles or veterans; and

(ii) the number and percentage comprising individuals other than preference eligibles or veterans.

(C) Of the total numbers under subparagraph (A), the number and percentage reem-

ployed in a position within the general commuting area of the facility or office involved (including, if reemployment occurs in a year other than the year in which the closing or consolidation occurs, the year in which reemployment occurs)—

(i) with the Postal Service; or

(ii) with an employer other than the Postal Service.

(D) The methodology and assumptions used to derive the estimates described in subparagraph (B).

(E) The criteria and process used to develop the information described in subparagraph (C).

(2) **DEFINITIONS.**—For purposes of this subsection—

(A) the term “preference eligible” has the meaning given such term in section 2108(3) of title 5, United States Code; and

(B) the term “veteran” has the meaning given such term in section 101(2) of title 38, United States Code.

SEC. 505. IMPLEMENTATION OF CLOSURES AND CONSOLIDATIONS.

(a) **IN GENERAL.**—Subject to subsection (b), the Postal Service shall—

(1) close or consolidate (as the case may be) the facilities and offices recommended by the Commission in each of its final reports under section 504(d)(3); and

(2) carry out those closures and consolidations in accordance with the timetable recommended by the Commission in such report, except that in no event shall any such closure or consolidation be completed later than 2 years after the date on which such report is submitted to Congress.

(b) **CONGRESSIONAL DISAPPROVAL.**—

(1) **IN GENERAL.**—The Postal Service may not carry out any closure or consolidation recommended by the Commission in a final report if a joint resolution disapproving the recommendations of the Commission is enacted, in accordance with section 506, before the earlier of—

(A) the end of the 30-day period beginning on the date on which the Commission transmits those recommendations to Congress under section 504(d)(3); or

(B) the adjournment of the Congress sine die for the session during which such report is transmitted.

(2) **DAYS OF SESSION.**—For purposes of paragraph (1) and subsections (a) and (c) of section 506, the days on which either House of Congress is not in session because of an adjournment of more than 7 days to a day certain shall be excluded in the computation of a period.

SEC. 506. CONGRESSIONAL CONSIDERATION OF FINAL CPR REPORTS.

(a) **TERMS OF THE RESOLUTION.**—For purposes of this title, the term “joint resolution”, as used with respect to a report under section 504(d)(3), means only a joint resolution—

(1) which is introduced within the 10-day period beginning on the date on which such report is received by Congress;

(2) the matter after the resolving clause of which is as follows: “That Congress disapproves the recommendations of the Commission on Postal Reorganization, submitted by such Commission on ____, and pertaining to the closure or consolidation of ____, the first blank space being filled in with the appropriate date and the second blank space being filled in with “postal retail facilities”, “mail processing facilities”, or “area and district offices” (as the case may be);

(3) the title of which is as follows: “Joint resolution disapproving the recommendations of the Commission on Postal Reorganization.”; and

(4) which does not have a preamble.

(b) **REFERRAL.**—A resolution described in subsection (a) that is introduced in the

House of Representatives or the Senate shall be referred to the appropriate committees of the House of Representatives or the Senate, respectively.

(c) **DISCHARGE.**—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the Commission transmits the report (to which such resolution pertains) to Congress under section 504(d)(3), such committee shall, at the end of such period, be discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) **CONSIDERATION.**—

(1) **IN GENERAL.**—On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) **DEBATE.**—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) **VOTE ON FINAL PASSAGE.**—Immediately following the conclusion of the debate on a resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) **APPEALS.**—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) **CONSIDERATION BY OTHER HOUSE.**—

(1) **IN GENERAL.**—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution (described

in subsection (a)) relating to the same report, then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to the resolution described in subsection (a) (relating to the report in question) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution (relating to the same report) had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) **DISPOSITION OF A RESOLUTION.**—Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(f) **RULES OF THE SENATE AND HOUSE.**—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 507. NONAPPEALABILITY OF DECISIONS.

(a) **TO PRC.**—The closing or consolidation of any facility or office under this title may not be appealed to the Postal Regulatory Commission under section 404(d) or any other provision of title 39, United States Code, or be the subject of an advisory opinion issued by the Postal Regulatory Commission under section 3661 of such title.

(b) **JUDICIAL REVIEW.**—No process, report, recommendation, or other action of the Commission on Postal Reorganization shall be subject to judicial review.

SEC. 508. RULES OF CONSTRUCTION.

(a) **CONTINUED AVAILABILITY OF AUTHORITY TO CLOSE OR CONSOLIDATE POSTAL FACILITIES.**—

(1) **IN GENERAL.**—Nothing in this title shall be considered to prevent the Postal Service from closing or consolidating any postal facilities, in accordance with otherwise applicable provisions of law, either before or after the implementation of any closures or consolidations under this title.

(2) **COORDINATION RULE.**—No appeal or determination under section 404(d) of title 39, United States Code, or any other provision of law shall delay, prevent, or otherwise affect any closure or consolidation under this title.

(b) **INAPPLICABILITY OF CERTAIN PROVISIONS.**—

(1) **IN GENERAL.**—The provisions of law identified in paragraph (2)—

(A) shall not apply to any closure or consolidation carried out under this title; and

(B) shall not be taken into account for purposes of carrying out section 503 or 504.

(2) **PROVISIONS IDENTIFIED.**—The provisions of law under this paragraph are—

(A) section 101(b) of title 39, United States Code; and

(B) section 404(d) of title 39, United States Code.

SEC. 509. REPEALS.

Sections 202, 203, 204, and 205 of this Act, and the amendments made by those sections, shall have no force or effect.

SA 2034. Mr. AKAKA (for himself, Mr. INOUE, Mr. HARKIN, Mrs. MURRAY, Mr. FRANKEN, Mr. LEAHY, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

Strike title III and insert the following:

TITLE III—FEDERAL EMPLOYEES' COMPENSATION ACT

SEC. 301. SHORT TITLE.

This title may be cited as the "Federal Workers' Compensation Modernization and Improvement Act".

SEC. 302. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE NURSES.

(a) **DEFINITION OF MEDICAL SERVICES.**—Section 8101(3) of title 5, United States Code, is amended—

(1) by striking "law. Reimbursable" and inserting "law (reimbursable)"; and

(2) by inserting before the semicolon, the following: " , and medical services may include treatment by a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, consistent with regulations prescribed by the Secretary of Labor)".

(b) **MEDICAL SERVICES AND OTHER BENEFITS.**—Section 8103 of title 5, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a), the following:

"(b) Medical services furnished or prescribed pursuant to subsection (a) may include treatment by a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, consistent with regulations prescribed by the Secretary of Labor".

(c) **CERTIFICATION OF TRAUMATIC INJURY.**—Section 8121(6) of title 5, United States Code, is amended by inserting before the period, the following: "(except that in a case of a traumatic injury, a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, may also provide certification of such traumatic injury and related disability during the continuation of pay period covered by section 8118, in a manner consistent with regulations prescribed by the Secretary of Labor)".

SEC. 303. COVERING TERRORISM INJURIES.

Section 8102(b) of title 5, United States Code, is amended in the matter preceding paragraph (1)—

(1) by inserting "or from an attack by a terrorist or terrorist organization, either known or unknown," after "force or individual,"; and

(2) by striking "outside" and all that follows through "1979" and inserting "outside of the United States".

SEC. 304. DISFIGUREMENT.

Section 8107(c)(21) of title 5, United States Code—

(1) by striking "For" and inserting the following: "(A) Except as provided under subparagraph (B), for"; and

(2) by adding at the end the following:

"(B) Notwithstanding subparagraph (A), for an injury occurring during the 3-year period prior to the date of enactment of the Federal Workers' Compensation Modernization and Improvement Act for which the Secretary of Labor has not made a compensation determination on disfigurement under subparagraph (A), or for an injury occurring

on or after the date of enactment of such Act resulting in a serious disfigurement of the face, head, or neck, proper and equitable compensation in proportion to the severity of the disfigurement, not to exceed \$50,000, as determined by the Secretary, shall be awarded in addition to any other compensation payable under this schedule. The applicable maximum compensation for disfigurement provided under this subparagraph shall be adjusted annually on March 1 in accordance with the percentage amount determined by the cost of living adjustment in section 8146a.”.

SEC. 305. SOCIAL SECURITY EARNINGS INFORMATION.

Section 8116 of title 5, United States Code, is amended by adding at the end the following:

“(e) Notwithstanding any other provision of law, the Secretary of Labor may require, as a condition of receiving any benefits under this subchapter, that a claimant for such benefits consent to the release by the Social Security Administration of the Social Security earnings information of such claimant.”.

SEC. 306. CONTINUATION OF PAY IN A ZONE OF ARMED CONFLICT.

Section 8118 of title 5, United States Code, is amended—

(1) in subsection (b), by striking “Continuation” and inserting “Except as provided under subsection (e)(2), continuation”;

(2) in subsection (c), by striking “subsections (a) and (b)” and inserting “subsections (a) and (b) or subsection (e).”;

(3) in subsection (d), by striking “subsection (a)” and inserting “subsection (a) or (e).”;

(4) by redesignating subsection (e) as subsection (f); and

(5) by inserting after subsection (d) the following:

“(e) CONTINUATION OF PAY IN A ZONE OF ARMED CONFLICT.—

“(1) IN GENERAL.—Notwithstanding subsection (a), the United States shall authorize the continuation of pay of an employee as defined in section 8101(1) of this title (other than those referred to in subparagraph (B) or (E)), who has filed a claim for a period of wage loss due to traumatic injury in performance of duty in a zone of armed conflict (as so determined by the Secretary of Labor under paragraph (3)), as long as the employee files a claim for such wage loss benefit with his immediate superior not later than 45 days following termination of assignment to the zone of armed conflict or return to the United States, whichever occurs later.

“(2) CONTINUATION OF PAY.—Notwithstanding subsection (b), continuation of pay under this subsection shall be furnished for a period not to exceed 135 days without any break in time or waiting period, unless controverted under regulations prescribed by the Secretary of Labor.

“(3) DETERMINATION OF ZONES OF ARMED CONFLICT.—For purposes of this subsection, the Secretary of Labor, in consultation with the Secretary of State and the Secretary of Defense, shall determine whether a foreign country or other foreign geographic area outside of the United States (as that term is defined in section 202(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(7))) is a zone of armed conflict based on whether—

“(A) the Armed Forces of the United States are involved in hostilities in the country or area;

“(B) the incidence of civil insurrection, civil war, terrorism, or wartime conditions threatens physical harm or imminent danger to the health or well-being of United States civilian employees in the country or area;

“(C) the country or area has been designated a combat zone by the President under section 112(c) of the Internal Revenue Code of 1986 (26 U.S.C. 112(c));

“(D) a contingency operation involving combat operations directly affects civilian employees in the country or area; or

“(E) there exist other relevant conditions and factors.”.

SEC. 307. SUBROGATION OF CONTINUATION OF PAY.

(a) SUBROGATION OF THE UNITED STATES.—Section 8131 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting “continuation of pay or” before “compensation”; and

(2) in subsection (c), by inserting “continuation of pay or” before “compensation already paid”.

(b) ADJUSTMENT AFTER RECOVERY FROM A THIRD PERSON.—Section 8132 of title 5, United States Code, is amended—

(1) by inserting “continuation of pay or” before “compensation” the first, second, fourth, and fifth place it appears;

(2) by striking “in his behalf” and inserting “on his behalf”; and

(3) by inserting “continuation of pay and” before “compensation” the third place it appears.

SEC. 308. FUNERAL EXPENSES.

Section 8134 of title 5, United States Code, is amended—

(1) in subsection (a), by striking “If” and inserting “Except as provided in subsection (b), if”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b) Notwithstanding subsection (a), for deaths occurring on or after the date of enactment of the Federal Workers' Compensation Modernization and Improvement Act, if death results from an injury sustained in the performance of duty, the United States shall pay, to the personal representative of the deceased or otherwise, funeral and burial expenses not to exceed \$6,000, in the discretion of the Secretary of Labor. The applicable maximum compensation for burial expenses provided under this subsection shall be adjusted annually on March 1 in accordance with the percentage amount determined by the cost of living adjustment in section 8146a.”.

SEC. 309. EMPLOYEES' COMPENSATION FUND.

Section 8147 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “except administrative expenses” and inserting “including administrative expenses”; and

(B) by striking the last 2 sentences; and

(2) in subsection (b)—

(A) in the first sentence, by inserting before the period “and an estimate of a pro-rata share of the amount of funds necessary to administer this subchapter for the fiscal year beginning in the next calendar year”; and

(B) in the second sentence, by striking “costs” and inserting “amount set out in the statement of costs and administrative expenses furnished pursuant to this subsection”.

SEC. 310. CONFORMING AMENDMENT.

Section 8101(1)(D) of title 5, United States Code, is amended by inserting before the semicolon “who suffered an injury on or prior to March 3, 1979”.

SEC. 311. EFFECTIVE DATE.

Except as otherwise provided, this title and the amendments made by this title, shall take effect 60 days after the date of enactment of this Act.

SEC. 312. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 2035. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

Strike title III.

SA 2036. Mr. PRYOR (for himself, Mr. BEGICH, Mr. SANDERS, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ SENSE OF THE SENATE.

It is the sense of the Senate that the Postal Service should not close or consolidate any postal facility (as defined in section 404(f) of title 39, United States Code, as added by this Act) or post office before the date of enactment of this Act.

SA 2037. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 35, line 16, strike the quotation marks and the second period and insert the following:

“(10) PROHIBITION ON CLOSING, CONSOLIDATION, AND REDUCTION IN WORKFORCE.—

“(A) IN GENERAL.—If the Postal Service conducted an area mail processing study after June 1, 2001 with respect to a postal facility which was terminated or concluded that no significant cost savings or efficiencies would result from closing, consolidating, or reducing the number of employees of the postal facility, the Postal Service may not—

“(i) close the postal facility;

“(ii) consolidate the postal facility; or

“(iii) involuntarily separate an employee of the postal facility from service, except for removal for cause on charges of misconduct or delinquency.

“(B) APPLICATION.—Subparagraph (A) shall apply with respect to a postal facility that was not closed or consolidated before May 15, 2012, without regard to the conclusions of any area mail processing study conducted with respect to the postal facility after the publication of an area mail processing study described in subparagraph (A).”.

SA 2038. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. ____ ENDING THE POSTAL SERVICE MONOPOLY ON FIRST-CLASS MAIL AND MAILBOX USE.

(a) ENDING THE FIRST-CLASS MAIL MONOPOLY.—

(1) TITLE 18.—Chapter 83 of title 18, United States Code, is amended by striking sections 1694, 1695, 1696, and 1697.

(2) TITLE 39.—Chapter 6 of title 39, United States Code, is amended—

- (A) by striking sections 601 and 602; and
- (B) by adding at the end the following:

“§ 607. Limitation on authorization for searches, seizures, detention, inspections, and examinations of mail matter

“(a) LIMITATION RELATING TO PRIVATE PROPERTY.—Subject to subsection (b), and notwithstanding sections 603, 604, 605, and 606, or any other provision of law, the Postal Service, and any authorized officer or employee of the Postal Service, may not search, seize, detain, inspect, or examine any mail matter that is located on private property or in a private vehicle.

“(b) EXCEPTION.—The prohibition under subsection (a) shall not apply to mail matter that—

- “(1) an individual voluntarily places in—

“(A) the mail; or

“(B) a letter box or post office box; or

“(2) is otherwise placed in the possession of the Postal Service before the mail matter is searched, seized, detained, inspected, or examined by the Postal Service or any authorized officer or employee of the Postal Service.”.

(b) ENDING THE MAILBOX USE MONOPOLY.—Section 1725 of title 18, United States Code, is amended by striking “established, approved, or accepted” and all that follows through “mail route” and inserting “or post office box owned by the Postal Service or located on Postal Service property”.

(c) REGULATIONS.—The Postal Service shall prescribe such regulations as may be necessary to carry out the amendments made by this section.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18.—The table of sections for chapter 83 of title 18, United States Code, is amended by striking the items relating to sections 1694, 1695, 1696, and 1697.

(2) TITLE 39.—The table of sections for chapter 6 of title 39, United States Code, is amended—

- (A) by striking the items relating to sections 601 and 602; and

- (B) by adding at the end the following:

“607. Limitation on authorization for searches, seizures, detention, inspections, and examinations of mail matter.”.

(3) OTHER TECHNICAL AND CONFORMING AMENDMENTS.—Not later than 90 days after the date of enactment of this Act, the Postal Service shall submit to Congress a list of any technical and conforming amendments that are necessary to carry out the amendments made by this section.

SA 2039. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 107. PROHIBITION ON COLLECTIVE BARGAINING.

(a) IN GENERAL.—Section 1206 of title 39 is amended to read as follows:

“§ 1206. Prohibition on collective-bargaining agreements

“The Postal Service may not enter into a collective-bargaining agreement with any labor organization.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 12 of title 39, United States Code, is amended—

- (1) in section 1202—

(A) in the section heading, by striking “Bargaining units” and inserting “Employee organizations”;

- (B) by striking the first sentence; and

(C) by striking “The National Labor Relations Board shall not include in any bargaining unit—” and inserting “An organization of employees of the United States Postal Service shall not include—”;

- (2) in section 1203, by striking subsections (c), (d), and (e);

(3) in section 1204(a), by striking “shall be conducted under the supervision of the National Labor Relations Board, or persons designated by it, and”;

(4) in section 1205(a), by striking “not subject to collective-bargaining agreements”;

- (5) by striking sections 1207, 1208, and 1209; and

- (6) in the table of sections—

(A) by striking the item relating to section 1202 and inserting the following:

“1203. Employee organizations.”; and

(B) by striking the items relating to sections 1206, 1207, 1208, and 1209 and inserting the following:

“1206. Prohibition on collective-bargaining agreements.”.

SA 2040. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 35, line 16, strike the quotation marks and the second period and insert the following:

“(10) PROHIBITION.—Notwithstanding any other provision of this subsection, the Postal Service may not close or consolidate a postal facility that is more than 50 miles from the nearest postal facility.”.

SA 2041. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ MORATORIUM ON CLOSING AND CONSOLIDATING POSTAL FACILITIES.

(a) DEFINITION.—In this section, the term “postal facility” has the same meaning as in section 404(f) of title 39, United States Code, as added by this section.

(b) MORATORIUM.—Notwithstanding subsection (f) of section 404 of title 39, United States Code, as added by this section, or any other provision of law, during the 2-year period beginning on the date of enactment of this Act, the Postal Service may not close or consolidate a postal facility.

SA 2042. Mr. CASEY (for himself, Mr. BROWN of Ohio, Mr. SANDERS, Mr. BAUCUS, Mr. LEAHY, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ MAINTENANCE OF DELIVERY SERVICE STANDARDS.

- (a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term “2011 market-dominant product service standards” means the expected delivery time

for market-dominant products entered into the network of sectional center facilities that existed on September 15, 2011, under part 121 of title 39, Code of Federal Regulations (as in effect on March 14, 2010).

(2) MAINTENANCE OF DELIVERY TIME.—Notwithstanding subsections (a), (b), and (c) of section 3691 of title 39, United States Code, the Postal Service may not increase the expected delivery time for market-dominant products, relative to the 2011 market-dominant product service standards, earlier than the date that is 4 years after the date of enactment of this Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) POSTAL FACILITIES.—Section 404(f) of title 39, United States Code, as added by this Act, is amended—

- (A) in paragraph (6)(C)—

(i) by striking “3-year period” and inserting “4-year period”; and

- (ii) by striking “section 201 of”; and

- (B) in paragraph (7)—

(i) in subparagraph (A), by striking “, including the service standards established under section 201 of the 21st Century Postal Service Act of 2012”; and

(ii) in subparagraph (B), by striking “, including the service standards established under section 201 of the 21st Century Postal Service Act of 2012.”.

(2) DEFINITION.—For purposes of section 206(a)(2), the term “continental United States” means the 48 contiguous States and the District of Columbia.

(3) SECTION 201.—Section 201 of this Act shall have no force or effect.

SA 2043. Mr. UDALL of New Mexico (for himself, Mr. SANDERS, Mrs. MCCASKILL, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

Strike section 208 and insert the following:

SEC. 208. TRANSFER OF AMOUNTS FROM THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND.

Section 8348(h)(2) of title 5, United States Code, is amended by striking subparagraphs (B) and (C) and inserting the following:

- “(B)(i) The Office shall—

“(I) redetermine the Postal surplus or supplemental liability as of the close of each of fiscal years 2007 through 2043; and

“(II) report the results of the redetermination for each such fiscal year, including appropriate supporting analyses and documentation, to the United States Postal Service on or before June 30 of the subsequent fiscal year.

“(ii) If the result of a redetermination under clause (i) is a supplemental liability, the Office shall establish an amortization schedule, including a series of annual installments commencing on September 30 of the subsequent fiscal year, that provides for the liquidation of such liability by September 30, 2043.

“(C)(i) Subject to clause (ii), if the result of a redetermination under subparagraph (B) for any of fiscal years 2013 through 2023 is a surplus, the amount of the surplus shall be transferred to the General Fund of the Treasury.

“(ii) Not more than a total of \$8,900,000 shall be transferred under clause (i).”.

SA 2044. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States

Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PAYCHECK PROTECTION.

(a) **SHORT TITLE.**—The section may be cited as the “Paycheck Protection Act”.

(b) **RIGHT NOT TO SUBSIDIZE UNION NON-REPRESENTATIONAL ACTIVITIES.**—Title I of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 411 et seq.) is amended by adding at the end the following:

“SEC. 106. RIGHT NOT TO SUBSIDIZE UNION NON-REPRESENTATIONAL ACTIVITIES.

“No employee’s union dues, fees, or assessments or other contributions shall be used or contributed to any person, organization, or entity for any purpose not directly germane to the labor organization’s collective bargaining or contract administration functions unless the member, or nonmember required to make such payments as a condition of employment, authorizes such expenditure in writing, after a notice period of not less than 35 days. An initial authorization provided by an employee under the preceding sentence shall expire not later than 1 year after the date on which such authorization is signed by the employee. There shall be no automatic renewal of an authorization under this section.”.

SA 2045. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . RIGHT-TO-WORK.

(a) **SHORT TITLE.**—This section may be cited as the “National Right-to-Work Act”.

(b) **AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.**—

(1) **RIGHTS OF EMPLOYEES.**—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking “except to” and all that follows through “authorized in section 8(a)(3)”.

(2) **UNFAIR LABOR PRACTICES.**—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking “: *Provided, That*” and all that follows through “retaining membership”;

(B) in subsection (b)—

(i) in paragraph (2), by striking “or to discriminate” and all that follows through “retaining membership”; and

(ii) in paragraph (5), by striking “covered by an agreement authorized under subsection (a)(3) of this section”; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(c) **AMENDMENT TO THE RAILWAY LABOR ACT.**—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

SA 2046. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PAYCHECK PROTECTION.

(a) **SHORT TITLE.**—The section may be cited as the “Paycheck Protection Act”.

(b) **RIGHT NOT TO SUBSIDIZE UNION NON-REPRESENTATIONAL ACTIVITIES.**—Chapter 12 of title 39, United States Code, is amended by adding at the end the following:

“SEC. 1210. RIGHT NOT TO SUBSIDIZE UNION NON-REPRESENTATIONAL ACTIVITIES.

“No Postal Service employee’s labor organization dues, fees, or assessments or other contributions shall be used or contributed to any person, organization, or entity for any purpose not directly germane to the labor organization’s collective bargaining or contract administration functions unless the member, or nonmember required to make such payments as a condition of employment, authorizes such expenditure in writing, after a notice period of not less than 35 days. An initial authorization provided by an employee under the preceding sentence shall expire not later than 1 year after the date on which such authorization is signed by the employee. There shall be no automatic renewal of an authorization under this section.”.

SA 2047. Mr. BENNET (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CITIZEN’S SERVICE PROTECTION ADVOCATES.

(a) **IN GENERAL.**—Chapter 4 of title 39, United States Code, is amended by adding at the end the following:

“§ 417. Citizen’s service protection advocates

“(a) **APPOINTMENT OF ADVOCATE.**—

“(1) **IN GENERAL.**—The chief executive of a State affected by the closing or consolidation of a rural post office or postal facility (as defined in section 404(f)) may appoint a citizen’s service protection advocate to represent the interests of postal customers affected the closing or consolidation.

“(2) **CONSULTATION.**—In making an appointment under this subsection, the chief executive of a State shall consult with—

“(A) the mayor (or equivalent official) of any city affected by the closing or consolidation; and

“(B) the commissioner (or equivalent official) of any county or parish affected by the closing or consolidation.

“(b) **NOTICE.**—The Postal Service shall transmit to the chief executive of a State notice of any determination by the Postal Service to close or consolidate a rural post office or postal facility that affects postal customers in the State.

“(c) **ACCESS TO INFORMATION AND ASSISTANCE.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), upon the request of any citizen’s service protection advocate appointed under this section, the Postal Service shall provide to the citizen’s service protection advocate—

“(A) access to any records, reports, audits, reviews, documents, papers, recommendations, or other materials of the Postal Service relating to the closing or consolidation of the relevant post office or postal facility; and

“(B) assistance in carrying out the duties of the citizen’s service protection advocate.

“(2) **PRIVACY PROTECTIONS.**—The Postal Service may not provide to a citizen’s service protection advocate any information, or compilation of information, that is a means of identification, as defined in section 1028(d)(7) of title 18, United States Code.

“(d) **COMMUNICATION AND CONSULTATION.**—The Postal Service shall—

“(1) provide for regular and efficient communication between a citizen’s service protection advocate and the officer or employee

of the Postal Service responsible for the closing or consolidation of the relevant post office or postal facility; and

“(2) consult with the citizen’s service protection advocate in developing and implementing service changes that affect postal customers affected by the closing or consolidation of the relevant post office or postal facility.

“(e) **TERMINATION OF SERVICE.**—An individual may not serve as a citizen’s service protection advocate with respect to the closing or consolidation of a rural post office or postal facility after the later of—

“(1) the date on which the Postal Service determines not to close or consolidate the rural post office or postal facility; and

“(2) the date on which the Postal Service determines to close or consolidate the rural post office or postal facility.”.

(b) **TABLE OF SECTIONS.**—The table of sections for chapter 4 of title 39, United States Code, is amended by adding at the end the following:

“417. Citizen’s service protection advocate.”.

(c) **APPEAL TO THE POSTAL REGULATORY COMMISSION.**—

(1) **POSTAL FACILITIES.**—Section 404(f)(7) of title 39, United States Code, as added by this Act, is amended by inserting “or with the requirements of section 417 of this title” after “2012” each place that term appears.

(2) **POST OFFICES.**—Section 404(d)(5)(C) of title 39, United States Code, as amended by this Act, is amended by inserting “or with the requirements of section 417 of this title” after “2012”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date on which the Postal Service establishes retail service standards under section 203.

SA 2048. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

(g) **STUDY AND STRATEGIC PLAN ON INTER-AGENCY AGREEMENTS FOR RURAL POST OFFICES.**—

(1) **DUTIES OF ADVISORY COMMISSION.**—

(A) **STUDY.**—

(i) **IN GENERAL.**—The Advisory Commission shall conduct a study concerning the advisability of the Postal Service entering into inter-agency agreements with Federal, State, and local agencies, with respect to rural post offices, that—

(I) streamline services provided by the Federal, State, and local agencies;

(II) decrease the costs of the Federal, State, and local agencies; and

(III) maintain the customer service standards of the Federal, State, and local agencies.

(ii) **CLARIFICATION OF INTER-AGENCY AGREEMENTS.**—The study under clause (i) shall include consideration of the advisability of the Postal Service entering into an inter-agency agreement with—

(I) the Bureau of the Census for the provision of personnel and resources for the 2020 decennial census;

(II) the Social Security Administration for the provision of social security cards;

(III) the department of motor vehicles, or an equivalent agency, of each State for the provision of driver licenses, vehicle registration, and voter registration; and

(IV) the division of wildlife, the department of natural resources, or an equivalent agency, of each State for the provision of hunting and fishing licenses.

(B) STRATEGIC PLAN.—Upon completion of the study under subparagraph (A), the Advisory Commission shall develop a strategic plan for entering into inter-agency agreements concerning rural post offices.

(C) REPORT.—Not later than 1 year after the date of enactment of this Act, the Advisory Commission shall submit to the Postal Service a report that contains the results of the study under subparagraph (A) and the strategic plan under subparagraph (B).

(2) POSTAL SERVICE STRATEGIC PLAN.—

(A) IN GENERAL.—Not later than 6 months after the date on which the Advisory Commission submits to the Postal Service the report under paragraph (1)(C), the Postal Service shall submit to the Postal Regulatory Commission a strategic plan for entering into inter-agency agreements concerning rural post offices.

(B) LIMITATIONS.—The strategic plan submitted under subparagraph (A) shall be consistent with—

(i) the retail service standards established under section 203 of this Act; and

(ii) public interest and demand.

(C) VOTE BY POSTAL REGULATORY COMMISSION.—Not later than 60 days after the date on which the Postal Service submits the strategic plan under subparagraph (A), the Postal Regulatory Commission shall, by a majority vote of the members of the Postal Regulatory Commission—

(i) approve the strategic plan, in whole or in part; or

(ii) disapprove the strategic plan.

(D) IMPLEMENTATION BY POSTAL SERVICE.—Not later than 30 days after the date on which the Postal Regulatory Commission votes on a strategic plan under subparagraph (C), the Postal Service shall implement the strategic plan as approved by the Postal Regulatory Commission under subparagraph (C)(i).

(E) DISAPPROVAL.—If the Postal Regulatory Commission disapproves a strategic plan under subparagraph (C)(ii), not later than 90 days after the date of the disapproval the Postal Service shall develop and submit an amended strategic plan that the Postal Regulatory Commission shall vote on in accordance with subparagraph (C).

(h) TERMINATION OF THE COMMISSION.—The Advisory Commission shall terminate 90 days after the later of—

(1) the date on which the Advisory Commission submits the report on the strategic blueprint for long-term solvency under subsection (f); and

(2) the date on which the Advisory Commission submits the report on the strategic plan on inter-agency agreements for rural post offices under subsection (g).

(i)

SA 2049. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 106. SUPERVISORY AND OTHER MANAGERIAL ORGANIZATIONS.

Section 1004 of title 39, United States Code, is amended—

(1) in subsection (b), in the second sentence, by inserting “as provided under subsection (d) and any changes in, or termination of, pay policies and schedules and fringe benefit programs for members of the supervisors’ organization as provided under subsection (e)” before the period; and

(2) in subsection (e)(1), by inserting “, or termination of,” after “any changes in”.

SA 2050. Mr. SCHUMER submitted an amendment intended to be proposed by

him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 48, strike line 3 and all that follows through the end of the matter between lines 5 and 6 on page 52.

SA 2051. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 39, strike line 20 and all that follows through page 45, line 17, and insert the following:

SEC. 205. OTHER PROVISIONS.

(a) FREQUENCY OF MAIL DELIVERY.—Section 101 of title 39, United States Code, is amended by adding at the end the following:

“(h) Subject to the requirements of section 3661, nothing in this title or any other provision of law shall be construed to prevent the Postal Service from taking any action necessary to provide for a 5-day-per-week delivery schedule for mail and a commensurate adjustment in the schedule for rural delivery of mail.”.

(b) OVERALL VALUE OF FRINGE BENEFITS.—Section 1005(f) of title 39, United States Code, is amended by striking the last sentence.

(c) MODERN RATE REGULATION.—Section 3622(d) of title 39, United States Code, is repealed.

(d) DELIVERY SERVICE STANDARDS AND MAIL PROCESSING.—Sections 201 and 202 of this Act, and the amendments made by those sections, shall have no force or effect.

(e) HISTORIC POST OFFICES.—Section 404(d) of title 39, United States Code, is amended by adding at the end the following:

“(7)(A) In this paragraph, the term ‘historic post office building’ means a post office building that is a certified historic structure, as that term is defined in section 47(c)(3) of the Internal Revenue Code of 1986.

SA 2052. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

Strike section 402 and insert the following:

SEC. 402. MINIMUM COST COVERAGE FOR MARKET-DOMINANT PRODUCTS.

Section 3622(d)(1) of title 39, United States Code, is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) require that each class of domestic or outbound international mail bear the costs that are the sum of—

“(i) the direct and indirect postal costs attributable to the class of mail through reliably identified causal relationships; and

“(ii) that portion of all costs of the Postal Service other than the costs described in clause (i) that are reasonably assignable to the class of mail.”.

SA 2053. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 39, strike line 20 and all that follows through page 45, line 17, and insert the following:

SEC. 205. HISTORIC POST OFFICES.

(a) REPEALS.—Sections 201 and 202 of this Act, and the amendments made by those sections, shall have no force or effect.

(b) HISTORIC POST OFFICES.—Section 404(d) of title 39, United States Code, is amended by adding at the end the following:

“(7)(A) In this paragraph, the term ‘historic post office building’ means a post office building that is a certified historic structure, as that term is defined in section 47(c)(3) of the Internal Revenue Code of 1986.

SA 2054. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ ALLOWANCE FOR VOLUME CHANGES IN ESTABLISHING THE PRICE CAP FOR BULK MARKET-DOMINANT PRODUCTS.

Section 3622(d)(1) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

“(A) include an annual limitation on the percentage changes in rates to be set by the Postal Regulatory Commission that—

“(i) except as provided in clause (ii), will be equal to the change in the Consumer Price Index for All Urban Consumers unadjusted for seasonal variation over the most recent available 12-month period preceding the date the Postal Service files notice of its intention to increase rates; and

“(ii) for bulk products, shall be the rate described in clause (i), adjusted to reflect any estimated changes in unit costs due solely to changes in the volume of such products entered into the mail.”.

SA 2055. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 23, strike lines 7 through 24 and insert the following:

SEC. 106. ARBITRATION; LABOR DISPUTES.

Section 1207(c)(2) of title 39, United States Code, is amended—

(1) by inserting “(A)” after “(2)”; and

(2) by striking the last sentence and inserting “The arbitration board shall render a decision not later than 45 days after the date of its appointment.”; and

(3) by adding at the end the following:

“(B) In rendering a decision under this paragraph, the arbitration board shall consider such relevant factors as—

“(i) the financial condition of the Postal Service;

“(ii) the requirements relating to pay and compensation comparability under section 1003(a); and

“(iii) the policies of this title.”.

SA 2056. Mr. TESTER (for himself, Mr. FRANKEN, Mr. LEVIN, Mr. PRYOR, Mr. WYDEN, Ms. STABENOW, Mr. BEGICH, Mrs. SHAHEEN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

Strike section 205(a) and insert the following:

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

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

“(A) consider whether—

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

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

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

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

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

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

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

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

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

“(A) shall consider—

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

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

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

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

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

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

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

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

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

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

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

“(5) A determination of the Postal Service to close or consolidate any post office, station, branch, or facility may be appealed by any person served by such office, station, branch, or facility to the Postal Regulatory Commission within 30 days after such determination is made available to such person.

The Commission shall review such determination on the basis of the record before the Postal Service in the making of such determination. The Commission shall make a determination based upon such review no later than 120 days after receiving any appeal under this paragraph. The Commission shall set aside any determination, findings, and conclusions found to be—

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

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

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

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

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

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

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

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

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

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

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

SA 2057. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 32, line 2, insert “within a district” after “locality”.

SA 2058. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal

Service; which was ordered to lie on the table; as follows:

On page 131, strike lines 21 through 23 and insert the following:

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

“(I) through a rural carrier; or

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

SA 2059. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 121, strike line 22 and all that follows through page 128, line 10, and insert the following:

SEC. 201. POSTAL POLICY AND POWERS OF THE POSTAL SERVICE.

(a) POSTAL POLICY.—Section 101(b) of title 39, United States Code, is amended—

(1) by striking “a maximum degree of”; and

(2) by striking “where post offices” and all that follows through “a deficit”.

(b) POWERS OF THE UNITED STATES POSTAL SERVICE.—Section 404(d)(2) of title 39, United States Code, is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following:

“(A) shall give primary consideration to whether such closing or consolidation is consistent with the intent of Congress, as stated in section 101(b), that the Postal Service shall provide effective and regular postal services to rural areas, communities, and small towns;”; and

(3) in subparagraph (B), as so redesignated—

(A) by striking clause (iii); and

(B) by redesignating clauses (iv) and (v) as clauses (iii) and (iv), respectively.

SA 2060. Mr. COBURN (for himself, Mr. JOHNSON of Wisconsin, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . GOVERNMENT SPONSORED CONFERENCES.

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

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

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

“(a) In this section, the term—

“(1) ‘conference’ means a meeting that—

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

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

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

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

“(2) ‘international conference’ means a conference attended by representatives of —

“(A) the United States Government; and
 “(B) any foreign government, international organization, or foreign nongovernmental organization.

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

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

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

“(2) the primary sponsor of the conference;

“(3) the location of the conference;

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

“(A) justifies the location selected;

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

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

“(5) the date of the conference;

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

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

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

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

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

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

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

“5712. Limitations and reports on travel expenses to conferences.”.

(b) **LIMITATIONS ON ANNUAL TRAVEL EXPENSES.**—

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

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

(c) **CONFERENCE TRANSPARENCY AND LIMITATIONS.**—

(1) **DEFINITIONS.**—In this subsection—

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

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

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

(A) any minutes relating to the presentation;

(B) any speech delivered;

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

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

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

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

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

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

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

SA 2061. Mr. COBURN (for himself and Mr. McCain) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. **REQUIREMENT FOR RETIREMENT-ELIGIBLE EMPLOYEES OF THE POSTAL SERVICE TO RETIRE.**

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

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

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

(b) **PROHIBITION.**—On and after the date that is 90 days after the date of enactment of this Act, a retirement-eligible employee may not perform service as an employee of the Postal Service.

SA 2062. Mr. MERKLEY (for himself and Mrs. McCaskill) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. **RURAL POST OFFICES.**

Section 404(d) of title 39, United States Code, as amended by section 205 of this Act, is amended—

(1) in paragraph (3)—

(A) in the first sentence, by inserting “and, with respect to a rural post office, a summary of the determinations required under paragraph (9)” after “paragraph (2) of this subsection”; and

(B) in the second sentence, by striking “determination and findings” and inserting “determination, findings, and summary”; and

(2) by adding at the end the following:

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

“(A) seniors served by the post office would continue to receive the same or substantially similar access to prescription medication sent through the mail as before the closing;

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

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

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

“(E) seniors and persons with disabilities who live near the post office would continue to receive the same or substantially similar access to postal services as before the closing; and

“(F) the closing would not result in more than 10 miles distance (as measured on roads with year-round access) between any 2 post offices.”.

SA 2063. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 88, strike line 4 and all that follows through page 90, line 3, and insert the following:

“(2) **EXCEPTIONS.**—

“(A) **COVERED RECIPIENTS WHO ARE RETIREMENT AGE, HAVE AN EXEMPT DISABILITY CONDITION, OR FACE FINANCIAL HARDSHIP.**—Paragraph (1) shall not apply to a covered claim for total disability by an employee if the employee—

“(i) on the date of enactment of the Workers’ Compensation Reform Act of 2012, has attained retirement age;

“(ii) is an individual who has an exempt disability condition; or

“(iii) is a member of a household that would meet the income and assets requirements for eligibility for the supplemental nutrition assistance program as described in section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) (not including any provisions permitting eligibility due to benefits received under any other law) if the basic compensation for total disability of the employee were provided in accordance with paragraph (1).

“(B) **TRANSITION PERIOD FOR CERTAIN EMPLOYEES.**—For a covered claim for total disability by an employee who is not an employee described in subparagraph (A), the employee shall receive the basic compensation for total disability provided under subsection (a) until the later of—

“(i) the date on which the employee attains retirement age; and

“(ii) the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2012.”.

(3) PARTIAL DISABILITY.—Section 8106 is amended—

(A) in subsection (a), by striking “If” and inserting “IN GENERAL.—Subject to subsection (b), if”;

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

“(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for partial disability for an employee who has attained retirement age shall be 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability.

“(2) EXCEPTIONS.—

“(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE OR FACE FINANCIAL HARDSHIP.—Paragraph (1) shall not apply to a covered claim for partial disability by an employee if the employee—

“(i) on the date of enactment of the Workers’ Compensation Reform Act of 2012, has attained retirement age; or

“(ii) is a member of a household that would meet the income and assets requirements for eligibility for the supplemental nutrition assistance program as described in section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) (not including any provisions permitting eligibility due to benefits received under any other law) if the basic compensation for total disability of the employee were provided in accordance with paragraph (1).

SA 2064. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 134, between lines 16 and 17, insert the following:

SEC. 314. TERRORISM INJURIES; ZONES OF ARMED CONFLICT.

(a) COVERING TERRORISM INJURIES.—Section 8102(b) of title 5, United States Code, is amended in the matter preceding paragraph (1)—

(1) by inserting “or from an attack by a terrorist or terrorist organization, either known or unknown,” after “force or individual,”; and

(2) by striking “outside” and all that follows through “1979)” and inserting “outside of the United States”.

(b) CONTINUATION OF PAY IN A ZONE OF ARMED CONFLICT.—Section 8118 of title 5, United States Code, as amended by section 308(b) of this Act, is amended—

(1) in subsection (b), by striking “Continuation” and inserting “Except as provided under subsection (d)(2), continuation”;

(2) in subsection (c), as redesignated by section 308(b)(4) of this Act, by striking “subsection (a)” and inserting “subsection (a) or (d)”;

(3) by redesignating subsection (d), as redesignated by section 308(b)(4) of this Act, as subsection (e); and

(4) inserting after subsection (c) the following:

“(d) CONTINUATION OF PAY IN A ZONE OF ARMED CONFLICT.—

“(1) IN GENERAL.—Notwithstanding subsection (a), the United States shall authorize the continuation of pay of an employee described in subparagraph (A), (C), (D), or (F) of section 8101(l), who—

“(A) files a claim for a period of wage loss due to an injury in performance of duty in a zone of armed conflict (as determined by the Secretary of Labor under paragraph (3)); and

“(B) files the claim for such wage loss benefit with the immediate superior of the employee not later than 45 days after the later of—

“(i) the termination of the assignment of the employee to the zone of armed conflict; or

“(ii) the return of the employee to the United States.

“(2) CONTINUATION OF PAY.—Notwithstanding subsection (b), continuation of pay under this subsection shall be furnished for a period not to exceed 135 days without any break in time or waiting period, unless controverted under regulations prescribed by the Secretary of Labor.

“(3) DETERMINATION OF ZONES OF ARMED CONFLICT.—For purposes of this subsection, the Secretary of Labor, in consultation with the Secretary of State and the Secretary of Defense, shall determine whether a foreign country or other foreign geographic area outside of the United States (as defined in section 202(a)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(a)(7))) is a zone of armed conflict based on whether—

“(A) the Armed Forces of the United States are involved in hostilities in the country or area;

“(B) the incidence of civil insurrection, civil war, terrorism, or wartime conditions threatens physical harm or imminent danger to the health or well-being of United States civilian employees in the country or area;

“(C) the country or area has been designated a combat zone by the President under section 112(c) of the Internal Revenue Code of 1986;

“(D) a contingency operation involving combat operations directly affects civilian employees in the country or area; or

“(E) there exist other relevant conditions and factors.”.

SA 2065. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 140, between lines 16 and 17, insert the following:

(d) TEMPORARY AUTHORITY TO ADJUST FIRST-CLASS MAIL STAMP RATE.—

(1) AUTHORITY.—Notwithstanding the annual limitation on the percentage changes in rates established under section 3622(d)(1)(A) of title 39, United States Code, the Postal Service may, not later than 3 years after the date of enactment of this Act, establish a rate for the first ounce of a single-piece first-class letter that is not more than the greater of—

(A) 50 cents; or

(B) the rate otherwise authorized to be established under section 3622 of title 39, United States Code.

(2) IMPLEMENTATION.—Not later than 90 days after the date of enactment of this Act, the Postal Service, in consultation with the Commission, shall establish a projected annual schedule for the increase in the rate for the first ounce of a single-piece first-class letter authorized under paragraph (1) using—

(A) any authority to increase rates that the Postal Service expects to receive under section 3622(d)(1)(A) of title 39, United States Code;

(B) any unused rate adjustment authority, as defined in section 3622(d)(2)(C) of title 39, United States Code, that the Postal Service anticipates using; and

(C) any actions the Postal Service plans to take to enable the Postal Service to use the authority under paragraph (1) in a predictable and stable manner.

(3) NO EFFECT ON OTHER RATES.—The Commission may not refer to or rely on a decision by the Postal Service to exercise the authority under paragraph (1) for the purpose of determining whether any other rate (including any other first-class mail rate) complies with the requirements of title 39, United States Code.

(4) DISCOUNT CALCULATION.—Section 3622(e)(1) of title 39, United States Code, is amended by inserting after “under subsection (a)” the following: “, except that the Commission shall not consider the rates for presorted first-class mail to be a discount from the rates for single-piece first-class mail”.

SA 2066. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . EXECUTIVE COMPENSATION.

(a) LIMIT ON MAXIMUM COMPENSATION.—

(1) NUMBER OF EXECUTIVES.—Section 3686(c) of title 39, United States Code, is amended in the first sentence by striking “12 officers” and inserting “6 officers”.

(2) INTERIM LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), and notwithstanding section 3686(c) of title 39, United States Code, as amended by this Act, for 2012, 2013, 2014, and 2015, the total compensation of an officer or employee of the Postal Service may not exceed the annual amount of basic pay payable for level I of the Executive Schedule under section 5312 of title 5.

(B) PERFORMANCE BASED COMPENSATION RELATING TO SOLVENCY PLAN.—

(i) IN GENERAL.—Any compensation relating to achieving the goals established under the plan under section 401 shall not apply toward the limit on compensation under subparagraph (A).

(ii) OTHER LIMITATIONS APPLY.—Nothing in this subparagraph shall be construed to modify the limitation on compensation under subsections (b) and (c) of section 3686 of title 39, United States Code, as amended by this Act.

(b) CARRY OVER COMPENSATION.—The Postal Service may not pay compensation for service performed during a year (in this subsection referred to as the “base year”) in any subsequent year if the total amount of compensation provided relating to service during the base year would exceed the amount specified under section 3686(c) of title 39, United States Code, as amended by this Act, or subsection (a)(2), as applicable.

(c) BENEFITS.—Section 1003 of title 39, United States Code, is amended by adding at the end the following:

“(e) LIMITATIONS ON BENEFITS.—For any fiscal year, an officer or employee of the Postal Service who is in a critical senior executive or equivalent position, as designated under section 3686(c), may not receive fringe benefits (within the meaning given that term under section 1005(f)) that are greater than the fringe benefits received by supervisory and other managerial personnel who are not subject to collective-bargaining agreements under chapter 12.”.

(d) EFFECTIVE DATE; APPLICABILITY.—This section and the amendments made by this section shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to any contract entered or modified by the Postal Service on or after the date of enactment of this Act.

SA 2067. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ ADJUSTMENT TO METHOD FOR CALCULATING PAYMENTS BY POSTAL SERVICE TO FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

Section 8423(a) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(i), by inserting “or subparagraph (C)” after “subparagraph (B)”;

(B) in subparagraph (B)(ii), by striking the period at the end and inserting the following: “; and”;

(C) by adding at the end the following:

“(C) the product of—

“(i) the normal-cost percentage, as determined for employees of the United States Postal Service under paragraph (5), multiplied by

“(ii) the aggregate amount of basic pay payable by the United States Postal Service, for the period involved, to employees of the United States Postal Service.”; and

(2) by adding at the end the following:

“(5)(A) In determining the normal cost percentage for employees of the United States Postal Service, the Office shall use—

“(i) demographic factors specific to such employees, unless such data cannot be generated; and

“(ii) economic assumptions regarding increases in rates of basic pay that reflect the specific past and likely future pay increases for such employees.

“(B) Upon request of the Office, the United States Postal Service shall provide any data or projections the Office may require in order to determine the normal cost percentage for employees of the United States Postal Service consistent with subparagraph (A).

“(C) The United States Postal Service may appeal any determination by the Office to the Board of Actuaries of the Civil Service Retirement System pursuant to subsection (c) of this section.”.

SA 2068. Mr. WYDEN (for himself, Mr. MERKLEY, Mr. TESTER, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the end of section 208, add the following:

(f) ELECTION PERIODS.—

(1) IN GENERAL.—Section 3691 of title 39, United States Code, is amended by adding at the end the following:

“(e) MAIL DELIVERY DURING ELECTION PERIODS.—

“(1) DEFINITION.—In this subsection, the term ‘covered election’ means a Federal, State, or local election in which individuals eligible to vote in the election are permitted or required to vote by mail.

“(2) IN GENERAL.—Except as provided in paragraph (3), during the 30-day period ending on the date of a covered election, the Postal Service shall provide delivery 6 days per week to each individual who is permitted or required to vote by mail (including by use of an absentee ballot) in the covered election.

“(3) EXCEPTION.—Paragraph (2) shall not apply with respect to any route for which the Postal Service provided delivery on fewer than 6 days per week as of December 1, 2011.”.

(2) CHANGE TO SCHEDULE.—A plan established under subsection (a)(2) shall comply with section 3691(e) of title 39, United States Code, as added by this subsection.

SA 2069. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 147, line 22, strike the quotation marks and the second period and insert the following:

“(4) In this subsection, the term ‘laws and regulations’ includes any licensing, permitting, recordkeeping, or reporting obligation.”.

SA 2070. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 147, line 22, strike the quotation marks and the second period and insert the following:

“(4) In this subsection, the term ‘laws and regulations’ includes any licensing, permitting, recordkeeping, or reporting obligation.”.

SA 2071. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ RETIREMENT REPORTING.

(a) DEFINITION.—In this section, the term “agency” has the meaning given that term in section 551 of title 5, United States Code.

(b) REPORTS.—Not later than June 1, 2012, and every month thereafter, the Director of the Office of Personnel Management shall submit to Congress, the Comptroller General of the United States, and issue publicly (including on the website of the Office of Personnel Management) a report that—

(1) for each agency, evaluates the timeliness, completeness, and accuracy of information submitted by the agency relating to employees of the agency who are retiring;

(2) indicates—

(A) the total number of applications for retirement benefits that are pending action by the Office of Personnel Management; and

(B) the number of months each such application has been pending; and

(3) provides a timetable for completion of each component of the retirement systems modernization project of the Office of Personnel Management, including all data elements required for accurate completion of adjudication and the date (which shall be not later than January 31, 2013) by which all Federal payroll processing entities will electronically transmit all personnel data to the Office of Personnel Management.

(c) BUDGET REQUEST.—The Office of Personnel Management shall include a detailed statement regarding the progress of the Office of Personnel Management in completing the retirement systems modernization project of the Office of Personnel Management in each budget request of the Office of Personnel Management submitted as part of the preparation of the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code.

SA 2072. Ms. LANDRIEU submitted an amendment intended to be proposed

by her to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 32, line 15, insert “(F) the effect of the closing or consolidation on small businesses in the area, including shipping and communications with customers and suppliers and the corresponding impact on revenues, operations, and growth; and”, strike “(F)” and insert “(G)” before the clause that follows.

On page 41, line 11, insert “(ii) the effect of the closing or consolidation on small businesses in the area, including shipping and communications with customers and suppliers and the corresponding impact on revenues, operations, and growth; and”, strike “(ii)” and insert “(iii)” before the clause that follows.

On page 53, line 1, strike “customers and communities” and insert “customers, communities, and small businesses”.

On page 57, line 3, strike “customers and communities” and insert “customers, communities, and small businesses”.

SA 2073. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 23, between lines 6 and 7, insert the following:

(f) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section may be construed to authorize the Postal Service to require a Postal Service employee or annuitant (as defined in section 8903c of title 5, United States Code, as added by this section) to enroll in Medicare.

SA 2074. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 14, strike line 15 and all that follows through page 16, line 7, and insert the following:

(B) be available for participation by any officer or employee of the Postal Service who is not a covered employee;

(C) provide benefits comparable to the Federal Employee Health Benefits Plan, as determined by the Director of the Office of Personnel Management;

(D) be administered in a manner determined in a joint agreement reached under subsection (b); and

(E) provide for transition of coverage under the Federal Employee Health Benefits Program of all officers and employees of the Postal Service to coverage under the Postal Service Health Benefits Program on January 1, 2013;

(2) shall include a program through which officers and employees of the Postal Service may obtain dental benefits; and

(3) shall include a program through which officers and employees of the Postal Service may obtain vision benefits.

(d) AGREEMENT AND IMPLEMENTATION.—If a joint agreement is reached under subsection (b)—

(1) the Postal Service shall implement the Postal Service Health Benefits Program;

(2) the Postal Service Health Benefits Program shall constitute an agreement between the collective bargaining representatives and the Postal Service for purposes of section 1005(f) of title 39, United States Code; and

(3) officers and employees of the Postal Service may not participate as employees in the Federal Employees Health Benefits Program.

(e) GOVERNMENT PLAN.—The Postal Service Health Benefits Program shall be a government plan as that term is defined under section 3(32) of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(32)).

(f) REPORT.—Not later than June 30, 2013, the Postal Service shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives that—

(1) reports on the implementation of this section; and

(2) requests any additional statutory authority that the Postal Service determines is necessary to carry out the purposes of this section.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as an endorsement by Congress for withdrawing officers and employees of the Postal Service from the Federal Employee Health Benefits Program.

SA 2075. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4. CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION.

Section 6(g) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y-4(g)) is amended by striking “40” and inserting “50”.

SA 2076. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 48, line 2, after “State.” insert the following: “An employee designated under this subsection to represent the needs of Postal Service customers in a State shall be located in that State.”.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on April 19, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled “S. 1684, the Indian Tribal Energy Development and Self-Determination Act Amendments of 2011.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, April 25, 2012 at 10 a.m. in SD-106 to mark-up S. _____, the Food and Drug Administration Safety and Innovation Act; and, any nominations cleared for action.

For further information regarding this meeting, please contact the committee at (202) 224-7675.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 18, 2012, at 10 a.m. in Dirksen 406 to conduct a hearing entitled, “Oversight Hearing on the General Services Administration (GSA).”

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 18, 2012, at 10 a.m., to hold a briefing entitled “Intelligence Update on Iran and Syria.”

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 18, 2012, at 2:15 p.m., to hold an African Affairs subcommittee hearing entitled “Examining the U.S. Policy Response to Entrenched African Leadership.”

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled “Effective Strategies for Accelerated Learning” on April 18, 2012, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on April 18, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Nominations to the Privacy and Civil Liberties Oversight Board.”

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on April 18, 2012, at 10 a.m., in room 432 of the Russell Senate Office building to conduct a roundtable entitled “Perspec-

tives from the Entrepreneurial Ecosystem: Creating Jobs and Growing Businesses through Entrepreneurship.”

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 18, 2012, at 2:30 p.m.

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

SUBCOMMITTEE ON INTERNATIONAL TRADE, CUSTOMS AND GLOBAL COMPETITIVENESS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on International Trade, Customs, and Global Competitiveness of the Committee on Finance be authorized to meet during the session of the Senate on April 18, 2012, at 2 p.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Asia Pacific: Trade Opportunities for Agriculture and Food Producers from the Great Plains to the Pacific Northwest.”

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on April 18, 2012, at 2:30 p.m.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on April 18, 2012, at 2:30 p.m.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 18, 2012, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, “Protecting Commuters: Ensuring Accountability and Oversight in Tolling.”

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

SPECIAL COMMITTEE ON AGING

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on April 18, 2012, at 2 p.m. in room 216 of the Hart Senate Office Building to conduct a hearing entitled: “The Future of Long-Term Care: Saving Money by Service Seniors.”

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

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Sarah Smurthwaite, have floor privileges for the remainder of today's session.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Mehreen Rasheed and Shelby Keegan of my staff be granted floor privileges for the duration of today's session.

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

COMMENDING THE ACHIEVEMENTS OF THE ALLIANCE TO SAVE ENERGY

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 406 and the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 406) commending the achievements and recognizing the importance of the Alliance to Save Energy on the 35th anniversary of the incorporation of the Alliance.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any related statements be printed in the RECORD.

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

The resolution (S. Res. 406) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 406

Whereas March 18, 2012, marks the first day of a year-long celebration of the 35th anniversary of the Alliance to Save Energy, which was incorporated as a nonprofit organization in accordance with section 501(c)(3) of the Internal Revenue Code of 1986 on March 18, 1977;

Whereas the Alliance to Save Energy was founded by Senators Charles H. Percy and Hubert H. Humphrey;

Whereas the Alliance to Save Energy is a unique national, nonprofit, bipartisan public-policy organization that works with prominent leaders in the fields of business, government, education, the environment, and consumer affairs to promote the efficient and clean use of energy throughout the world to benefit the economy, environment, and security of the United States;

Whereas the Alliance to Save Energy operates programs and collaborative projects throughout the United States, and has worked in the international community for

more than a decade in more than 30 developing and transitional countries;

Whereas the Alliance to Save Energy leverages international relationships with government and industry leaders to promote energy efficiency throughout the world and has worked to launch affiliate organizations such as the European Alliance to Save Energy and the Australian Alliance to Save Energy;

Whereas the Alliance to Save Energy has shown that energy efficiency and conservation measures taken by the United States during the past 35 years have caused annual energy consumption in the United States to decrease by more than 52 quads;

Whereas the Alliance to Save Energy is recognized across the United States as an authority on energy efficiency, and regularly provides testimony and resources to the Federal Government, State governments, and members of the business and media communities;

Whereas the Alliance to Save Energy contributes to a variety of educational and outreach initiatives, including—

(1) the award-winning Green Schools and Green Campus programs;

(2) award-winning public service announcements; and

(3) a variety of targeted energy-efficiency campaigns; and

Whereas the Alliance to Save Energy collaborates with other prominent organizations to form partnerships and create groups that advance the cause of energy efficiency, including—

(1) the Building Codes Assistance Project (commonly known as "BCAP");

(2) the Southeast Energy Efficiency Alliance (commonly known as "SEEA");

(3) the Clean and Efficient Energy Program (commonly known as "CEEP");

(4) the Efficient Windows Collaborative; and

(5) the Appliance Standards Awareness Project (commonly known as "ASAP"); Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Alliance to Save Energy on the 35th anniversary of the incorporation of the Alliance; and

(2) recognizes the important contributions that the Alliance to Save Energy has made to further the cause of energy efficiency.

NATIONAL ADOPT A LIBRARY DAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 425, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 425) designating April 23, 2012, as "National Adopt a Library Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 425) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 425

Whereas libraries are an essential part of the communities and the national system of education in the United States;

Whereas the people of the United States benefit significantly from libraries that serve as an open place for people of all ages and backgrounds to use books and other resources that offer pathways to learning, self-discovery, and the pursuit of knowledge;

Whereas libraries in the United States depend on the generous donations and support of individuals and groups to ensure that people who are unable to purchase books still have access to a wide variety of resources;

Whereas certain nonprofit organizations facilitate the donation of books to schools and libraries across the United States to extend the joy of reading to millions of people of the United States and to prevent used books from being thrown away;

Whereas libraries in the United States have provided valuable resources to individuals who are affected by the economic crisis by encouraging continued education and job training;

Whereas libraries are increasingly being used as a resource for those seeking the tools and information to enter or reenter the workforce; and

Whereas several States that recognize the importance of libraries and reading have adopted resolutions commemorating April 23 as "Adopt a Library Day": Now, therefore, be it

Resolved, That the Senate—

(1) designates April 23, 2012, as "National Adopt a Library Day";

(2) honors the organizations that facilitate donations to schools and libraries;

(3) urges all people of the United States who own unused books to donate the books to local libraries;

(4) strongly supports children and families who take advantage of the resources provided by schools and libraries; and

(5) encourages the people of the United States to observe "National Adopt A Library Day" with appropriate ceremonies and activities.

CONGRATULATING THE LADY BEARS OF BAYLOR UNIVERSITY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 426.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 426) congratulating the Lady Bears of Baylor University on winning the 2012 National Collegiate Athletic Association Division I Women's Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 426) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 426

Whereas the Baylor University women's basketball team, the Lady Bears, won its

second National Collegiate Athletic Association Division I Women's Basketball Championship by defeating the University of Notre Dame by a score of 80 to 61, becoming the only team in men's and women's college basketball to finish the season with a perfect undefeated record of 40-0;

Whereas the Lady Bears' 2011-2012 season marked only the 7th undefeated season in the history of Division I women's college basketball;

Whereas Coach Kim Mulkey is the only woman in women's basketball history to have played on and coached a national championship team;

Whereas Coach Mulkey brought the Lady Bears its 2d national championship since 2005, with a starting lineup that included Brittney Griner, Destiny Williams, Odyssey Sims, Kimetria Hayden, and Jordan Madden;

Whereas All-American junior Brittney Griner led the Lady Bears to victory with 26 points, 13 rebounds, and 5 blocks in a dominating performance over the University of Notre Dame and finished the 2011-2012 season with more than 920 points;

Whereas the members of the Lady Bears basketball team should all be commended for their teamwork, dedication, and athletic prowess;

Whereas Baylor University as 2011-2012 women's basketball national champions, has continued to demonstrate excellence in both athletics and academics;

Whereas the Lady Bears basketball team has significantly advanced the sport of women's basketball by demonstrating character and sportsmanship;

Whereas the Lady Bears overcame significant adversity and competition by defying expectations to finish the season with a dominating performance in the final title game and a perfect undefeated record of 40-0;

Whereas the accomplishments of the Lady Bears are another testament to the strength and will of women across the State of Texas; and

Whereas the Lady Bears basketball team is the pride of its loyal fans, current and former students, and the Lone Star State: Now, therefore, be it

Resolved, That the Senate congratulates the Lady Bears of Baylor University on winning the 2012 National Collegiate Athletic Association Division I Women's Basketball Championship and completing the 2011-2012

season with an undefeated record of 40 wins and 0 losses.

ORDERS FOR THURSDAY, APRIL 19, 2012

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Thursday, April 19, at 9:30 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of the motion to proceed to S. 1925, the Violence Against Women Reauthorization Act, and that following the remarks of the two leaders, the next hour be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; that the filing deadline for second-degree amendments to the substitute amendment, No. 2000, as modified, and S. 1789 be 11 a.m. on Thursday; and finally, that the cloture votes with respect to the substitute amendment No. 2000, as modified, and S. 1789, the postal reform bill, occur at 2:15 p.m. on Thursday. So there are two cloture votes, one regarding the substitute amendment, No. 2000, and, as I indicated, S. 1789.

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

PROGRAM

Mr. REID. We are working on an agreement with respect to the postal reform bill. If no agreement is reached, there will be a cloture vote on the substitute amendment at 2:15 tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask

unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:37 p.m., adjourned until Thursday, April 19, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

CHARLES BENTON, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2013, VICE HARRY ROBINSON, JR., TERM EXPIRED.

CHRISTIE PEARSON BRANDAU, OF IOWA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2016, VICE LOTSEE PATTERSON, TERM EXPIRED.

NORBERTO JESUS CASTRO, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2016, VICE DOUGLAS G. MYERS, TERM EXPIRED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

WILLIAM B. SHULTZ, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE DANIEL MERON.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF COMMERCE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JEFFREY B. JUSTICE, OF NORTH CAROLINA
DONALD TOWNSEND, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ENRIQUE G. ORTIZ, OF FLORIDA

WITHDRAWALS

Executive Message transmitted by the President to the Senate on April 18, 2012 withdrawing from further Senate consideration the following nominations:

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JEFFREY B. JUSTICE AND ENDING WITH ENRIQUE G. ORTIZ, WHICH NOMINATIONS WERE SENT TO THE SENATE ON FEBRUARY 29, 2012.