

“(ii) REPORT.—The Postal Regulatory Commission shall submit to the Postal Service a report regarding each determination made under clause (i).

“(D) LIMITATION ON CLOSING OR CONSOLIDATION.—

“(i) IN GENERAL.—The Postal Service may not make a determination under subsection (a)(3) to close or consolidate a postal facility if the Postal Regulatory Commission determines under subparagraph (C) that—

“(I) the area mail processing study relating to that postal facility did not use an appropriate methodology; or

“(II) the cost savings identified in the area mail processing study relating to that postal facility are inaccurate.

“(ii) SUBSEQUENT AREA MAIL PROCESSING STUDIES.—If the Postal Regulatory Commission makes a determination described in clause (i) regarding to an area mail processing study relating to a postal facility, the Postal Service may conduct a subsequent area mail processing study relating to that postal facility in accordance with this paragraph.

**SA 2081.** 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(c) MODERN RATE REGULATION.—Section 3622(d) of title 39, United States Code, is repealed.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, MAIL PROCESSING, AND COMMUNITY POST OFFICES.—Sections 201 and 202 of this Act, and the amendments made by those sections, shall have no force or effect.

(e) APPLICABILITY OF REDUCTION-IN-FORCE PROCEDURES.—Section 1206 of title 39, United States Code is amended by adding at the end the following:

“(d) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 1203, ratified after the date of enactment of this subsection, shall contain no provision restricting the applicability of reduction-in-force procedures under title 5 with respect to members of the applicable bargaining unit.

“(e)(1) If a collective-bargaining agreement between the Postal Service and bargaining representatives recognized under section 1203, ratified after the date of enactment of this subsection, includes reduction-in-force procedures which can be applied in lieu of reduction-in-force procedures under title 5, the Postal Service may, in its discretion, apply with respect to members of the applicable bargaining unit—

“(A) the alternative procedures (or, if 2 or more are agreed to, 1 of the alternative procedures); or

“(B) the reduction-in-force procedures under title 5.

“(2) In no event may, if procedures for the resolution of a dispute or impasse arising in the negotiation of a collective-bargaining agreement (whether through binding arbitration or otherwise) are invoked under this chapter, the award or other resolution reached under such procedures provide for the elimination of, or the substitution of any alternative procedures in lieu of, reduction-in-force procedures under title 5.”.

(f) HISTORIC POST OFFICES.—Section 404(d) of title 39, United States Code, is amended by adding at the end the following:

“(7)(A) In this paragraph, the term ‘historic post office building’ means a post office building that is a certified historic structure, as that term is defined in section 47(c)(3) of the Internal Revenue Code of 1986.

**SA 2082.** 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.—During the 3-year period beginning on the date of enactment of the 21st Century Postal Service Act of 2012, 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 2083.** 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, MAIL PROCESSING, AND COMMUNITY POST OFFICES.—

Sections 201 and 202 of this Act, and the amendments made by those sections, shall have no force or effect.

(e) APPLICABILITY OF REDUCTION-IN-FORCE PROCEDURES.—Section 1206 of title 39, United States Code is amended by adding at the end the following:

“(d) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 1203, ratified after the date of enactment of this subsection, shall contain no provision restricting the applicability of reduction-in-force procedures under title 5 with respect to members of the applicable bargaining unit.”.

(f) HISTORIC POST OFFICES.—Section 404(d) of title 39, United States Code, is amended by adding at the end the following:

“(7)(A) In this paragraph, the term ‘historic post office building’ means a post office building that is a certified historic structure, as that term is defined in section 47(c)(3) of the Internal Revenue Code of 1986.

**SA 2084.** Mr. REID (for Mr. COONS) proposed an amendment to the bill H.R. 1021, to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts; as follows:

Strike section 3 and insert the following:

**SEC. 3. BANKRUPTCY FILING FEE INCREASE.**

(a) BANKRUPTCY FILING FEES.—Section 1930(a)(3) of title 28, United States Code, is amended by striking “\$1,000” and inserting “\$1,167”.

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b)(2) of title 28, United States Code, is amended by striking “55” and inserting “48.89”.

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking “25” and inserting “33.33”.

(d) PAYGO OFFSET EXPENDITURE LIMITATION.—\$42 of the incremental amounts collected by reason of the enactment of subsection (a) shall be deposited in a special fund in the Treasury to be established after the date of enactment of this Act. Such amounts shall be available for the purposes specified in section 1931(a) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the date of enactment of this Act.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

**SEC. 4. SUBSEQUENT REAUTHORIZATION.**

Prior to further reauthorization of any judgeship authorized by this Act, the Committee on the Judiciary of the Senate and House of Representatives shall conduct a review of the bankruptcy judgeships authorized by this Act to determine the need, if any, for continued reauthorization of each judgeship, to evaluate any changes in all bankruptcy case filings and their effect, if any, on filing fee revenue, and to require the Administrative Office of the Courts to submit a report to the Committee on the Judiciary of the Senate and House of Representatives on bankruptcy case workload, bankruptcy judgeship costs, and filing fee revenue.

**AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during

the session of the Senate on April 19, 2012, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

#### COMMITTEE ON FOREIGN RELATIONS

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 19, 2012, at 10 a.m., to hold a hearing entitled, "Syria: U.S. Policy Options."

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

#### COMMITTEE ON INDIAN AFFAIRS

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate 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."

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

#### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MANCHIN. 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 "Time Takes Its Toll: Delays in OSHA's Standard-Setting Process and the Impact on Worker Safety" on April 19, 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. MANCHIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on April 19, 2012, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

#### SUBCOMMITTEE ON SEAPOWER

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate, on April 19, 2012, at 9:30 a.m.

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

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, April 23, at 5 p.m. the Senate proceed to executive session to consider Calendar No. 528; that there be 30 minutes of debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote, with no intervening action or debate, on Calendar No. 528; that the motion to

reconsider be considered made and laid upon the table, there be no intervening action or debate, and there be no further motions in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and the Senate then resume legislative session.

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

#### TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2011

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1021.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1021) to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I congratulate Senator COONS on the passage of legislation that will reauthorize 30 temporary bankruptcy judgeships in districts around the country. I was pleased to support Senator COONS' very strong and persistent efforts on this important legislation. The Judiciary Committee reported this legislation favorably on December 15, 2011. I am glad to see the Senate finally being allowed to act.

The bill we pass today, when enacted, will reauthorize 30 temporary judgeships in 14 States and Puerto Rico. All of these positions have already expired, and without this legislation, upon retirement or departure of the judges in these positions, they could not be filled again. Needless to say, reducing the resources of our bankruptcy courts does nothing but put more pressure on Americans who are already navigating a difficult economic environment. This legislation should help avoid that and provide some small degree of relief to overburdened bankruptcy courts around the country. Quite frankly, I think we should be doing more.

As Chairman of the Judiciary Committee, I will note one concern with the legislation the Senate passes today. In order to secure passage of this legislation, Senator COBURN insisted upon adding a section to the bill that purports to tell future Senate and House Judiciary Committees how to conduct their business. Senator COBURN's amendment would dictate that before any of these 30 judgeships could be reauthorized again, the Senate and House Judiciary Committee's would be required to take certain steps and require a report from the Administrative Office of the United States Courts (AO). As a member of the Judiciary Committee, Senator COBURN knows this is precisely what committees do in the ordinary course of the consideration of legislation, and what

was done during the development of this legislation. Senator COONS worked with the AO, which made recommendations, and with bankruptcy judges in a variety of districts to determine where need was greatest. To codify an unenforceable mandate nominally imposed on future Congresses is unnecessary and unwise.

I thank and congratulate Senator COONS for his hard work and attention to this issue. This would not be passing without his diligence, focus, and legislative skill. He has done what has seemed impossible.

Mr. REID. I ask unanimous consent that a Coons amendment, which is at the desk, be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 2084) was agreed to, as follows:

#### AMENDMENT NO. 2084

(Purpose: To address bankruptcy filing fee increases, future reauthorizations, and for other purposes)

Strike section 3 and insert the following:

#### SEC. 3. BANKRUPTCY FILING FEE INCREASE.

(a) BANKRUPTCY FILING FEES.—Section 1930(a)(3) of title 28, United States Code, is amended by striking "\$1,000" and inserting "\$1,167".

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b)(2) of title 28, United States Code, is amended by striking "55" and inserting "48.89".

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking "25" and inserting "33.33".

(d) PAYGO OFFSET EXPENDITURE LIMITATION.—\$42 of the incremental amounts collected by reason of the enactment of subsection (a) shall be deposited in a special fund in the Treasury to be established after the date of enactment of this Act. Such amounts shall be available for the purposes specified in section 1931(a) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the date of enactment of this Act.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

#### SEC. 4. SUBSEQUENT REAUTHORIZATION.

Prior to further reauthorization of any judgeship authorized by this Act, the Committee on the Judiciary of the Senate and House of Representatives shall conduct a review of the bankruptcy judgeships authorized by this Act to determine the need, if any, for continued reauthorization of each judgeship, to evaluate any changes in all bankruptcy case filings and their effect, if any, on filing fee revenue, and to require the Administrative Office of the Courts to submit a report to the Committee on the Judiciary of the Senate and House of Representatives on bankruptcy case workload, bankruptcy judgeship costs, and filing fee revenue.

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