

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

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

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

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

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

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 Instead, it assumes that the Postal Service is obsolete, that they cannot be saved, and that we should just preside over its demise.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

Thank you, Mr. President.

RECESS

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

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

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

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

The question is on agreeing to the motion.

The majority leader.

Mr. REID. Mr. President, we are going to have a bunch of votes today, and we are going to have to do them quickly. I say this to Democrats; I say

it to Republicans: We are going to have—after this first vote, I ask unanimous consent that we have 10-minute votes.

The PRESIDING OFFICER. That is the order.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

[Rollcall Vote No. 68 Leg.]

YEAS—45

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

NAYS—54

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

NOT VOTING—1

Kirk

The motion was rejected.

21ST CENTURY POSTAL SERVICE ACT

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

The legislative clerk read as follows:

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

Pending:

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

The PRESIDING OFFICER. The Senator from Alabama.

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Connecticut.

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

I ask for the yeas and nays.

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

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

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

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

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

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

I would yield to my ranking member.

The PRESIDING OFFICER. The Senator from Maine.

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

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

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

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

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I hope my colleagues listened to what Senator

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Alabama.

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

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

The PRESIDING OFFICER. The Senator from Vermont.

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

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

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

The PRESIDING OFFICER. The Senator from Tennessee.

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

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

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

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

The PRESIDING OFFICER. The Senator from Massachusetts.

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

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

don't give them the tools to do that, we are going to be losing the Postal Service.

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

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

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

The PRESIDING OFFICER. The Senator from Indiana.

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

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

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

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

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

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

I thank the Chair.

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

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

[Rollcall Vote No. 69 Leg.]

YEAS—62

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

NAYS—37

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

NOT VOTING—1

Kirk

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

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

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. I thank my colleagues.

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

AMENDMENT NO. 2056, AS MODIFIED

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

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

The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

“(A) consider whether—

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

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

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

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

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

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

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

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

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

“(A) shall consider—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(D) unsupported by substantial evidence on the record, including that substantial economic savings are likely to be achieved as a result of the closing or consolidation. The Commission may affirm or reverse the determination of the Postal Service or order that the entire matter be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The determination of the Postal Service shall be suspended until the final disposition of the appeal. The provisions of section 556, section 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge a “yes” vote on amendment No. 2056.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

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

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

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

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

The PRESIDING OFFICER. All time has expired.

The Senator from Maine.

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

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

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

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

make some important changes to the substitute amendment before us.

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

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

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

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

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

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

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

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

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

The Senator from Connecticut.

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

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

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2060

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

At the appropriate place, insert the following:

SEC. ____ . GOVERNMENT SPONSORED CONFERENCES.

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

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

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

“(a) In this section, the term—

“(1) ‘conference’ means a meeting that—

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

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

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

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

“(2) ‘international conference’ means a conference attended by representatives of —

“(A) the United States Government; and

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

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

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

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

“(2) the primary sponsor of the conference;

“(3) the location of the conference;

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

“(A) justifies the location selected;

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

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

“(5) the date of the conference;

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

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

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

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

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

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

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

“5712. Limitations and reports on travel expenses to conferences.”.

(b) LIMITATIONS ON ANNUAL TRAVEL EXPENSES.—

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

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

(c) CONFERENCE TRANSPARENCY AND LIMITATIONS.—

(1) DEFINITIONS.—In this subsection—

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

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

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

(A) any minutes relating to the presentation;

(B) any speech delivered;

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

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

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

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

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

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

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

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

ment that does not have teleconferencing available and videoconferencing available.

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

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

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

The PRESIDING OFFICER. The Senator from Maine.

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

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

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

The PRESIDING OFFICER. The Senator from Delaware.

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

Let me say, we brought a bill to the floor that has been brought together by

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

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

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

The amendment was agreed to.

AMENDMENT NO. 2033

(Purpose: To establish the Commission on Postal Reorganization)

The PRESIDING OFFICER. The Senator from Arizona.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

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

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

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

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

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

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

I urge opposition to the amendment.

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

The yeas and nays have been ordered. The clerk will call the roll.

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

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

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

[Rollcall Vote No. 70 Leg.]

YEAS—30

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

NAYS—69

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

NOT VOTING—1

Kirk

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

The Senator from Oregon.

AMENDMENT NO. 2020, AS MODIFIED

Mr. WYDEN. Mr. President, on behalf of Senator FEINSTEIN, Senator CANT-

WELL, other colleagues, and myself, I call up amendment No. 2020 and ask unanimous consent that it be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment, as modified.

The assistant legislative clerk read as follows:

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

The amendment is as follows:

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

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

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

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

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

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

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

“(III) publish

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

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

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

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

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

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

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

(c) MORATORIUM TO PROTECT THE ABILITY OF VOTERS TO VOTE ABSENTEE OR BY MAIL.—Notwithstanding subsection (b) of this subsection or subsection (d) or (f) of section 404 of title 39, United States Code, as amended by this Act, during the period beginning on the date of enactment of this Act and ending on November 13, 2012, the Postal Service may not close or consolidate a post office or post-

al facility located in a State that conducts all elections by mail or permits no-excuse absentee voting, except as required for the immediate protection of health and safety.

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

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

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2058, AS MODIFIED

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

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

The clerk will report the amendment, as modified.

The legislative clerk read as follows:

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

The amendment is as follows:

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

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

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

“(I) through a rural carrier; or

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

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

The Senator from Oklahoma.

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

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

The PRESIDING OFFICER. The Senator from Maine.

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

The PRESIDING OFFICER. The Senator from Delaware.

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

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

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

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

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2061, AS MODIFIED

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment, as modified.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

At the appropriate place, insert the following:

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

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

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

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

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

(c) LIMITATION.—The Postmaster General may only issue rules and regulations under

subsection (b) if the Postmaster General determines that issuing the rules and regulations would achieve financial savings for the Postal Service.

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

The Senator from Oklahoma.

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

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

The PRESIDING OFFICER. The Senator from Maine.

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

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

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

Mr. COBURN. Thank you.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

[Rollcall Vote No. 71 Leg.]

YEAS—33

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

NAYS—65

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

NOT VOTING—2

DeMint Kirk

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

The Senator from Connecticut.

AMENDMENT NO. 2031, AS MODIFIED

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

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

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

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

The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

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

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

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

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

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

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

“(B) determines that—

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

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

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

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

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

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

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

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

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

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

(b) PROHIBITION ON CLOSING POST OFFICES.—

(1) MORATORIUM PENDING ESTABLISHMENT OF SERVICE STANDARDS.—Notwithstanding section 404(d) of title 39, United States Code, as amended by this section, during the period beginning on the date of enactment of this Act and ending on the date on which the Postal Service establishes the service standards under section 203 of this Act, the Postal

Service may not close a post office, except as required for the immediate protection of health and safety.

(2) MORATORIUM ON CLOSING RURAL POST OFFICES.—

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

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

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

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

I want to thank Senator MORAN who did some great work on this subject in committee. He deserves credit for beginning the process of taking a hard look at rural post offices and how we were dealing with them. I obviously want to thank Senator MERKLEY who has worked on this, Senator TESTER who has worked on it, and Senator SANDERS. But I really want to thank Senator COLLINS and Senator LIEBERMAN for continuing to model to this body what true bipartisanship looks like, and who continually strive for that very elusive and rare but valuable commodity in a democracy, that thing known as compromise. This amendment now represents one of those compromises. I am proud to be a part of it. I think it strikes the right note of protecting rural post offices but also with a realistic eye toward the future and how we are fair to rural communities in a way that is predictable and one that, frankly, shows some accountability for the Postal Service.

I ask that this be taken up by voice vote.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I appreciate the work that has been done on this amendment. I know there is a lot of interest on both sides of the aisle because of the concern about rural post offices. This establishes, again, some standards. It effectively asks the Postal Service before it considers closing a rural post office for 1 year after enactment of this legislation

that it explore every other opportunity to continue to provide service other than closing the post office.

The one clear authority given in the modified amendment is to close a rural post office when there is no significant community opposition, which is to say, when the Postal Service has convinced the people of the community that they have a good alternative to the current post office. So I think we have reasoned together.

I hope this enables our colleagues who may have been thinking of more absolute prohibitions to closing post offices to step back from that. This is a rational, fair approach. I support the modification and the amendment.

I urge that the amendment be adopted by voice vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2031), as modified, was agreed to.

Mr. LIEBERMAN. I move to reconsider the vote and ask unanimous consent that the motion be laid upon the table.

The motion to lay upon the table was agreed to.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 2080, AS MODIFIED

Ms. SNOWE. Madam President, I call up Snowe amendment No. 2080 with a modification at the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. SNOWE] proposes an amendment numbered 2080, as modified.

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

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

The amendment, was modified, as follows:

(Purpose: To require the Postal Rate Commission to evaluate area mail processing studies)

On page 34, strike lines 16 and 17 and insert the following:

“Act of 2012;

“(B) if a complaint described in subparagraph (A) is lodged relating to the closure or consolidation of a postal facility, upon request by the person lodging the complaint, the Postal Regulatory Commission shall determine whether—

“(i) the area mail processing study relating to the postal facility used an appropriate methodology; and

“(ii) the cost savings identified in the area mail processing study relating to the postal facility are accurate;

“(C) the Postal Regulatory Commission may direct the Postal Service to conduct another area mail processing study or direct the Postal Service to take action as described under subparagraph (D) if the Postal Regulatory Commission determines that—

“(i) the area mail processing study relating to the postal facility used an inappropriate methodology; or

“(ii) the cost savings identified in the area mail processing study relating to the postal facility are inaccurate; and

“(D) if the Postal Regulatory Commission

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendment No. 2080 offered by the Senator from Maine.

Ms. SNOWE. Madam President, very briefly, first I want to thank the chair of the committee and my colleague from Maine, Senator COLLINS, for working and assisting me in modifying this amendment.

I thought this amendment was important from the standpoint and based on our experience in Maine with the recent proposal by the Postal Service to close a distributional and processing facility. As my colleague Senator COLLINS will attest as well, we discovered that much of their methodology was indeed faulty in the savings that they had suggested would be achieved by closing this facility.

There were many questions raised with those numbers and reports. As we know, before the U.S. Postal Service can make any determination for closing a facility, they have to prepare and publish an area processing study.

Based on that study, I have recommended that we now have independent verification of the numbers and proposals by the U.S. Postal Service so that we can make sure those numbers are accurate and that we verify the methodology in addition to the savings.

One of the examples I can give from this proposal is one they made for a facility in the State of Maine to eliminate two management positions, for a savings of \$799,000. When we questioned the veracity of that number, they backtracked and said it was only \$120,000. Incredulously, they have now submitted their final area processing study this year and returned to the higher figure of \$800,000 for the two management positions. We know that cannot be accurate. Therefore, given the evidence of these proposals, we need to have independent verification by the Postal Regulatory Commission before any closure can go forward.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, first, I congratulate my colleague from Maine for an excellent amendment. As she indicated, the Postal Service made a major miscalculation, a mathematical error, in the study it did on the Hampden processing center in our State. So that Senators know, the amendment would say if a proposed consolidation of a mail processing center is appealed to the Postal Regulatory Commission, the Commission can be asked to review the underlying study's methodology and the estimated savings to make sure it is correct because right now there is no way to challenge a mistake that is made by the Postal Service in conducting these very important studies that are going

to decide whether processing centers stay open.

I commend my colleague from Maine for a very well thought out amendment, and I urge its adoption by voice vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2080) was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2043, AS MODIFIED

Mr. UDALL of New Mexico. Madam President, I call up amendment No. 2043 and ask that it be modified with the changes at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. UDALL] proposed an amendment numbered 2043, as modified.

The amendment is as follows:

(Purpose: To strike the limitations on changes to mail delivery schedule, with an offset)

Strike section 208 and insert the following:

SEC. 208. TRANSFER OF AMOUNTS FROM THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND.

Section 8348(h)(2) of title 5, United States Code, is amended by striking subparagraphs (B) and (C) and inserting the following:

“(B)(i) The Office shall—

“(I) redetermine the Postal surplus or supplemental liability as of the close of each of fiscal years 2007 through 2043; and

“(II) report the results of the redetermination for each such fiscal year, including appropriate supporting analyses and documentation, to the United States Postal Service on or before June 30 of the subsequent fiscal year.

“(ii) If the result of a redetermination under clause (i) is a supplemental liability, the Office shall establish an amortization schedule, including a series of annual installments commencing on September 30 of the subsequent fiscal year, that provides for the liquidation of such liability by September 30, 2043.

“(C)(i) Subject to clause (ii), if the result of a redetermination under subparagraph (B) for any of fiscal years 2013 through 2023 is a surplus, the amount of the surplus shall be transferred to the General Fund of the Treasury.

“(ii) Not more than a total of \$8,900,000,000 shall be transferred under clause (i).”.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendment No. 2043, offered by the Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, this amendment strikes a provision allowing the USPS to move to 5-day service in 2 years. Two years is simply not enough time to see the changes we are making in this bill take effect before we cut this essential service.

My amendment doesn't say we can never move to 5-day service, but it says that 2 years is not enough time for the Postal Service to implement the many cost-saving measures in the bill.

Why eliminate one of the key competitive advantages and hurt rural America before we know the effects of these reforms? It makes no sense.

Why would we make a change that would reduce mail volume by almost 7 percent? Isn't that why we are in this crisis in the first place?

I hope my colleagues will join me in protecting rural jobs and go on record to say clearly that moving to 5-day service should be a last resort.

I reserve my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I rise to oppose the amendment of my friend from New Mexico. I know there are a lot of people who don't want to lose 6-day delivery. But the greater imperative is not to lose the Postal Service as we know it.

The Postmaster asked for the immediate authority to go from 6 days of delivery to 5. In this bill we have given the Postmaster authority in many different areas to save money. We said, as a result, that we will not give him the authority to go from 6 days of delivery to 5 for 2 years, hoping that within the 2 years he can save enough money not to have to make this change. Frankly, I am skeptical that he can. We wanted to give him 6 days of delivery—that last opportunity.

To pull this procedure out of the bill, with a lot of due process before the move can be made from 6 to 5 days, removes the credibility from the bill and will jeopardize its ultimate adoption.

With a lot of respect and affection for my friend from New Mexico, I urge my colleagues to vote against this amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, this amendment would also take \$8.9 billion that is supposed to go to pay for retiree health benefits of postal workers and instead redirect those funds to maintain 6-days-a-week delivery of the mail. I hope we always have 6-days-a-week delivery. I think that is an asset. I think we should strive to preserve it. That is why our bill prohibits going to 5-day delivery for 2 years, to wring all the waste out of the system.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, Saturday service is absolutely essential in rural areas.

I ask for the yeas and nays.

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

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

The clerk will call the roll.

The bill clerk called the roll.

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

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

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—43

| | | |
|------------|--------------|-------------|
| Baucus | Johnson (SD) | Reed |
| Begich | Kerry | Reid |
| Bennet | Klobuchar | Rockefeller |
| Blumenthal | Kohl | Sanders |
| Boxer | Lautenberg | Schumer |
| Brown (OH) | Leahy | Shaheen |
| Cantwell | Levin | Snowe |
| Cardin | Manchin | Stabenow |
| Casey | McCaskill | Tester |
| Coons | Menendez | Udall (CO) |
| Durbin | Merkley | Udall (NM) |
| Franken | Mikulski | Whitehouse |
| Gillibrand | Murray | Wyden |
| Harkin | Nelson (NE) | |
| Inouye | Nelson (FL) | |

NAYS—56

| | | |
|------------|--------------|-----------|
| Akaka | DeMint | McCain |
| Alexander | Enzi | McConnell |
| Ayotte | Feinstein | Moran |
| Barrasso | Graham | Murkowski |
| Bingaman | Grassley | Paul |
| Blunt | Hagan | Portman |
| Boozman | Hatch | Pryor |
| Brown (MA) | Heller | Risch |
| Burr | Hoeven | Roberts |
| Carper | Hutchison | Rubio |
| Chambliss | Inhofe | Sessions |
| Coats | Isakson | Shelby |
| Coburn | Johanns | Thune |
| Cochran | Johnson (WI) | Toomey |
| Collins | Kyl | Vitter |
| Conrad | Landrieu | Warner |
| Corker | Lee | Webb |
| Cornyn | Lieberman | Wicker |
| Crapo | Lugar | |

NOT VOTING—1

Kirk

The amendment (No. 2043), as modified, was rejected.

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

The Senator from Connecticut.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2082, AS MODIFIED

Mr. DURBIN. I call up my amendment No. 2082, and I ask unanimous consent that it be modified with the changes at the desk.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 2082, as modified.

The amendment, as modified, is as follows:

(Purpose: To prohibit the Postal Service from closing or consolidating, or reducing the workforce of certain postal facilities)

On page 33, strike line 24 and all that follows through page 34, line 6 and insert the following:

“(C) LIMITATIONS.—

“(i) IN GENERAL.—Except as provided in clause (ii), during the 3-year period beginning on the date of enactment of the 21st Century Postal Service Act of 2012, the Postal Service may not close or consolidate a postal facility if—

“(I) the closing or consolidation prevents the Postal Service from maintaining service standards as required under section 201 of the 21st Century Postal Service Act of 2012; or

“(II) the Postal Service—

“(aa) did not close or consolidate the postal facility before May 15, 2012; and

“(bb) conducted an area mail processing study with respect to the postal facility after January 1, 2006 that—

“(AA) was terminated; or

“(BB) concluded that no significant cost savings or efficiencies would result from closing or consolidating the postal facility.

“(ii) EXCEPTION.—Clause (i) shall not apply with respect to a postal facility described in clause (i)(II) for which—

“(I) an audit under clause (iii) concludes that the mail volume and operations of the facility have changed since the date of termination or completion of an area mail processing study described in clause (i)(II)(bb) to such an extent that the study is no longer valid; and

“(II) an area mail processing study completed under this subsection concludes that the closing or consolidation or the postal facility is justified, taking into consideration the savings to the Postal Service and the impact of the closing or consolidation on postal customers.

“(iii) AUDIT BY INSPECTOR GENERAL.—

“(I) IN GENERAL.—Upon the written request of the Postmaster General, the Inspector General shall conduct an audit of the mail volume and operations of a postal facility.

“(II) COMPLETION.—Not later than 90 days after the date on which the Inspector General receives a request under subclause (I), the Inspector General shall submit to the Postmaster General and the Postal Regulatory Commission a report containing the conclusions of the audit under subclause (I).

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendment No. 2082, as modified, offered by the Senator from Illinois.

Mr. DURBIN. Madam President, this was an amendment I originally offered relative to processing facilities that have been subject to efficiency reviews. At the suggestion of the chairman of the committee, Senator LIEBERMAN, as well as ranking members, we have modified the amendment. The sum total of its change would be for those limited facilities which have been found since the year 2006 to be efficient. Before they could be closed, the postal service would have to call on the U.S. Postal Service's inspector general to conduct an audit to find that the previous findings have been terminated and are no longer valid.

That is the only change that was recommended by the committee and the staff, and I have added that modification to the amendment.

Ms. MIKULSKI. Mr. President, I want to salute Senator DURBIN on his thoughtful amendment and thank him for his collegiality in negotiations. We think it helps us. But we have been misled, manipulated, and disregarded in our attempts to get information from the Postal Service. I don't know if the Easton AMP study has been concluded or suspended. I can't get an answer from the Postal Service. And if I can't get an answer, then the little guy on the Eastern Shore can't get an answer. I believe there are other Senators in the same boat who have been disregarded by the Postal Service.

Does my colleague believe his amendment provides protections for mail processing centers where the Postal Service has postponed or suspended their study for a significant period of time—like at the facility in Easton, MD?

Mr. DURBIN. It is a pleasure working with Senator MIKULSKI and I think the Senate can appreciate how hard she works for her constituents. I am sympathetic to hear that the Senator's inquiries to the Postal Service on behalf of seniors, small businesses, and other constituents have gone unanswered.

It is my intent for, and the Postal Service has assured me that, the mail processing facility in Easton, MD, where the Postal Service has issued a formal notification that they are postponing their study for a significant period of time, is covered by my amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Illinois. He has explained the amendment totally. It is a good amendment. I support its passage, and urge we adopt it by voice vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2082), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2034

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Madam President, I call up my amendment No. 2034.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself, Mr. INOUE, Mr. HARKIN, Mrs. MURRAY, and Mr. FRANKEN, proposes an amendment numbered 2034.

Mr. AKAKA. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide appropriate workers compensation for Federal employees)

Strike title III and insert the following:

TITLE III—FEDERAL EMPLOYEES' COMPENSATION ACT

SEC. 301. SHORT TITLE.

This title may be cited as the "Federal Workers' Compensation Modernization and Improvement Act".

SEC. 302. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE NURSES.

(a) DEFINITION OF MEDICAL SERVICES.—Section 8101(3) of title 5, United States Code, is amended—

(1) by striking "law. Reimbursable" and inserting "law (reimbursable)"; and

(2) by inserting before the semicolon, the following: "and medical services may include treatment by a physician assistant or

advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, consistent with regulations prescribed by the Secretary of Labor".

(b) MEDICAL SERVICES AND OTHER BENEFITS.—Section 8103 of title 5, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a), the following:

"(b) Medical services furnished or prescribed pursuant to subsection (a) may include treatment by a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, consistent with regulations prescribed by the Secretary of Labor."

(c) CERTIFICATION OF TRAUMATIC INJURY.—Section 8121(6) of title 5, United States Code, is amended by inserting before the period, the following: "(except that in a case of a traumatic injury, a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, may also provide certification of such traumatic injury and related disability during the continuation of pay period covered by section 8118, in a manner consistent with regulations prescribed by the Secretary of Labor)".

SEC. 303. COVERING TERRORISM INJURIES.

Section 8102(b) of title 5, United States Code, is amended in the matter preceding paragraph (1)—

(1) by inserting "or from an attack by a terrorist or terrorist organization, either known or unknown," after "force or individual,"; and

(2) by striking "outside" and all that follows through "1979)" and inserting "outside of the United States".

SEC. 304. DISFIGUREMENT.

Section 8107(c)(21) of title 5, United States Code—

(1) by striking "For" and inserting the following: "(A) Except as provided under subparagraph (B), for"; and

(2) by adding at the end the following:

"(B) Notwithstanding subparagraph (A), for an injury occurring during the 3-year period prior to the date of enactment of the Federal Workers' Compensation Modernization and Improvement Act for which the Secretary of Labor has not made a compensation determination on disfigurement under subparagraph (A), or for an injury occurring on or after the date of enactment of such Act resulting in a serious disfigurement of the face, head, or neck, proper and equitable compensation in proportion to the severity of the disfigurement, not to exceed \$50,000, as determined by the Secretary, shall be awarded in addition to any other compensation payable under this schedule. The applicable maximum compensation for disfigurement provided under this subparagraph shall be adjusted annually on March 1 in accordance with the percentage amount determined by the cost of living adjustment in section 8146a."

SEC. 305. SOCIAL SECURITY EARNINGS INFORMATION.

Section 8116 of title 5, United States Code, is amended by adding at the end the following:

"(e) Notwithstanding any other provision of law, the Secretary of Labor may require, as a condition of receiving any benefits under this subchapter, that a claimant for such benefits consent to the release by the Social Security Administration of the Social Security earnings information of such claimant."

SEC. 306. CONTINUATION OF PAY IN A ZONE OF ARMED CONFLICT.

Section 8118 of title 5, United States Code, is amended—

(1) in subsection (b), by striking "Continuation" and inserting "Except as provided under subsection (e)(2), continuation";

(2) in subsection (c), by striking "subsections (a) and (b)" and inserting "subsections (a) and (b) or subsection (e)";

(3) in subsection (d), by striking "subsection (a)" and inserting "subsection (a) or (e)";

(4) by redesignating subsection (e) as subsection (f); and

(5) by inserting after subsection (d) the following:

"(e) CONTINUATION OF PAY IN A ZONE OF ARMED CONFLICT.—

"(1) IN GENERAL.—Notwithstanding subsection (a), the United States shall authorize the continuation of pay of an employee as defined in section 8101(1) of this title (other than those referred to in subparagraph (B) or (E)), who has filed a claim for a period of wage loss due to traumatic injury in performance of duty in a zone of armed conflict (as so determined by the Secretary of Labor under paragraph (3)), as long as the employee files a claim for such wage loss benefit with his immediate superior not later than 45 days following termination of assignment to the zone of armed conflict or return to the United States, whichever occurs later.

"(2) CONTINUATION OF PAY.—Notwithstanding subsection (b), continuation of pay under this subsection shall be furnished for a period not to exceed 135 days without any break in time or waiting period, unless controverted under regulations prescribed by the Secretary of Labor.

"(3) DETERMINATION OF ZONES OF ARMED CONFLICT.—For purposes of this subsection, the Secretary of Labor, in consultation with the Secretary of State and the Secretary of Defense, shall determine whether a foreign country or other foreign geographic area outside of the United States (as that term is defined in section 202(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(7))) is a zone of armed conflict based on whether—

"(A) the Armed Forces of the United States are involved in hostilities in the country or area;

"(B) the incidence of civil insurrection, civil war, terrorism, or wartime conditions threatens physical harm or imminent danger to the health or well-being of United States civilian employees in the country or area;

"(C) the country or area has been designated a combat zone by the President under section 112(c) of the Internal Revenue Code of 1986 (26 U.S.C. 112(c));

"(D) a contingency operation involving combat operations directly affects civilian employees in the country or area; or

"(E) there exist other relevant conditions and factors."

SEC. 307. SUBROGATION OF CONTINUATION OF PAY.

(a) SUBROGATION OF THE UNITED STATES.—Section 8131 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting "continuation of pay or" before "compensation"; and

(2) in subsection (c), by inserting "continuation of pay or" before "compensation already paid".

(b) ADJUSTMENT AFTER RECOVERY FROM A THIRD PERSON.—Section 8132 of title 5, United States Code, is amended—

(1) by inserting "continuation of pay or" before "compensation" the first, second, fourth, and fifth place it appears;

(2) by striking "in his behalf" and inserting "on his behalf"; and

(3) by inserting "continuation of pay and" before "compensation" the third place it appears.

SEC. 308. FUNERAL EXPENSES.

Section 8134 of title 5, United States Code, is amended—

(1) in subsection (a), by striking "If" and inserting "Except as provided in subsection (b), if";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

"(b) Notwithstanding subsection (a), for deaths occurring on or after the date of enactment of the Federal Workers' Compensation Modernization and Improvement Act, if death results from an injury sustained in the performance of duty, the United States shall pay, to the personal representative of the deceased or otherwise, funeral and burial expenses not to exceed \$6,000, in the discretion of the Secretary of Labor. The applicable maximum compensation for burial expenses provided under this subsection shall be adjusted annually on March 1 in accordance with the percentage amount determined by the cost of living adjustment in section 8146a."

SEC. 309. EMPLOYEES' COMPENSATION FUND.

Section 8147 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "except administrative expenses" and inserting "including administrative expenses"; and

(B) by striking the last 2 sentences; and

(2) in subsection (b)—

(A) in the first sentence, by inserting before the period "and an estimate of a 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.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendment No. 2034 offered by the Senator from Hawaii.

Mr. AKAKA. Madam President, I have serious concerns with the FECA provisions in this bill, especially since they would reduce benefits for many employees who were already injured while working in service to this country, such as Federal firefighters, FBI agents, prison guards, and civilians serving in Iraq and Afghanistan. In ad-

dition, unlike most State workers' comp programs, this bill would reduce benefits for elderly disabled employees when they reach retirement age.

My amendment offers a reasonable alternative by replacing the FECA provisions in this bill with the Republican-led bipartisan FECA reform bill that passed the House by voice vote last year. The House chose not to make benefit changes without the additional information it sought from GAO, and we should follow their lead.

This amendment, supported by more than 20 organizations, would make commonsense reforms that will improve program efficiency and integrity without reducing benefits for disabled seniors, and I urge my colleagues to support it.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, this amendment would strike the Federal workers' compensation title in the bill and replace it with very minor provisions that provide no significant cost savings.

The amendment would strike the reforms that bring parity between workers' comp benefits and retirement benefits for Federal workers. It makes it much more comparable to the States' workers' comp plans. The Federal plan is more generous than any State plan. The amendment does nothing to combat the rampant fraud nor constrain costs which have increased by \$1 billion.

In the current workers' comp program, we have 2,000 postal employees who are over age 70; we have 6 Federal workers who are age 100 or older. These individuals are not coming back to work. We are trying to focus this program, as it should be, on returning injured workers to work. It is very similar to the proposals that the Obama administration has made. It grandfathers in everyone for 3 years as well as those age 65 and older.

The PRESIDING OFFICER (Mr. BENNET). The Senator's time has expired.

Mr. LIEBERMAN. Mr. President, I wish to join my friend from Maine in respectfully opposing Senator AKAKA's amendment.

This workers' compensation program has gotten out of control. Senator COLLINS has worked hard on this with others. Her reform proposal for the Postal Service struck the Obama administration as so sensible that they asked our committee to extend it to all the Federal Government employees.

I urge opposition, respectfully, to the Akaka amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Cutting workers' compensation benefits governmentwide is not fair and it is not necessary to save the Postal Service. We should follow the House's example and enact bipartisan reforms contained in my amendment and wait until GAO finishes its analysis before making decisions on benefit levels.

I strongly urge my colleagues to adopt my amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2034.

Mr. AKAKA. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—46

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

NAYS—53

| | | |
|------------|--------------|------------|
| Alexander | Enzi | McConnell |
| Ayotte | Graham | Moran |
| Barrasso | Grassley | Murkowski |
| Bennet | Hagan | Paul |
| Blunt | Hatch | Portman |
| Boozman | Hoeven | Risch |
| Brown (MA) | Hutchison | Roberts |
| Burr | Inhofe | Rubio |
| Carper | Isakson | Sessions |
| Chambliss | Johanns | Shelby |
| Coats | Johnson (WI) | Snowe |
| Coburn | Kyl | Thune |
| Cochran | Landrieu | Toomey |
| Collins | Lee | Udall (CO) |
| Corker | Lieberman | Vitter |
| Cornyn | Lugar | Warner |
| Crapo | McCain | Wicker |
| DeMint | McCaskill | |

NOT VOTING—1

Kirk

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

The Senator from Colorado is recognized.

AMENDMENT NO. 2047, AS MODIFIED

Mr. BENNET. Mr. President, I call up my amendment No. 2047 and ask unanimous consent that it be modified with the changes that are at the desk.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BENNET], proposes an amendment numbered 2047, as modified.

The amendment is as follows:

(Purpose: To establish citizen's service protection advocates, to require the Strategic Advisory Commission on Postal Service Solvency and Innovation to study the advisability of the Postal Service entering into inter-agency agreements with respect to post offices, and to require the Postal Service to develop a strategic plan for entering into such inter-agency agreements)

On page 30, line 15, strike "and".

On page 30, lines 16 and 17, insert "and" after "Commission;".

On page 30, between lines 17 and 18, insert the following:

"(iii) the chief executive of each State whose residents are served by the postal facility, to allow the chief executive to appoint a citizen's service protection advocate under section 417;".

On page 34, line 16, insert ", or with the requirements of section 417 of this title" after "2012".

On page 34, line 24, insert "or with the requirements of section 417 of this title," after "2012".

On page 41, strike lines 2 through 4 and insert the following:

"such closing or consolidation to—

"(i) persons served by such post office to ensure that such persons will have an opportunity to present their views; and

"(ii) the chief executive of each State whose residents are served by such post office to allow the chief executive to appoint a citizen's service protection advocate under section 417.".

On page 84, strike line 8 and all that follows through line 11 and insert the following:

(g) STUDY AND STRATEGIC PLAN ON INTER-AGENCY AGREEMENTS FOR POST OFFICES.—

(1) DUTIES OF ADVISORY COMMISSION.—

(A) STUDY.—

(i) IN GENERAL.—The Advisory Commission shall conduct a study concerning the advisability of the Postal Service entering into inter-agency agreements with Federal, State, and local agencies, with respect to post offices, that—

(I) streamline and consolidate services provided by Federal, State, and local agencies;

(II) decrease the costs incurred by Federal agencies in providing services to the general public; and

(III) improve the efficiency and maintain the customer service standards of the Federal, State, and local agencies.

(ii) CLARIFICATION OF INTER-AGENCY AGREEMENTS.—The study under clause (i) shall include consideration of the advisability of the Postal Service entering into an inter-agency agreement with—

(I) the Bureau of the Census for the provision of personnel and resources for the 2020 decennial census;

(II) the department of motor vehicles, or an equivalent agency, of each State for the provision of driver licenses, vehicle registration, and voter registration;

(III) the division of wildlife, the department of natural resources, or an equivalent agency, of each State for the provision of hunting and fishing licenses; and

(IV) other Federal agencies responsible for providing services to the general public.

(B) FINDINGS.—The Advisory Commission shall—

(i) not later than 1 year after the date of enactment of this Act, submit to the Postal Service the findings of the study conducted under subparagraph (A); and

(ii) incorporate the findings described in clause (i) into the strategic blueprint required under subsection (f).

(2) POSTAL SERVICE STRATEGIC PLAN.—

(A) IN GENERAL.—Not later than 6 months after the date on which the Advisory Commission submits to the Postal Service the

findings under paragraph (1)(B), the Postal Service shall submit a strategic plan for entering into inter-agency agreements concerning post offices to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives.

(B) LIMITATIONS.—The strategic plan submitted under subparagraph (A)—

(i) shall be consistent with—

(I) the retail service standards established under section 203 of this Act;

(II) section 411 of title 39, United States Code, as amended by this Act; and

(III) public interest and demand; and

(ii) may not prevent the implementation of Postal Service initiatives with respect to retail access to postal services under sections 203 and 204 of this Act.

(C) COST SAVINGS PROJECTIONS.—The strategic plan submitted under subparagraph (A) shall include, for each proposed inter-agency agreement, a projection of cost savings to be realized by the Postal Service and by any other Federal agency that is a party to the agreement.

(h) TERMINATION OF THE COMMISSION.—The Advisory Commission shall terminate 90 days after the later of—

(1) the date on which the Advisory Commission submits the report on the strategic blueprint for long-term solvency under subsection (f); and

(2) the date on which the Advisory Commission submits the findings on inter-agency agreements for post offices under subsection (g).

(i) AUTHORIZATION OF APPROPRIATIONS.—There

On page 84, between lines 14 and 15, insert the following:

SEC. 214. CITIZEN'S SERVICE PROTECTION ADVOCATES.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by adding at the end the following:

"§ 417. Citizen's service protection advocates

"(a) DEFINITIONS.—In this section—

"(1) the term 'citizen's service protection advocate' means an individual appointed or designated under applicable State law, in the manner described in subsection (b), by the chief executive of a State affected by the closing or consolidation of a post office or postal facility to represent the interests of postal customers affected by the closing or consolidation; and

"(2) the term 'postal facility' has the meaning given the term in section 404(f).

"(b) APPOINTMENT OF ADVOCATE.—

"(1) IN GENERAL.—The chief executive of a State affected by the proposed closing or consolidation of a post office or postal facility may appoint or designate a citizen's service protection advocate to represent the interests of postal customers affected by the proposed closing or consolidation.

"(2) CONSULTATION.—To be considered a citizen's service protection advocate for purposes of this section, an individual must have been appointed or designated by the chief executive of a State in consultation with—

"(A) the mayor (or equivalent official) of any city affected by the closing or consolidation; and

"(B) the commissioner (or equivalent official) of any county or parish affected by the closing or consolidation.

"(c) ACCESS TO INFORMATION AND ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraph (2), upon the request of any citizen's service protection advocate appointed under this section, the Postal Service shall provide to the citizen's service protection advocate—

"(A) not later than 15 days after the request, access to any records, reports, audits, reviews, documents, papers, recommendations, or other materials of the Postal Service relating to the closing or consolidation of the relevant post office or postal facility; and

"(B) technical assistance in carrying out the duties of the citizen's service protection advocate.

"(2) LIMITATIONS.—Nothing in this section may be construed to require the Postal Service to provide to a citizen's service protection advocate any information that is exempt from disclosure under section 552(b) of title 5.

"(d) COMMUNICATION AND CONSULTATION.—The Postal Service shall—

"(1) provide for regular and efficient communication between a citizen's service protection advocate and the officer or employee of the Postal Service responsible for the closing or consolidation of the relevant post office or postal facility; and

"(2) consult with the citizen's service protection advocate in developing and implementing service changes that affect postal customers affected by the closing or consolidation of the relevant post office or postal facility.

"(e) TERMINATION OF SERVICE.—An individual may not serve as a citizen's service protection advocate with respect to the closing or consolidation of a post office or postal facility after the later of—

"(1) the date on which the Postal Service determines not to close or consolidate the post office or postal facility; and

"(2) the date on which the Postal Service determines to close or consolidate the post office or postal facility."

(b) TABLE OF SECTIONS.—The table of sections for chapter 4 of title 39, United States Code, is amended by adding at the end the following:

"417. Citizen's service protection advocates."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date on which the Postal Service establishes retail service standards under section 203.

Mr. BENNET. Mr. President, I rise on behalf of amendment No. 2047, which I have cosponsored with Senator BLUNT. I deeply appreciate his leadership.

This bipartisan amendment would allow for a nonpaid advocate to represent communities facing a closure or a consolidation. Advocates would represent their communities' interests throughout closure proceedings and would work with the Postal Service to identify alternative methods to maintain service standards. Advocates would have access to documents, data, and reports related to the proposed closure. Advocates would also have authority to appeal a final decision on closure to the Postal Regulatory Commission if there was a concern it would hurt service standards.

Finally, the amendment would allow the strategic commission already contained within this bill to develop inter-agency agreements so that post offices could provide additional government services, such as the issuance of Social Security cards and hunting and fishing licenses, similar to what it already does for passports.

In 2011, to take 1 year, the Postal Service accepted 5.6 million passport applications that generated \$182 million in revenue. This amendment has

the potential to cut government costs, improve access, and help keep post offices open by supplementing revenue streams in a way that is particularly helpful to our rural communities. I hope the Senate could adopt this amendment.

I yield to my colleague Senator BLUNT and thank him for his work.

Mr. BLUNT. Mr. President, I worked with Senator BENNET on this amendment. I think it does ensure that communities are not notified a facility is closed without having any opportunity to have input. It provides for advocacy and also gives the post office system some flexibility that they do not have now to provide postal services in new and innovative ways.

I urge my colleagues to adopt this amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. I also want to, as a cosponsor of this important piece of legislation, commend Senators BENNET and BLUNT for working together in a truly bipartisan way to make sure we get another good addition to this bill. I agree the communities affected by postal closings should have that strong advocacy to protect them against arbitrary and capricious closings. This bill also asks the Strategic Advisory Commission, established in our bill, to look into how other Federal and State agencies and the Postal Service might enter into interagency agreements in order to better utilize the services and improve efficiencies as referenced by the Senator from Colorado.

They are both fine improvements, and I and the prime sponsors of the amendment support this amendment.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2047), as modified, was agreed to.

AMENDMENT NO. 2083

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I call up amendment No. 2083.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Tennessee [Mr. CORKER], proposes an amendment numbered 2083.

The amendment is as follows:

On page 39, strike line 20 and all that follows through page 45, line 17, and insert the following:

SEC. 205. OTHER PROVISIONS.

(a) FREQUENCY OF MAIL DELIVERY.—Section 101 of title 39, United States Code, is amended by adding at the end the following:

“(h) Subject to the requirements of section 3661, nothing in this title or any other provision of law shall be construed to prevent the Postal Service from taking any action necessary to provide for a 5-day-per-week delivery schedule for mail and a commensurate adjustment in the schedule for rural delivery of mail.”.

(b) OVERALL VALUE OF FRINGE BENEFITS.—Section 1005(f) of title 39, United States

Code, is amended by striking the last sentence.

(c) MODERN RATE REGULATION.—Section 3622(d) of title 39, United States Code, is repealed.

(d) DELIVERY SERVICE STANDARDS, MAIL PROCESSING, AND COMMUNITY POST OFFICES.—Sections 201 and 202 of this Act, and the amendments made by those sections, shall have no force or effect.

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

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

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

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

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided.

Mr. CORKER. Mr. President, this amendment is a balanced approach that strives to give the U.S. Postal Service maximum flexibility in multiple areas as they work toward financial stability. Here is the best part. According to the Congressional Budget Office, this amendment results in savings of \$21 billion over the next 10 years. I do not think we have seen amendments that do this, that save \$21 billion.

In conclusion, it is clear the Postal Service needs to make drastic changes. I applaud those portions of S. 1789 that allow the Postal Service greater flexibility. But too many provisions in S. 1789 would put more restrictions on the Postal Service, not fewer, and limit the organization's ability to adapt to changing times.

I urge support of my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose this amendment. It deals with some issues that the committee and the bipartisan bill have dealt with in a fair and balanced way. It kind of breaks through that proposal we have made. It would permit the Postal Service to move to 5-day delivery service immediately. It would increase rates without a cap. It also removes some protections that are in the bill at this time.

I think this amendment, if adopted, would lead to the kind of curtailments in postal operations that would actually not help the Postal Service but diminish revenues and put it more dramatically into deficits.

With respect to my friend, the Senator from Tennessee, who sponsored it, I oppose this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 29, nays 70, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—29

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

NAYS—70

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

NOT VOTING—1

Kirk

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

The Senator from Connecticut.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2049

Mr. LIEBERMAN. Mr. President, the next amendment on the list is Senator MIKULSKI's amendment. Senator MIKULSKI has decided not to introduce her amendment. I thank her for that, and we will go next to Senator AKAKA's amendment numbered 2049.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I call up my amendment No. 2049.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 2049.

Mr. AKAKA. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To allow supervisory and other managerial organizations to participate in the planning and development of changes in, or termination of, pay policies and schedules and fringe benefit programs)

At the end of title I, add the following:

SEC. 106. SUPERVISORY AND OTHER MANAGERIAL ORGANIZATIONS.

Section 1004 of title 39, United States Code, is amended—

(1) in subsection (b), in the second sentence, by inserting “as provided under subsection (d) and any changes in, or termination of, pay policies and schedules and fringe benefit programs for members of the supervisors’ organization as provided under subsection (e)” before the period; and

(2) in subsection (e)(1), by inserting “, or termination of,” after “any changes in”.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, prior to a vote on amendment No. 2049 offered by the Senator from Hawaii, Mr. AKAKA.

Mr. AKAKA. Mr. President, current law provides postmasters and post office supervisors with the opportunity to consult over pay and benefits. This is not collective bargaining and does not result in a contract.

Unfortunately, the Postal Service tries to modify, reduce or eliminate supervisors’ benefits outside the normal consultation process, arguing that Congress intended this consultation for the creation but not elimination of benefit programs. This amendment simply clarifies existing law that the consultation requirement applies to any changes to pay or benefits.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Connecticut.

Mr. LIEBERMAN. I rise to support the amendment offered by my friend from Hawaii. The Postal Service is going to need the support of all its employees and managers to turn around its current decline.

Postmasters and postal supervisors are a real and important human asset for the Postal Service and we should do what we can to foster productive and constructive collaboration between the Postal Service and the senior employees. The Akaka amendment just clarifies and strengthens existing requirements for consultation, not collective bargaining, for the scheduling of changes and terminations of pay and benefit programs. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, let me just reinforce that this is not giving collective bargaining rights to postmasters or to postal supervisors. I support Senator AKAKA’s amendment. All it is trying to do is strengthen a provision that is in current law that asks for the Postmaster General to consult with the postmasters and the other su-

pervisory organizations when there are changes made in work schedules or benefits. They should have the right to have their views heard. It does not give them a veto. It does not authorize collective bargaining or contract negotiations in any way. I wish to emphasize that because there has been misinformation about what this amendment, in fact, entails.

I support this amendment and I urge its adoption.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. I ask for a voice vote.

Mr. DEMINT. Mr. President, I object. I would like a rollcall vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—57

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

NAYS—42

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

NOT VOTING—1

Kirk

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

The Senator from Connecticut.

AMENDMENT NO. 2025

Mr. LIEBERMAN. Mr. President, I believe the next amendment in order is amendment No. 2025 by the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, I call up amendment No. 2025.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 2025.

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

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

The amendment is as follows:

(Purpose: To end the mailbox use monopoly)

At the end of title II, add the following:

SEC. __. ENDING THE MAILBOX USE MONOPOLY.

Section 1725 of title 18, United States Code, is amended by striking “established, approved, or accepted” and all that follows through “mail route” and inserting “or post office box owned by the Postal Service or located on Postal Service property”.

Mr. PAUL. Mr. President, it is a Federal crime for anyone but the U.S. Postal Service to use a mailbox. The United States is the only country in the world that grants a mailbox monopoly. You can purchase your mailbox, you can install it, you can fix it, but you do not truly own it because you do not control what goes in your mailbox. If someone vandalizes your mailbox, you are responsible for it. You repair it. But you cannot decide what goes in it. If you put something in a mailbox without the permission of the U.S. Postal Service, if your child puts a birthday invitation in a mailbox, it can be a \$5,000 fine. If an organization puts something in a mailbox other than through the Postal Service, it is a \$10,000 fine.

My amendment would grant individual owners of mailboxes the right to make decisions about their mailboxes. Adopting this amendment would restore individual mailbox choice. So I am for mailbox choice, and I hope the body is. It seems to me a fundamentally American concept to control access to your own mailbox. I urge adoption of this amendment.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I would like to inform the Senate that this will be the last vote tonight. I have spoken to Senator MCCONNELL. I know there are a lot of important things that committees have to do tomorrow, so we are going to start voting on finishing the postal bill tomorrow at 2 o’clock. We appreciate everyone’s cooperation today. We will need some more tomorrow.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, there are at least three problems with the amendment offered by the Senator from Kentucky.

The first is a practical problem. How is the Postal Service going to deal with a situation where at one house there is a monopoly on the use of the post office box and at the next house there is not a monopoly? How is that going to work?

Second, mail often contains highly sensitive pieces, such as medical records, bills, personal correspondence. Continuation of the mailbox monopoly is necessary to preserve the safety, the security, and the privacy of mail.

The third argument is that if you repeal the mailbox monopoly, you will leave rural America behind. There will be plenty of competition in large cities, but who will be left to serve rural America? Only the Postal Service. And that will further drive up its costs because it will be losing customers.

I strongly urge opposition to this amendment.

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

Mr. PAUL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 35, nays 64, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—35

| | | |
|-----------|--------------|----------|
| Alexander | Enzi | Moran |
| Ayotte | Graham | Paul |
| Barrasso | Grassley | Risch |
| Blunt | Hatch | Roberts |
| Boozman | Heller | Rubio |
| Chambliss | Isakson | Sessions |
| Coburn | Johanns | Shelby |
| Cochran | Johnson (WI) | Thune |
| Corker | Kyl | Toomey |
| Cornyn | Lee | Vitter |
| Crapo | McCain | Wicker |
| DeMint | McConnell | |

NAYS—64

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

NOT VOTING—1

Kirk

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

The Senator from Connecticut.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business, with Senators allowed to speak for 10 minutes each.

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

REMEMBERING JUDGE JAMES G. WEDDLE

Mr. McCONNELL. Mr. President, I rise today to pay tribute and bid farewell to a Kentuckian I knew well and considered a good friend. The Honorable Judge James G. Weddle of Casey County, KY, passed away recently, shortly after announcing he would be stepping down from the bench. He was 71.

Judge Weddle had a remarkable legal career that spanned over 45 years; much of it in public service. A graduate of the University of Kentucky School of Law, Judge Weddle served as Casey County Attorney for 16 years, and served as a circuit judge on the 29th Judicial Circuit of Kentucky from 1998 until his untimely passing; he planned to retire in May.

What strikes me the most about Judge Weddle, after having the benefit of his friendship, is how much he valued public service to the people of Casey County and Kentucky. Right up until the end of his career, he was always striving to be better. He felt he had not yet reached his peak. Being the best—and doing the best, for the benefit of all who came into his courtroom was important to him.

A scholarly man, Judge Weddle was sure to read all the latest law books and articles, and often knew more about recent legal events than lawyers in his courtroom who were half his age. He was well known for his ability to cite case after case without having to reference a computer or his law books. Simply put, he loved the law. And he loved the people of his community. You couldn't ask for a finer combination of passions in a Kentucky circuit court judge. The people of the Commonwealth were blessed to have him.

Elaine and I extend our deepest sympathies to the judge's family, especially his wife, Zona; his son, James; his daughters, Lucinda, Suzanne, Andrea, and Sarah; his grandchildren, Jack, Jeb, and Beau; his brother, R.C.; his sister, Delores; and many other friends and family members. The judge was preceded in death by his sister, Norma Jean.

At this time, Mr. President, I would like to ask my Senate colleagues to join me in honoring the memory of the Honorable Judge James G. Weddle. The people of Kentucky are the better for his many years of service.

A newspaper in my home State, the Casey County News, published an excellent article highlighting the Judge's life and career, as well as his obituary. I ask unanimous consent that said materials be printed in the RECORD.

There being no objection, the materials were ordered to appear as follows:

[From the Casey County News, Apr. 18, 2012]
JUDGE WEDDLE REMEMBERED—CIRCUIT COURT JUDGE DIES DAYS AFTER ANNOUNCING RETIREMENT

(By Larry Rowell)

A Casey County native who devoted his life to his family, the law, and to the people of Casey County has died after an extended illness.

Casey Circuit Court Judge James G. Weddle died in the early morning hours of April 11 at home surrounded by family members. He was 71.

Just a few days before, Weddle had announced that he was retiring May 1 from the 29th Judicial Circuit, which included Casey and Adair counties.

Weddle was serving his second eight-year term, having first been elected in 1998.

Prior to serving as a circuit judge, Weddle became an attorney in 1966 after graduating from the University of Kentucky School of Law. He served as Casey County Attorney for 16 years and also in private practice.

Fellow judges and attorneys had nothing but high praise for Weddle and a legal career that spanned more than 45 years.

"I have known Judge Weddle for many years and he was distinguished by his dedication to his work. No other judge I know anywhere worked harder with a completeness and constancy of his work," said Chief Justice John Minton of the Kentucky Supreme Court.

Casey and Adair County Commonwealth's Attorney Brian Wright prosecuted many cases before Weddle.

"I had a lot of respect for Judge Weddle, especially for his legal mind. He devoted his life to the legal profession," Wright said.

Also, Weddle was known for his vast knowledge of legal cases and his ability to cite cases without ever pulling a law book off the shelf.

"He read books, books, and books, and articles on the Internet. He didn't golf or hunt or fish. His life was the law," Wright said.

Still, Weddle was known for being a fair judge who had an open mind.

"It was never his way or the highway when it came to the law," said Janelle "Tootsie" Roberts, who served as Weddle's secretary for 22 years.

Wright said that in one particular case he was trying before Weddle, he was able to show the judge a prior case that changed the way he thought about it.

"He was always open to something new," Wright said.

Roberts said that in addition to loving the law, Weddle also was a history buff who had a knack for remembering dates and events.

"Judge Weddle loved history and sometimes in court he would ask, Today is December 7, can anyone tell me what happened on that date?" Roberts said.

And there was another belief that Minton, Wright, and Roberts shared about Weddle his love for the people of Casey County.

"In the last conversation that I had with Judge Weddle where he told me he was going