

Bank for Reconstruction and Development; United States Governor of the Inter-American Development Bank; United States Governor of the European Bank for Reconstruction and Development.

#### CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Jacob J. Lew, of New York, to be United States Governor of the International Monetary Fund; United States Governor of the International Bank for Reconstruction and Development; United States Governor of the Inter-American Development Bank; and United States Governor of the European Bank for Reconstruction and Development.

Harry Reid, Robert Menendez, Charles E. Schumer, Jack Reed, Kirsten E. Gillibrand, Sheldon Whitehouse, Richard Blumenthal, Jeff Merkley, Christopher A. Coons, Debbie Stabenow, Christopher Murphy, Patty Murray, Tom Harkin, Carl Levin, John D. Rockefeller IV, Bill Nelson, Benjamin L. Cardin.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

#### LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

#### NOMINATION OF MELVIN L. WATT TO BE DIRECTOR OF THE FEDERAL HOUSING FINANCE AGENCY

Mr. REID. Madam President, with your permission I now move to proceed to executive session to consider Calendar No. 209.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Melvin L. Watt, of North Carolina, to be Director of the Federal Housing Finance Agency.

#### CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Melvin L. Watt, of North Carolina, to be Director of the Federal Housing Finance Agency.

Harry Reid, Tim Johnson, Mark Begich, Patrick J. Leahy, Christopher A. Coons, Martin Heinrich, Patty Murray, Bernard Sanders, Jeanne Shaheen, Benjamin L. Cardin, Al Franken, Sherrod Brown, Tom Harkin, Jack Reed, Thomas R. Carper, Sheldon Whitehouse, Bill Nelson, Charles E. Schumer.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

#### LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

#### NOMINATION OF PATRICIA ANN MILLETT TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Mr. REID. Madam President, I now move to proceed to executive session to consider Calendar No. 327.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Patricia Ann Millett, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

#### CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Patricia Ann Millett, of Virginia, to be United States Circuit Judge for the District of Columbia.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, John D. Rockefeller IV, Benjamin L. Cardin, Jon Tester, Sheldon Whitehouse, Mark R. Warner, Patty Murray, Mazie Hirono, Angus S. King, Jr., Barbara Boxer, Jeanne Shaheen, Robert Menendez, Bill Nelson, Debbie Stabenow, Richard Blumenthal.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

#### LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent the cloture vote scheduled 5:30 p.m. today occur on Tuesday at a time to be determined by me in consultation with Senator McConnell.

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

Mr. REID. Madam President, so that everyone knows, we have a number of Senators who are not going to be here tonight, five that I know of—Democrats and Republicans. We have a lot of people who went through a lot of trouble to be here for this vote. I want everyone to know that if we continue having votes on Monday—and obviously people think they are not very important so they wind up not coming—they are going to start missing really important votes. I will schedule more than one vote, and it is not right that we have a few people who make it very difficult for everyone.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each and that the time be for debate only until 7 p.m. There will be no roll call votes tonight. I announced that earlier. There will be no roll call votes tonight.

The PRESIDING OFFICER. It is so noted.

The Senator from Tennessee.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1590 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALEXANDER. I yield the floor.

Mr. HARKIN. Madam President, I note the absence of a quorum.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### GRIFFIN NOMINATION

Mr. ALEXANDER. Madam President, tomorrow, according to the statement made by the majority leader, we will be voting on the nomination of Richard Griffin, Jr. for General Counsel of the National Labor Relations Board.

I will be voting against Mr. Griffin's nomination for general counsel because I am concerned about the direction of the NLRB as an advocate more than an umpire, and I do not believe his presence as the general counsel will improve that situation.

As the senior Republican on the Labor Committee, working with my friend, the chairman, Senator HARKIN, and with others, what I hope we can do over the next several years is look for a long-term solution for the restructuring of the National Labor Relations Board—one that will ensure that it will operate more as an umpire than as an advocate, whether the President is a Democrat or a Republican.

The Board has become far too politicized under recent administrations. This did not start with the Obama administration, but it has gotten worse with this administration, and it has moved more and more toward the side of union advocacy with such major shifts as ambush elections, micro-unions, and undermining State right-to-work laws.

Swinging back and forth on important labor policy issues does the American working man and woman no good in this time of underemployment and unemployment.

So, later this fall, I will join other Senators in introducing legislation that will restore balance to the National Labor Relations Board—a proposal that will retain the rights of workers and employees, but reduce the swing that occurs from administration to administration based upon who is in power. What we should be striving for is fairness and consistency.

There are exceptions, of course, but as a general proposition, I believe a President should have an up-or-down vote on his nominee, so I intend to vote for cloture. But Mr. Griffin's nomination does not do enough for me to show the promise of moving the Board from advocacy toward umpire and, therefore, I do not intend to vote to confirm his nomination.

I thank the Presiding Officer and I thank Senator HARKIN for his courtesy in allowing me to go first.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, again, I want to thank my colleague and good friend Senator ALEXANDER for a great working relationship on our committee. Obviously, we have differences of views and opinions on matters—that is the nature of legislation and this body—but we have always worked together in a very conciliatory fashion, and open, and working things out. So I appreciate his approach and the fact that the Senator is willing to give us cloture so we can get an up-or-down vote. I understand he has certain reservations about the nominee. I understand that. But, again, I thank my colleague for being willing to get us to the point where we can have an up-or-down vote on Mr. Griffin.

Madam President, tomorrow—we were going to vote today, but the leader came out and announced there was an agreement on both sides to put the vote off until tomorrow to consider the nomination of Mr. Richard Griffin to serve as General Counsel of the National Labor Relations Board, a very important role as the top prosecutor for violations of this country's labor laws.

Given his depth of experience and knowledge of the act, Mr. Griffin is exceptionally well qualified for this position, and I have no doubt he will do an outstanding job of enforcing our Nation's labor laws for workers, unions, and employers.

In July, we confirmed five new NLRB members, preventing the agency from shutting down, giving it a full slate of members for the first time in a decade. With a fully functional five-member Board and a new Senate-confirmed General Counsel, it is my hope we can provide this important agency with some much-needed certainty, mark a new positive chapter for the NLRB, and finally put an end to the delay and obstruction that has recently become all too familiar every time a new NLRB nominee is appointed. Without relitigating the previous controversies, I think it is fair to say that over the past few years the NLRB has been the target of unnecessary political attacks and obstruction.

What most concerns me about this political game-playing is how it affects the everyday lives of working people across America. These attacks on the Board have had real consequences for real people.

Working Americans need and deserve a fully functioning agency to protect their rights and enforce our Nation's labor laws. That is why over 75 years ago Congress enacted the National Labor Relations Act, guaranteeing American workers the right to form and join a union and to bargain for a better life. For both union and non-union workers alike, the act provides essential protections. It gives workers a voice in the workplace. It allows them to join together and speak up for

fair wages, good benefits, and safe working conditions. These rights ensure that the people who do the real work in this country see the benefits when our economy grows and are not mistreated or put at risk on the job.

The National Labor Relations Board is the guardian of these fundamental rights. Workers themselves cannot enforce the National Labor Relations Act. The Board is the only place workers can go if they have been treated unfairly and denied the basic protections the law provides. Thus, the Board plays a vital role in vindicating workers' rights. In the past 10 years, the NLRB has secured opportunities for reinstatement for 22,544 employees who were unjustly fired. It has also recovered more than \$1 billion on behalf of workers whose rights were violated.

I know many times people think: Well, a lot of these old abuses of workers whom you read about in your history books—well, that is just history and we have gotten over that. Quite frankly, I wish that were the truth. But the fact that in 10 years 22,544 employees were reinstated because they were unjustly fired indicates there are still unfair labor practices being committed by businesses today. And \$1 billion recovered on behalf of workers just in the last 10 years—that is \$1 billion that unscrupulous companies took from their workers without the right to do so, and the NLRB got that money back for workers. Think about that: \$1 billion.

The Board does not just protect the rights of workers and unions; it also provides relief and remedies to our Nation's employers, our businesses. The Board is an employer's only recourse if a union commences a wildcat strike, for example, or refuses to bargain in good faith during negotiations. By preventing labor disputes that could disrupt our economy, the work the Board does is vital to every worker and every business across the Nation.

Further, the NLRB, you have to understand, is divided into two independent sides. There is the Board side, which adjudicates and interprets the law; then there is the General Counsel side, which investigates filed charges, prosecutes violations, and generally supervises the processing of cases. The general counsel position is important because the NLRB receives about 20,000 to 30,000 charges per year from employees, unions, and employers, and it is the primary function of the general counsel to make sure these charges—each charge—are thoroughly investigated and prosecuted if they are determined to have merit.

The general counsel also serves an important role that some of my colleagues may not know about. The attorneys in the General Counsel's Office help facilitate settlements to resolve disputes efficiently. For example, when two unions picketed Walmart in 2012, Walmart filed a claim with the NLRB, and the agency negotiated a settlement. Indeed, settlements are not the