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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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

exception at the NLRB but the rule, and they are encouraged. In fact, over 90 percent of meritorious unfair labor practice cases are settled by agreement, either through a Board settlement or a private agreement by the two sides.

Now that I have discussed the importance of the NLRB in protecting rights and the role the General Counsel plays at that agency, I want to turn the page and talk about Mr. Griffin, the nominee who is before us now to be the General Counsel, and I want to again indicate why I strongly support his nomination.

Richard Griffin has a wealth of experience as a labor lawyer. He is deeply steeped in labor and employment law. He most recently served as an NLRB board member himself from January 2012 until this past August. Prior to that, Mr. Griffin was general counsel for the International Union of Operating Engineers for more than 17 years. Mr. Griffin actually began his legal career over 30 years ago at the NLRB as a counsel to Board members.

Some of my colleagues on the other side of the aisle have agreed that Dick Griffin is well qualified to serve as general counsel—indeed, I think his expertise in labor law is difficult to question—but some of my friends on the Republican side continue to oppose his nomination because of an outstanding legal issue that has nothing to do with Mr. Griffin's previous public service, his background, or his ability to function in this new position.

Here is what this is all about: Much has been made about the process by which Mr. Griffin was previously recess appointed to serve as a Board member. The controversy began when the District of Columbia Circuit Court issued a ruling in a case which is called the Noel Canning case that diverged from the decisions of three other courts of appeals—the Second Circuit, the Ninth Circuit, and the Eleventh Circuit—and my friends on the Republican side are questioning the validity of an appointment process that has been in place for over 220 years. And that was the decision in the Noel Canning case. Subsequently, two other appeals courts have addressed this issue. The Supreme Court is set to resolve the legal issue once and for all during this session of the Supreme Court.

Again, to sum it up, we have different circuit courts deciding differently on an appointment process that any President uses to fill recess appointments. This litigation is still pending. The legal question remains unresolved until the Supreme Court decides it. But a number of my colleagues during that period when we had different circuit courts deciding differently on this appointment issue called for Mr. Griffin to resign his position on the Board, even though he had done nothing personally wrong and he had taken an oath of office to fulfill his duties.

I believe that request from my Republican colleagues was unreasonable. There was clear precedent at the Board for Mr. Griffin to continue to serve until the final legal matter was ultimately resolved. When there is a split among the circuit courts of appeals, the NLRB has a longstanding history of waiting until the legal question is resolved by the Supreme Court before they take action, particularly when the issue involves the Board's operability.

The situation that was facing the Board after this Noel Canning case is directly parallel to a circumstance by the Board a few years ago when the Board only had two members—only had two members. The DC Circuit ruled in a case called the Laurel Baye case that the two-member Board lacked a quorum to do business. Even after the DC Circuit's decision, the two-member Board, one Republican, one Democrat, continued to hear and issue cases until the Supreme Court ruled on the question.

Not a single Republican Senator called on either one of those two Board members to resign simply because they refused to acquiesce to the decision of the DC Circuit. So here is what happened. Mr. Griffin and his fellow recess appointee Sharon Block acted appropriately in following this direct precedent and continuing to serve on the Board until the Supreme Court addressed the validity of their recess appointments.

To argue that Mr. Griffin's decision to uphold his oath of office and follow the Board's prior practice, that somehow that makes him unqualified to now serve as the Board's General Counsel is, quite frankly, a position I think is not only disappointing but I think without substance.

In addition to this questionable objection, Republicans also continue to claim that recent NLRB nominees, including Mr. Griffin, are unacceptable simply because they have worked on behalf of workers or unions and support our system of collective bargaining.

These nominees have been accused of being biased and unfit to serve. But now I want to point out what the law actually says. Keep in mind, when Board members, as well as general counsel, are appointed to the Board and we confirm them, they take an oath of office to uphold the law. So it is kind of interesting to note what the law actually says that they are sworn by oath to uphold.

I have often quoted from the National Labor Relations Act on this point. I will do so again. Here is what the law says, the National Labor Relations Act—the law that Board members and eventually Mr. Griffin, if he is confirmed—and I believe he will be—will take an oath of office to uphold. Here is the law. I will quote it exactly as it is written:

> It is declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

Those are the exact words. That is what the law says. The purpose and the policy is to promote collective bargaining, to promote collective bargaining and freedom of association, protecting workers and their rights of self-organization, the designation of representatives of their own choosing. That is what the law says.

I think the fact that Mr. Griffin takes that purpose seriously makes him more qualified, not less qualified, to serve as general counsel. His past career is not cause for concern. Most labor lawyers devote their careers either to representing workers and unions or the management. That is the nature of practicing labor and employment law.

We have confirmed NLRB nominees in the past, some of whom have been union side and some have been management side. We have done so without substantial controversy. The fact that Mr. Griffin happens to come from the union side practice does not make him inherently biased. For years, Republican and Democratic Presidents have appointed promanagement attorneys to fill positions at the NLRB.

There is even the one example of where a Board member came directly from an in-house position at the U.S. Chamber of Commerce. But I do not hear anyone on the Republican side accusing those nominees of bias. I guess it is only when you represent labor unions that you are biased, not when you represent the Chamber of Commerce.

I would also like to point out that while I certainly have not agreed with the politics or ideology of every past NLRB nominee, I voted to supported Republican nominees, such as Phillip Miscimarra and Harry Johnson, who are on the Board now, not because I agreed with them but because, given their experience and their diverse backgrounds, they were qualified to serve. They were qualified, as is Mr. Griffin, eminently well qualified.

Board members can and do separate their past work as an advocate from their work as a neutral interpreter of the act once they are confirmed. I am absolutely sure Mr. Griffin will do the same if confirmed as General Counsel. I have every confidence that Mr. Griffin will be, in the words of one of the current Board members, not prounion, not proworker, not promanagement, but pro-act, pro-Labor Relations Act or put maybe more succinctly prolaw, prolaw enforcement.

With this in mind, and for all of the reasons I have mentioned, I urge all of my colleagues, my Republican colleagues, to consider voting for Mr. Griffin because he deserves a strong bipartisan vote.

As I stated earlier, I voted for Republican members. When we had Board members earlier this year, in July if I am not mistaken, in July of this year, Democrats voted for the two Republican nominees, again not because we agreed with them ideologically, maybe where they were coming from, but they were qualified to serve.

Yet when we have nominees with whom the Republicans are opposed ideologically, even though they are well qualified, Republicans vote no. Think about that. When we have nominees to the National Labor Relations Board, whom the Republicans support, to whom we may be opposed ideologically but they are qualified, we vote for them. Democrats vote for them. When we have nominees to the National Labor Relations Board who are well qualified but whom the Republicans disagree with ideologically, they vote against them—quite a difference.

Now is the time to start breaking that down. It did not used to be this way. It never was this way in the past. If they were qualified under a Republican President, we would support them; a Democratic President, we would support them. We wanted to know what were their qualifications, what were their backgrounds, were they vetted properly—no criminal activity, nothing in their background that would indicate they could not judiciously act openly and fairly.

I am sorry it has gotten to this position now where Republicans feel they have to vote against someone to the National Labor Relations Board simply because that person was a lawyer for a labor union. I voted for NLRB members who were lawyers for businesses. That is fine. I have no problem with that. Why do my Republican colleagues have such a problem voting for someone who was a lawyer for a labor union? Labor unions are legal entities protected by national law, the National Labor Relations Act.

So I hope again that my Republican colleagues will look at Mr. Griffin for who he is, for what he is, for his background, eminently well qualified, has always been fair, has always been judicious—a good lawyer.

Yes, he represents labor unions. But in all of the vetting we had in our committee on Mr. Griffin, we had people from the business side and others who all said he represented labor unions, but he did so fairly. He did that fairly, with competence and with the ability to work out agreements with the other side. What more can you ask?

I am hopeful this vote tomorrow will mark a new beginning for the National Labor Relations Board. We will have a vote on cloture and then we will have an up-or-down vote. So we have 60 votes for cloture to bring it to a close. Then there will be up to 8 hours of debate on the nominee. I do not think we need to take that long. I am hopeful some of my Republican colleagues will vote for Mr. Griffin and start to break this thing down, where if it is someone appointed by a Democratic President, Republicans vote no; if it is someone appointed by a Republican President, Democrats vote no. That should not be the way it should be, not the way it has been in my lifetime here, in all of my time in the Senate.

I have served with three Republican Presidents in the Senate. They have made nominations to the National Labor Relations Board. I have been on this committee since then. We always supported them. As long as they were qualified and they went through the vetting process and they were qualified, it was fine. The President should have his nominees. We would vote for them.

I am hopeful we will get back to that. I hope we will have a new era, where the agency is no longer haunted by political attacks, political games. It is time, long past time, to allow the NLRB to function as the law intends and let the dedicated public servants who work there do their jobs.

We will have this vote, I am told, tomorrow afternoon on cloture. As I said for the benefit of Senators, we will have up to 8 hours. I do not imagine we will take all of that. We will have up to 8 hours of debate on the nominee. Again, I hope we have a good strong vote on both cloture and on the nominee himself. Mr. Griffin, as I said, is eminently well qualified—eminently well qualified. Nothing in his background would ever indicate that he would be anything less than an outstanding counsel at the National Labor Relations Board.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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 (Mr. DONNELLY). Without objection, it is so ordered.

TRIBUTE TO ROBERT M. GREELEY

Mr. REID. Mr. President, I rise to recognize the important work of Mr. Robert M. Greeley, who is retiring on November 15, 2013, after a long and distinguished career with the United States Capitol Police.

Mr. Greeley joined the Capitol Police in June, 1996, as director of the Security Services Bureau, the most senior civilian security position in the department. Mr. Greeley's team is responsible for the development, operation, and maintenance of the physical and technical security systems needed to counter the threat of terrorism. In this capacity, Mr. Greeley led the management of the multimillion dollar enhancements to the Capitol Complex following the terrorist attacks of September 11, 2001. His expertise in the development and implementation of these security projects and systems was critical to the long- and short-term protection of the personnel and facilities of the legislative branch.

Prior to joining the Capitol Police, Mr. Greeley spent 14 years as a security engineering officer with the U.S. Department of State's Office of Diplomatic Security and Foreign Missions. In that capacity, Mr. Greeley served overseas with regional responsibilities in Athens, Mexico City, and Prague.

Mr. Greeley proudly served in the United States Air Force as a navigational aids equipment specialist from 1978–1982.

As a former Capitol Police Officer, I appreciate the hard work and dedication of our nation's law enforcement officers, and I still feel a special bond with those who honor the badge by protecting and serving our communities. I, along with my colleagues in the Senate, congratulate Mr. Greeley on his well-earned retirement and wish him well in his future endeavors.

RECOGNIZING BRIAN MONKS

Mr. REID. Mr. President, I wish to pay tribute to Mr. Brian Monks of Huntingtown, NY, who graciously donated his time and unique talent to help create the beautiful and historic pen set for the United States Senate.

In 2012, the Office of the Senate Sergeant at Arms began designing a new pen set for use at the Presiding Officer's desk when the Senate is in session. The pen set was to be constructed using historically significant materials, including marble removed from the West Brumidi Corridor of the Senate side of the Capitol during its expansion in 2001, and wood from a 120-year-old mahogany tree that was removed from the Capitol grounds in 2009. The Senate Cabinet Shop crafted the base and the pen holders using these historic materials. When the time came to construct the pens themselves from the same mahogany wood, the Cabinet Shop needed to look for outside assistance.

This is when Mr. Monks stepped forward. He volunteered to expertly hand turn pieces of the historic wood into unique writing instruments for the new Senate Chamber pen set.

Mr. Monks is the vice president of Underwriters Laboratories, and his home in Long Island has housed his wood working hobby for many years. He has earned a reputation as both an accomplished pen maker and a creator of fine hand crafted furnishings. His handiwork on the Presiding Officer's pen set debuted in the Senate in April 2012 and is now on display every time the Senate is in session.

Mr. Monks's fine craftsmanship not only resulted in high quality pens for use by Senators serving as the Presiding Officer, but also contributed to the overall beauty and historical significance of the Presiding Officer's desk in the Senate Chamber.

I join with my colleagues on both sides of the aisle in saluting Mr. Brian