

CONGRATULATING CELLARS AT JASPER HILL

Mr. LEAHY. Mr. President, Vermont is a farming State: dairy, livestock, vegetables or fruit, farms across Vermont are known for their innovative and sustainable approaches to farming and food production.

The dairy industry in particular is known throughout Vermont, and far beyond. Dairy cows are a familiar sight for those who live in or visit our State, and Vermont farms have been recognized both domestically and internationally for their dairy-based products. The cheese-making tradition in Vermont dates back to the early 1900s, when Vermont dairy farmers sought uses for their surplus milk. Since those early days, many farms have developed methods for artisanal cheese production.

Recently, Jasper Hill—a celebrated farm in Greensboro Bend, VT—won international recognition at the World Cheese Awards in London, when its Bayley Hazen Blue cheese won the award for the “World’s Best Unpasteurized Cheese.” Besting more than 2,600 submissions, Jasper Hill’s award-winning blue cheese also took home a Super Gold award. Six other cheeses produced by Jasper Hill also won awards. And two other Vermont cheese makers—Grafton Village Cheese and the Vermont Creamery—were also recognized.

Some might skip over a story about the World Cheese Awards. But in Vermont, we take pride in the products we produce from the livestock nurtured and raised on Vermont’s rich land. Farming remains a fabric of our American story, and in Vermont, it is a tradition that has spanned generations.

Congratulations to the Cellars at Jasper Hill, to Grafton Village Cheese, and to the Vermont Creamery for their recent recognitions. They represent the quality and high standards that are a hallmark of the Vermont brand.

I ask unanimous consent that the text of a story recently featured about these dairies on Vermont Public Radio be printed in the RECORD.

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

[From Vermont Public Radio, Nov. 17, 2014]

CELLARS AT JASPER HILL WINS “WORLD’S BEST UNPASTEURIZED CHEESE”

(By Angela Evancie)

Before a recent batch of the Cellars at Jasper Hill’s Bayley Hazen Blue cheese was finished aging, before it was ready to sell, and before it would be crowned—or rinded?—“World’s Best Unpasteurized Cheese” at the World Cheese Awards in London, its makers knew they had something special.

“I’m not lying when I say we were excited about it at a young age,” Vince Razonale, sales and inventory manager for Jasper Hill, said by phone Monday. “We tasted it on day 50, and this particular batch was one that we thought was really on point.” (So on point, they thought, that it merited an Instagram post.)

The more than 250 international cheese experts who judged the 26th annual World

Cheese Awards this weekend agreed. Bayley Hazen Blue was selected from more than 2,600 cheeses, first winning a Super Gold award and then its “World’s Best” award.

It isn’t the only superlative Vermont can add to its list of aged-milk achievements; Grafton Village Cheese also earned two Super Golds, for its Shespos and Bismark cheeses, while Vermont Creamery took home one gold for its Bijou goat’s milk cheese, and seven bronzes. Six other cheeses by Jasper Hill also won awards, including gold medals for its Cabot Clothbound and Moses Sleeper. “Ten years ago, American cheese was something to be laughed at in England. Now, collectively, we’re a force to be reckoned with.”—Vince Razonale, Jasper Hill Farm

Vermont cheese has certainly made a notable debut on the domestic stage. Vermont’s Secretary of Agriculture Chuck Ross recently noted that cheeses made here have been named “Best In Show” at the American Cheese Society Conference for the past two years: Jasper Hill’s Winnimere in 2013, and the Farms for City Kids Foundation’s Tarentaise Reserve this year.

But Razonale says the international acclaim shows how far cheese making, in the U.S. in general and Vermont in particular, has come.

“Ten years ago, American cheese was something to be laughed at in England. Now, collectively, we’re a force to be reckoned with.”

ALAN GROSS

Ms. MIKULSKI. Mr. President, I wish to recognize the fifth anniversary of the unfair arrest and imprisonment of an American citizen in Cuba from Maryland, Mr. Alan Gross. I stand with his wife Judy, and their two daughters in calling for the immediate release of Mr. Gross by the Cuban government.

In 2009, Mr. Gross went to Cuba as a contractor for the U.S. Agency for International Development. On this visit to Cuba, he wanted to assist Cuba’s Jewish community by improving their access to the internet. With a background in social work, he dedicated his career to helping others around the world.

The Cuban government arrested Mr. Gross on December 3, 2009. He was held for 14 months without being charged with a crime. He was eventually charged as a spy and sentenced to 15 years in prison.

At 65 years old, Mr. Gross’ physical and mental health has suffered severely over the past 5 years. He has lost a significant amount of weight and developed several painful medical conditions. His contact with his family is extremely limited, compounding his anxiety. On his birthday, May 2, 2014, Mr. Gross made several statements that demonstrated the mental strain and anguish that he feels daily. Following the death of his mother in June, he was visited by his wife Judy and said his goodbyes to her. Mr. Gross’ current physical and mental state is at a critical point. The Cuban government must allow him to come home to the United States.

Judy Gross has never given up. She continues to put pressure on the Cuban government, speaking out against the poor treatment of her husband. She is

a true inspiration, continuing her fight despite the health and financial challenges that her family has felt.

Every day I think of and pray for the Gross family. I pray that they are reunited soon. If Cuba wants to improve relations with the United States, they need to release Mr. Gross now. I thank my colleagues for standing with me and calling for the release of Alan Gross. I look forward to the day that we welcome him home to Maryland, and most importantly, to his family.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. ALEXANDER. Mr. President, last week I released a staff report that found litigation missteps at the Equal Employment Opportunity Commission are costing taxpayers millions, while at the same time EEOC faces a deep backlog of discrimination complaints.

The report finds that the EEOC has had a recent pattern of pursuing questionable cases through sometimes overly aggressive means and as a result has suffered significant court losses that are embarrassing to the agency and costly to taxpayers.

Courts have found EEOC’s litigation tactics to be so egregious they have ordered EEOC to pay defendants’ attorney’s fees in 10 cases since 2011. The courts have criticized EEOC for misuse of its authority, poor expert analysis, and pursuit of novel cases unsupported by law.

While the agency has pursued high-profile lawsuits without a complainant, in March 2014 EEOC reported almost 71,000 unresolved complaints of discrimination from individuals who filed charges. The agency’s litigation has recovered almost \$200 million less for victims than under the previous administration over the same timeframe.

The report finds that EEOC also has suffered from a troubling lack of transparency. In the past 2½ years, EEOC has ignored calls from current Commissioners and Congress to allow public review of significant and controversial guidance prior to its adoption. Also, the Office of General Counsel has, since 2010, failed to issue its standard annual report, and the agency is being sued for violating the Freedom of Information Act.

Certainly, the EEOC of today has had successful enforcement efforts and court victories for victims of discrimination, but this report finds the agency is increasingly demonstrating poor judgment and using questionable tactics in pursuit of cases that are not fulfilling the EEOC’s objective of protecting employees from workplace discrimination.

The full report, “EEOC: An Agency on the Wrong Track? Litigation Failures, Misfocused Priorities and Lack of Transparency Raise Concerns about Important Anti-Discrimination Agency,” may be viewed on the HELP Committee’s website, <http://www.help.senate.gov/>.

I ask unanimous consent to have the report's executive summary and key findings printed in the RECORD.

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

[From the U.S. Senate Committee on Health, Education, Labor and Pensions—Ranking Member Lamar Alexander (R-TN) Minority Staff Report, Nov. 24, 2014]

EEOC: AN AGENCY ON THE WRONG TRACK? LITIGATION FAILURES, MISFOCUSED PRIORITIES, AND LACK OF TRANSPARENCY RAISE CONCERNS ABOUT IMPORTANT ANTI-DISCRIMINATION AGENCY

EXECUTIVE SUMMARY

The Equal Employment Opportunity Commission (EEOC) serves an important role in our nation's workplaces. Under the leadership of five commissioners and a general counsel, EEOC is charged with protecting employees from discrimination at work through enforcement of equal opportunity employment laws. The commission investigates allegations of discrimination and seeks to mediate cases, allowing lawsuits to go forward if settlements are unsuccessful. The general counsel pursues allegations of discrimination in court and has been deputized by the commission to initiate litigation in many instances. The commission also issues guidance to inform the public about how it believes employers should interpret and apply the laws.

Today's EEOC, however, is pursuing many questionable cases through sometimes overly aggressive means—and, as a result, has suffered significant court losses that are embarrassing to the agency and costly to taxpayers. Courts have found EEOC's litigation tactics to be so egregious they have ordered EEOC to pay defendants' attorney's fees in ten cases since 2011. The courts have criticized EEOC for misuse of its authority, poor expert analysis, and pursuit of novel cases unsupported by law. Several courts have openly criticized EEOC for its failure to satisfy pre-litigation requirements, such as attempting to resolve discrimination disputes out of court; yet, the general counsel is leading an effort to prevent court review of such requirements.

These court losses also have come at a significant cost to victims of workplace discrimination. While EEOC's monetary recoveries for victims through settlements are up, EEOC's litigation has recovered almost \$200 million less for victims than under the previous administration over the same time frame. In March 2014, EEOC reported almost 71,000 unresolved complaints of discrimination from individuals who filed charges with EEOC.

EEOC also has suffered from a troubling lack of transparency. In the past two and a half years, EEOC has ignored calls from current commissioners and Congress to allow public review of significant and controversial guidance prior to its adoption. Also, the Office of General Counsel has, since 2010, failed to issue its standard annual report, and the agency is being sued for violating the Freedom of Information Act.

This staff report will first explain the background and operation of EEOC. Next, the report will explore costly rebukes of EEOC's recent litigation practices. The report will also discuss the ways in which EEOC has shown a lack of transparency.

Today's EEOC has had successful enforcement efforts and court victories for victims of discrimination, but this report finds the agency is increasingly demonstrating poor judgment and using questionable tactics in pursuit of cases that are not fulfilling the EEOC's objective of protecting employees from workplace discrimination.

KEY FINDINGS

EEOC's Office of General Counsel frequently initiates litigation without the benefit of a commission vote. In FY 2012, only three of 122 lawsuits filed by EEOC were brought to the commission for a vote. According to a former EEOC general counsel who served from 2003 to 2005, this represents a significant departure from the previous commission.

EEOC has been sanctioned by courts and ordered to pay attorney's fees ten times since 2011 for untenable litigation and litigation strategies. (See Appendix 1.)

Monetary awards pursued in litigation for victims of discrimination are down from previous years. In FY 2012 and 2013, EEOC recovered \$44.2 million and \$38.6 million, respectively—the lowest recovery amounts in the past 16 years.

As of March 2014, EEOC had 70,781 unresolved discrimination charges pending.

EEOC's credibility is at risk. As one commissioner described, EEOC's "reputation and credibility has . . . suffered from several recent lawsuits where [EEOC was] not only sanctioned, but openly chastised by the courts."

A federal court reprimanded EEOC for being "negligent in its discovery obligations, dilatory in cooperating with defense counsel, and somewhat cavalier in its responsibility to the United States District Court."

EEOC caused a small employer to spend \$100,000 attempting to comply with requests for information that, according to a federal judge, "EEOC had no authority to obtain."

A unanimous three judge panel of the U.S. Court of Appeals for the Tenth Circuit found "[t]he EEOC continued to litigate . . . claims after it became clear there were no grounds upon which to proceed."

EEOC is not consistently meeting its statutory mandate to attempt to resolve discrimination disputes out of court. One court found EEOC "blatantly contravened[d] Title VII's emphasis on resolving disputes without resort to litigation," and another found EEOC ignored its obligation to conciliate. EEOC's general counsel is leading the fight to prevent court review of such efforts, and the U.S. Supreme Court is reviewing the issue this term.

Successful conciliations (i.e. resolution of a case outside of court) have decreased from 8,273 during the first five years of the previous administration to 6,967 during the same time period in the current administration.

Despite Office of Management and Budget best practices found in an agency bulletin and support from a majority of commissioners, EEOC does not allow the public to review or comment upon its draft guidance, even in cases of novel, significant or controversial guidance. This is especially concerning because in two cases last year, the U.S. Supreme Court rejected substantive positions found in EEOC guidance.

Unlike prior years, EEOC's Office of General Counsel has only published one annual report since 2010. These reports summarize the activities and litigation record of the Office of General Counsel.

EEOC is being sued for failing to meet statutory deadlines imposed by the Freedom of Information Act (FOIA) and EEOC's own FOIA regulations.

REMEMBERING COLONEL ELIOT NATHANIEL PEARL

Mr. BARRASSO. Mr. President, I wish to express our Nation's deepest thanks and to honor the life of Col. Eliot N. Pearl, U.S. Air Force (Ret.).

On July 12, 2014, Colonel Pearl died at the age of 95 peacefully at his home in Silver Spring, MD.

Today, Colonel Pearl's family will lay him to rest at Arlington National Cemetery with full military honors in recognition of his 36 years of service to our Nation. In 1939, Eliot graduated from the Massachusetts Institute of Technology. Instead of becoming a doctor, Eliot chose to serve his Nation during World War II, much to the chagrin of his father. He was commissioned into the Army Air Corps and served as a cryptographic message center officer. Colonel Pearl served two active duty tours in World War II and the Korean war including a deployment to Panama. Colonel Pearl was also one of the founding instructors of the Department of Defense's cryptology schoolhouse.

After Colonel Pearl separated from active duty service, he continued to serve our Nation in the Air Force Reserve for another 25 years concurrently working as a cryptologist at the National Security Agency, Fort Meade, MD.

On August 16, 1978, Colonel Pearl retired from the Air Force. He was awarded the American Theater Service Medal, World War II Victory Medal, and National Defense Service Medal.

We continue to live safe and free because of individuals like Colonel Pearl. He committed his life to serving our Nation while in uniform and as a civilian. Eliot defended our Nation and led the way for the next generation that will secure our future.

Colonel Pearl's beloved son David and his beloved second wife Joyce, preceded him in death. He is survived by his sons, Mark A. Pearl (Pamela), Scott M. Pearl (Renee) and Geoffrey B. Anthony Pearl; five loving grandchildren: David, Vincent, Samuel, Anthony and Daniel; his devoted sister Eva Erony; his first wife Thelma Pearl; his loving niece Susan Erony (Jay Jaroslav); and his nephew Alan Erony.

As we say goodbye, we also say thank you for your service that keeps our Nation strong and free. May God bless Colonel Pearl and his family, and welcome him with open arms.

ADDITIONAL STATEMENTS

RECOGNIZING EMILY KATH

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Emily Kath for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Emily is a native of Powell, WY, and a graduate of Powell High School. She currently attends the University of Wyoming, where she is studying communications and prelaw. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is