

That is the policy of the U.S. Government, to encourage collective bargaining, not to destroy it, not to tear it down, not to throw up roadblocks against collective bargaining, but to encourage it. Those who continually attack the National Labor Relations Board, who try to interfere in its procedures, many times are those who want to throw a monkey wrench into collective bargaining. Well, they are going against the policy of the United States.

I am proud to be a citizen of a country that promotes collective bargaining, to allow workers to negotiate for better wages, better conditions, safe working conditions, a country that protects fundamental rights such as the freedom of association.

The act provides these essential protections for union and nonunion workers alike. It gives workers a voice in the workplace, allowing them to join together and speak up for the very essence of middle-class jobs: fair wages, good benefits, safe working conditions. These rights ensure that the people who do the real work in this country have a shot at joining the middle class and receiving a fair share of the benefits when our economy grows.

The NLRB, the National Labor Relations Board, is the guardian of these fundamental rights. Workers themselves cannot enforce the National Labor Relations Act, but they can turn to the Board if they have been denied the basic protections provided under the law. In short, the Board plays a vital role in vindicating workers' rights.

Get this. Understand this. In the past 10 years, the National Labor Relations Board, the NLRB, has secured opportunities for reinstatement of 22,544 employees who were unjustly fired. Over that same past 10 years, the NLRB has recovered more than \$1 billion on behalf of workers whose rights and wages were violated.

The Board also provides relief and remedies to our Nation's employers. A lot of people think the NLRB is just there for the workers. Not so. It is there to help employers too. For example, employers can turn to the Board for relief if a union commences a wild-cat strike or refuses to bargain in good faith during negotiations. The NLRB has a long history of helping businesses resolve disputes efficiently.

By preventing or resolving labor disputes that could disrupt our economy, the work the Board does is vital to every worker and every business across the Nation. That is why it is so important that we maintain a fully functional five-member NLRB. I am proud of the fact that just over a year ago, we were able to confirm Members to completely fill the first Board in over a decade. Now we need to fill a soon-to-be-open seat so the Board can continue to function effectively. That is what this vote coming up is all about.

It is unfortunate that some of my friends on the other side of the aisle do

not believe in the National Labor Relations Act—not all of them, but a very vocal minority, I would say. They do not agree that it should be the policy of the United States to promote collective bargaining and self-organization in order to prevent disruptions in “the free flow of commerce” that can have a detrimental impact on our Nation's economy.

They would like to change the existing law if they could, but they do not have the votes. So, instead, they have attempted to pull every possible lever to slow down the work that goes on at the NLRB. Recently, Republicans in the House of Representatives have held hearing after hearing specifically addressing the NLRB. They passed two bills to amend the NLRA, the National Labor Relations Act, to strip workers of their rights. Republican elected officials have tried to defund the agency, threatening the professional credentials and livelihoods of nonpartisan career employees, and even called on a Republican Board Member to resign in order to incapacitate the agency. You heard me right. Republicans called on a Republican Board Member of the National Labor Relations Board to leave it, and then they would not have enough Members to function.

What most concerns me about this political game-playing is how it affects the everyday lives of workers across America. For workers who are disciplined, penalized, even fired unjustly by employers, it is the NLRB that ensures that workers who are illegally punished, as I mentioned, can get back their jobs and lost wages.

This is exactly why we need to confirm Ms. McFerran today. No one can contest her qualifications. As I said, she currently serves as both chief labor counsel and deputy staff director of the Senate HELP Committee. I am proud to have her as a member of my staff. She has served this committee with excellence and great professionalism, first hired by my predecessor Senator Kennedy. She stayed on after his passing and my assumption of the chairmanship of the committee.

She has a deep knowledge of labor law. She is an incredibly talented lawyer. She is a person of sterling integrity and strong character. She will be a great asset to the Board. It is my hope that by promptly confirming Ms. McFerran's nomination to fill the upcoming vacancy, we can continue the progress that has been made recently and begin a new era where orderly transitions on the NLRB are the norm, where we do not go month after month, year after year, with vacancies, with a board that cannot function.

Instead of letting every vacancy become a political football, with threats to shutter the Board, and pressure for recess appointments, we should set a new precedent of confirming nominees, Democratic and Republican alike, in a timely manner, allowing the dedicated public servants at the Board to stop worrying about making headlines and

instead focus on the important work they do every day.

Again, that important work includes assuring that American workers are able to exercise their right to freedom of association. In the workplace, this freedom means collectively bargaining for better wages, benefits, and working conditions. It is enshrined in the National Labor Relations Act and upheld by the NLRB.

I have no doubt that Ms. McFerran will do an excellent job in this important position. I urge my colleagues to support her confirmation later this afternoon.

I yield the floor and 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. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF JEFFERY MARTIN BARAN TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION

NOMINATION OF LAUREN MCGARITY MCFERRAN TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

NOMINATION OF ELLEN DUDLEY WILLIAMS TO BE DIRECTOR OF THE ADVANCED RESEARCH PROJECTS AGENCY—ENERGY, DEPARTMENT OF ENERGY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Jeffery Martin Baran, of Virginia, to be a Member of the Nuclear Regulatory Commission; Lauren McGarity McFerran, of the District of Columbia, to be a Member of the National Labor Relations Board; and Ellen Dudley Williams, of Maryland, to be Director of the Advanced Research Projects Agency—Energy, Department of Energy.

VOTE ON BARAN NOMINATION

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to the vote on the Baran nomination.

Who yields time?

Mr. VITTER. I yield back and ask for the yeas and nays.

The PRESIDING OFFICER. All time having been yielded back, the yeas and nays are requested.

Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Jeffery Martin Baran, of Virginia, to be a Member of the Nuclear Regulatory Commission?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), the Senator from Missouri (Mrs. McCASKILL), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mr. CRUZ), and the Senator from Pennsylvania (Mr. TOOMEY).

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

The result was announced—yeas 52, nays 40, as follows:

[Rollcall Vote No. 316 Ex.]

YEAS—52

Baldwin	Harkin	Pryor
Begich	Heinrich	Reed
Bennet	Heitkamp	Reid
Blumenthal	Heller	Sanders
Booker	Hirono	Schatz
Boxer	Johnson (SD)	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Stabenow
Cardin	Klobuchar	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Coons	Markey	Walsh
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	
Hagan	Nelson	

NAYS—40

Alexander	Graham	Murkowski
Ayotte	Grassley	Paul
Barrasso	Hatch	Portman
Boozman	Hoeven	Risch
Burr	Inhofe	Roberts
Coats	Isakson	Rubio
Cochran	Johanns	Scott
Collins	Johnson (WI)	Sessions
Corker	Kirk	Shelby
Cornyn	Lee	Thune
Crapo	Manchin	Vitter
Enzi	McCain	Wicker
Fischer	McConnell	
Flake	Moran	

NOT VOTING—8

Blunt	Cruz	Rockefeller
Chambliss	Landrieu	Toomey
Coburn	McCaskill	

The nomination was confirmed.

VOTE ON MCFERRAN NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the McFerran nomination.

Who yields time?

Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of

Lauren McGarity McFerran, of the District of Columbia, to be a Member of the National Labor Relations Board?

Mr. HATCH. 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. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mr. CRUZ), and the Senator from Pennsylvania (Mr. TOOMEY).

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

The result was announced—yeas 54, nays 40, as follows:

[Rollcall Vote No. 317 Ex.]

YEAS—54

Baldwin	Harkin	Nelson
Begich	Heinrich	Pryor
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Reid
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Stabenow
Casey	Manchin	Tester
Coons	Markey	Udall (CO)
Donnelly	McCaskill	Udall (NM)
Durbin	Menendez	Walsh
Feinstein	Merkley	Warner
Franken	Mikulski	Warren
Gillibrand	Murphy	Whitehouse
Hagan	Murray	Wyden

NAYS—40

Alexander	Graham	Murkowski
Ayotte	Grassley	Paul
Barrasso	Hatch	Portman
Boozman	Heller	Risch
Burr	Hoeven	Roberts
Coats	Inhofe	Rubio
Cochran	Isakson	Scott
Collins	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Lee	Vitter
Enzi	McCain	Wicker
Fischer	McConnell	
Flake	Moran	

NOT VOTING—6

Blunt	Coburn	Landrieu
Chambliss	Cruz	Toomey

The nomination was confirmed.

VOTE ON WILLIAMS NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the Williams nomination.

Mr. RUBIO. Mr. President, I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Ellen Dudley Williams, of Maryland, to be Director of the Advanced Research Projects Agency—Energy, Department of Energy?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to re-

consider are considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for debate only.

The Senator from Florida.

ANNIVERSARY OF THE PEARL HARBOR ATTACK

Mr. RUBIO. Mr. President, yesterday at events all around Florida and across the country, America marked the 73rd anniversary of the attack on Pearl Harbor—a day known not only for its tragedy but also for its role in shaping the destiny of what has come to be called the “greatest generation.” It is a generation that faced challenges unlike any seen before or since. It saw a decade of widespread prosperity crumble into the deepest depression in American history, and it saw the deepest depression in American history give way to the deadliest war in human history.

The scope of hardship, destruction, and wickedness they faced was exceeded only by the strength and valor with which they responded. Theirs is a generation that truly saved the world. I don't think any other generation at any time can have that said of them with the same bluntness.

Today that generation passes its stories on to us. They are our parents and grandparents, our ancestors and our heritage. Their stories are emblems of strength that inspire us as we meet our challenges in this new century.

Yesterday we honored the almost 2,500 Americans who were killed on that day of infamy 73 years ago—unsuspecting servicemembers, innocent men and women, but today we have a chance to honor the sacrifices made in response to that attack.

It was on this very day 73 years ago that President Roosevelt famously came before Congress to ask for a declaration of war. He expressed his confidence that the American people would rally to defend their Nation, saying: “The people of the United States have already formed their opinions and well understand the implications to the very life and safety of our Nation.”

He was right. In the days that followed, 5 million Americans dropped everything to volunteer for the Armed Forces. No one asked them to do it; they just did it. Tens of millions more entered the draft or assisted the war effort at home, and the American people became the arsenal of democracy almost overnight.

In the latter years of his life, I had the honor of meeting and working with a man who was at Pearl Harbor. He was in Pearl Harbor that day and fought on foreign battlefields in the years that followed, even losing a limb. I am