

employee would have received but for the period of uniformed service.

(b)(1) Where the rate of pay the eligible employee would have received is not reasonably certain, the average rate of compensation during the 12-month period prior to the period of uniformed service must be used.

(2) Where the rate of pay the eligible employee would have received is not reasonably certain and he or she was employed for less than 12 months prior to the period of uniformed service, the average rate of compensation must be derived from this shorter period of employment that preceded service.

Subpart F: Compliance Assistance, Enforcement and Remedies

COMPLIANCE ASSISTANCE

§ 1002.277 What assistance does the Office of Congressional Workplace Rights provide to employees and employers concerning employment, reemployment, or other rights and benefits under USERRA?

INVESTIGATION AND REFERRAL

§ 1002.288 How does an eligible employee initiate a claim alleging a violation of USERRA under the CAA?

ENFORCEMENT OF RIGHTS AND BENEFITS AGAINST AN EMPLOYING OFFICE

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COMPLIANCE ASSISTANCE

§ 1002.277 What assistance does the Office of Congressional Workplace Rights provide to employees and employers concerning employment, reemployment, or other rights and benefits under USERRA?

The Office of Congressional Workplace Rights provides assistance to any person or entity who is covered by the CAA with respect to employment and reemployment rights and benefits under USERRA as applied by the CAA. This assistance includes responding to inquiries, and providing a program of education and information on matters relating to USERRA.

INVESTIGATION AND REFERRAL

§ 1002.288 How does an eligible employee initiate a claim alleging a violation of USERRA under the CAA?

(a) The Procedural Rules of the Office of Congressional Workplace Rights set forth the procedures for considering and resolving alleged violations of the laws made applicable by the CAA, including USERRA. The Rules include procedures for filing claims and participating in administrative dispute resolution proceedings at the Office of Congressional Workplace Rights, including procedures for the conduct of hearings and for appeals to the Board of Directors. The Procedural Rules also address other matters of general applicability to the dispute resolution process and to the operations of the Office.

(b) The Procedural Rules of the Office of Congressional Workplace Rights can be found on the Office's website at www.ocwr.gov.

ENFORCEMENT OF RIGHTS AND BENEFITS AGAINST AN EMPLOYING OFFICE

§ 1002.303 Is an eligible employee required to bring his or her USERRA claim to the Office of Congressional Workplace Rights?

Yes. Eligible employees must first file a claim form with the Office of Congressional Workplace Rights before making an election between requesting an administrative hearing or filing a civil action in Federal district court.

§ 1002.308 Who has legal standing to bring a USERRA claim under the CAA?

An action under section 206 of the CAA may be brought by an eligible employee, as defined by section 1002.5(f) of Subpart A of these regulations. An action under section 208(a) of the CAA may be brought by a covered employee, as defined by section 1002.5 (e) of Subpart A of these regulations. An employing office, prospective employing office or other similar entity may not bring an action under the Act.

§ 1002.309 Who is a necessary party in an action under USERRA?

In an action under USERRA, only the covered employing office or a potential covered employing office, as the case may be, is a necessary party respondent. Under the Office of Congressional Workplace Rights Procedural Rules, a hearing officer has authority to require the filing of briefs, memoranda of law, and the presentation of oral argument. A hearing officer also may order the production of evidence and the appearance of witnesses.

§ 1002.310 How are fees and court costs awarded in an action under USERRA?

If an eligible employee is a prevailing party with respect to any claim under USERRA, the hearing officer, Board, or court may award reasonable attorney fees, expert witness fees, and other litigation expenses.

§ 1002.311 Is there a statute of limitations in an action under USERRA?

USERRA does not have a statute of limitations. However, section 402 of the CAA, 2 U.S.C. 1402, requires a covered employee to file a claim with the Office of Congressional Workplace Rights alleging a violation of the CAA no later than 180 days after the date of the alleged violation. A claim by an eligible employee alleging a USERRA violation as applied by the CAA would follow this requirement.

§ 1002.312 What remedies may be awarded for a violation of USERRA?

In any action or proceeding the following relief may be awarded:

(a) The court and/or hearing officer may require the employing office to comply with the provisions of the Act;

(b) The court and/or hearing officer may require the employing office to compensate the eligible employee for any loss of wages or benefits suffered by reason of the employing office's failure to comply with the Act;

(c) The court and/or hearing officer may require the employing office to pay the eligible employee an amount equal to the amount of lost wages and benefits as liquidated damages, if the court and/or hearing officer determines that the employing office's failure to comply with the Act was willful. A violation shall be considered to be willful if the employing office either knew or showed reckless disregard for whether its conduct was prohibited by the Act.

(d) Any wages, benefits, or liquidated damages awarded under paragraphs (b) and (c) of this section are in addition to, and must not diminish, any of the other rights and benefits provided by USERRA (such as, for example, the right to be employed or reemployed by the employing office).

FIRE GRANTS AND SAFETY ACT

Mr. DURBIN. Mr. President, this week, the Senate will consider legisla-

tion to protect and support firefighters across the country: the Fire Grants and Safety Act.

Every day, our Nation's bravest run headfirst toward danger to extinguish fires and defend our communities. And they do it without a moment's hesitation—no matter the risks they face. We saw that last week, when a 2-day chemical fire raged at a plastics recycling plant in Richmond, IN, forcing thousands of people to evacuate. Firefighters worked around the clock, while inhaling toxic plumes, to battle the flames and protect families. This was just weeks after firefighters in East Palestine, OH, responded to a similar crisis, when a train carrying toxic chemicals derailed and exploded into a raging ball of fire.

But it is not only huge, headline-making fires that expose firefighters to dangerous pollutants; it is nearly every household fire, as well. The No. 1 line-of-duty cause of death for firefighters is occupational cancer from toxic exposure. And yet fire departments still lack critical equipment—like self-contained breathing apparatuses—that protect firefighters from toxic gases. Even when departments do have this gear on-hand, it can be dangerously outdated. In many cases, this equipment is nearing—or past—its expiration date, oftentimes by 10 years or more.

Before the recess, the Senate voted 96-0 to advance the Fire Grants and Safety Act, which would help fire departments obtain updated, lifesaving equipment. It would reauthorize two grant programs through 2030: the AFG Program and the SAFER Program.

Whether career, volunteer, or combination fire departments, AFG helps ensure that they have the resources they need to train and equip personnel. And SAFER helps with hiring and staffing to ensure 24/7 community protection. In the history of these programs, AFG has provided \$8.1 billion to fire departments, and SAFER has provided \$5.2 billion. We need to pass this bill before these programs expire on September 30, so our fire departments have the resources and personnel they need to keep our communities safe.

150TH ANNIVERSARY OF REID'S ORCHARD

Mr. MCCONNELL. Mr. President, I would like to recognize a beloved family business, native to Kentucky, that celebrates its 150th anniversary this year. Reid's Orchard started in a similar fashion to most entrepreneurial success stories in this country: an immigrant who journeyed to America in search of a better life for himself and his family. Allan Reid left his little village in Scotland in 1873, setting up shop in New York City with his two brothers in the tobacco industry. Allan started out bookkeeping, but the young and ambitious Scot quickly realized that it wasn't bookkeeping or tobacco that interested him, it was

peaches, which he found wildly outpaced the quality of fruit available back in Europe.

Allan soon left New York City to set up a peach and apple orchard in Daviess County, KY—where the business is still run today. His orchard quickly became a well-run enterprise and a leader in agricultural production and technology. In admirable fashion, Allan gave back to his community in more ways than just his delicious fruit. This peach pioneer would go on to serve two terms as a Kentucky State Representative and play an instrumental role in the construction and expansion of roads throughout this region of the Commonwealth. Allan's sons, Robert Reid, Jr., and John, would later join the family business with this same sense of community until Allan's great-grandson, Billy, would enter the business and form Reid's Orchard, as it is known today.

Since taking the helm, Billy has brought the orchard to new heights, expanding his family's business into a successful year-round operation, a popular community-gathering point, and a local staple of Owensboro. Today, Reid's Orchard caters to Kentuckians across the Commonwealth, offering a wide array of delicious produce and seasonal favorites that include apples, cider, strawberries, flowers, pies, pumpkins, and my personal favorite, peaches. My staff will tell you, amusingly, that peach-picking season is a highly anticipated event for me. Every August, I look forward to sampling Billy's peaches.

To the delight of many, the orchard's success has allowed the family to expand beyond its farm business. Each year, the orchard puts on an annual summer festival, hosting some of country music's biggest names—an impressive feat for a family-run business in Western Kentucky and a further testament to Reid's widespread popularity. For 37 years straight, the orchard would also host its popular Apple Festival. In fact, this festival is so popular locally that the Owensboro community plans to carry on the tradition each fall.

When it is not hosting popular community events, Reid's Orchard regularly welcomes families who have traveled far and wide to pick produce in the orchard, learn about farm life, and let their kids roam free across its 250 acres.

Billy's impressive stewardship of the family business and commitment to his local community have earned him the admiration of Owensboro locals, as well as Kentuckians across the Commonwealth. I am proud to call Billy a long-time friend, a friendship that extends beyond his delicious peach deliveries and spans over 20 years.

From Allan Reid's early love for peaches to Billy's thoughtful expansion of his great-grandfather's legacy, the story of Reid's Orchard has been defined by hard work and ingenuity. It is an American story, a story that renews

our gratitude for this Nation, its opportunity, and its promise.

On behalf of the Senate, I would like to recognize the Reid family for their countless contributions to the Bluegrass, and congratulate Reid's Orchard for 150 years in operation of the American Dream.

VOTE EXPLANATION

Mr. HEINRICH. Mr. President, on April 17, 2023, I was unavoidably absent for rollcall vote No. 83. My absence was due to a family commitment that could not be moved. Had I been present, I would have voted yea on vote No. 83.

RECOGNIZING THE BOYS AND GIRLS CLUB OF DOUGLAS

Mr. BARRASSO. Mr. President, I rise today to celebrate the tremendous service provided by the Boys and Girls Club of Douglas, WY.

On April 22, 2023, the Boys and Girls Club of Douglas will host its ninth annual Commit to Kids fundraising event. Douglas Mayor Kim Pexton will be the emcee. Former Police Chief Ron Casalenda is the live auctioneer. Esther Martin of Cheyenne, the Wyoming Boys and Girls Club 2023 State Youth of the Year, will also speak.

For over 20 years, the Boys and Girls Club of Douglas has made a positive difference in the lives of children in Converse County. Every day, the Club fulfills its mission “to inspire all youth, especially those who need us the most.” The Club strives to help young people reach their full potential as productive, responsible, and caring citizens.

In September 2002, the Boys and Girls Club started meeting at a local primary school. With an increase in membership, they then relocated to the Douglas Roller Skating Rink. The need for a dedicated facility became clear. In 2020, the dream of their own building was realized.

The Club's new facility, located at 802 Riverbend Drive, has over 13,000 square feet. The Club successfully funded the innovative new space primarily with donations and private partnership funds. Designed with the local youth in mind, the building provides a safe, nurturing, and inspiring space to develop and learn. There is also administrative space, a teen center, an arts and crafts area, tech room, game area, a kitchen, and a gymnasium with climbing wall.

The Club serves 300 youth, ages 5-18, by focusing on three priority outcomes: academic success, good character and citizenship, and healthy lifestyles. Club members participate in afterschool, summer, and teen programs with academic, career development, character and leadership, sports and recreation, and homeschool curricula. Meals are provided for all members who need them. During the Covid-19 pandemic, many kids fell behind in their schoolwork. With the Club's reading program,

students were able to get back on track. Every August, there is no better place to be than the Wyoming State Fair Parade in Douglas. I look forward to seeing the Boys and Girls Club float, along with the bright and engaged faces of its members.

Never losing sight of its values, volunteers, staff, and board members remain dedicated to meeting the needs of children as they grow into young adults. Today, the Club staff and board members include:

Jay Butler, Board Chairman
 Travis Wells, Board Vice-Chair
 Lindsey Hanks, Board Secretary
 Catherine Nicholas, Board Treasurer
 Carl Kusters, Board Member
 Joe Schell, Board Member
 Paige Rider, Board Member
 Shawn Wilde, Board Member
 Todde Moore, Board Member
 Joe Burke, Chief Executive Officer
 Robert Ricks, Unit Director
 Carrise Moon, Special Programs Coordinator
 Amy Lolley, Grants Manager/Marketing Specialist
 Amy Rudloff, Bookkeeper
 Tania Malone, Office Administrator
 Heidi Toone, Kitchen Manager
 Brendon Amble, Health & Wellness Specialist
 Addy Sexson, Life Skills Specialist
 Holly Winters, STEM Specialist
 Baylea Senger, Art Specialist
 Whitney Tomlinson, Teen & Workforce Specialist
 Taylor Ward, Youth Development Professional
 Zoey Redfern, Youth Development Professional
 Katelynn Hill, Youth Development Professional
 Hesston Haskins, Youth Development Professional

A special thank you to board chairman Jay Butler, along with his wife Linda, who provided a matching gift of \$100,000 in honor of this event. All funds raised will go to current Club operations.

It is an honor for me to rise in recognition of the great work done by the Boys and Girls Club of Douglas, WY. The Club demonstrates how important it is to invest our time, experience, and resources in the children of our communities. Bobbi joins me in extending our very best wishes.

ADDITIONAL STATEMENTS

REMEMBERING RALPH “TEDDY” BROWN, SR.

● Mr. BLUMENTHAL. Mr. President, I rise today with a heavy heart to pay tribute to Ralph “Teddy” Brown, Sr., a dedicated police officer, community leader, and friend to many. Sadly, Mr. Brown passed away on March 14, 2023, at the age of 82. He will be remembered for his commitment to his country and community of West Haven, CT, and his love for his family.

Born in Ansonia, CT, Teddy served in the U.S. Air Force and was stationed in Washington State. It was there he met Carroll, who would become his wife of