



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, TUESDAY, APRIL 17, 2012

No. 55

Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, we know You are mighty and we are weak. But we take heart because Your power makes mountains tremble.

As our Senators rely on Your strength for this day, fill them with renewed faith and love. Give them the security and serenity they need to face today's challenges and to glorify You in their thoughts, words, and deeds. Grip them with the conviction that You will provide them with supernatural strength, vision, and guidance.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 17, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 11:00. Republicans will control the first half and the majority will control the final half. At 11:00 there will be 10 minutes of debate on the motion to invoke cloture on the motion to proceed to the postal reform bill. At 11:10 there will be a cloture vote—or at approximately 11:10—on the motion to proceed to the postal reform bill. The Senate will recess from 12:30 to 2:15 today for our weekly caucus meetings. We have to make progress on the postal reform bill today which is so vitally important to more than half a million workers.

BUFFETT RULE

Mr. REID. Yesterday Senate Republicans once again rejected the idea that millionaires and billionaires should contribute their fair share to help the country prosper. Republicans sent a message to millions of honest hard-working Americans who will file their taxes today: It is fair for Warren Buffett to pay a lower tax rate than his secretary. And that is not fair.

Republicans said that it is fair for Mitt Romney to pay a lower tax rate than his cleaning lady or his chauffeur. That is not fair. My Republican colleagues believe it is fair for hedge fund managers and executives to pay a lower tax rate than schoolteachers and waitresses and busdrivers. But that is something you do not have to take my word for; that is what President Ronald

Reagan called a system of unproductive tax loopholes that allows some of the truly wealthy to avoid paying their fair share.

In 1985 Ronald Reagan knocked the web of loopholes that allowed people making hundreds of millions of dollars each year to pay lower tax rates than construction workers or janitors. President Reagan called it crazy, and, to his credit, he worked with a couple of Democrats—Senator Bradley of New Jersey and Congressman Gephardt of Missouri—and came up with the Bradley-Gephardt Tax Fairness Act. It worked well for a long time, but we have allowed other things to get in the way of that good Bradley-Gephardt legislation. Now we are back to what Ronald Reagan was talking about those many years ago.

This broken system made it possible for millionaires to pay nothing while a busdriver was paying 10 percent of his salary. That is what President Reagan said. But the same system is in place today, as I have just explained, and, as that radical liberal Ronald Reagan said, that is just crazy. Those were his words.

Yesterday my Republican colleagues used some strong words to oppose the Democrats' plan to fight the inequality. Republicans called our common-sense proposal to ensure that no one making more than \$1 million a year pays a lower tax rate than a truckdriver, a secretary, or a police officer—they called it class warfare. It is not class warfare but class welfare—welfare for the wealthy at the expense of the middle class. It is class welfare, not warfare.

Republicans are pushing a budget that would end Medicare as we know it—just passed the House—slashing nursing home coverage for the elderly, decimating Pell grant funding, and kicking 200,000 children out of the Head Start Program.

They are calling our proposal class warfare. I wish that were the most ridiculous thing they have said about

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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our proposal to bring a measure of fairness to America's tax system, but far from it. One Member of the Senate leadership equated this measure to shooting ourselves in the head. The Paying a Fair Share Act—the Buffett rule—would have ensured that millionaires and billionaires paid at least as much as their secretaries, assistants, and even their nannies. Yet Republicans think asking those lucky millionaires and billionaires to contribute their fair share is just like shooting the country in the head. That is what they said.

Our legislation would have protected 99 percent of small business owners and maintained deductions for charitable giving, and it would have been a small but meaningful step to reduce our deficit at a time when every penny—in this case, every billion—counts.

It does not seem radical to me to ask Warren Buffett, who made almost \$63 million in 2010, to pay a higher tax rate than his secretary. The Presiding Office can remember when he came and spoke to a group of assembled Democrats. He carried around with him his tax returns for the last several years. He is the one who told us how much he made in 2010, and he lamented the fact that he was paying the tax rate that he was.

Well, it does not seem radical to me, it did not seem radical to Ronald Reagan, and it does not seem radical to three-quarters of the American people who support our legislation. The wealthiest Americans take home a greater percentage of our Nation's income than anytime in nearly a century. Yet they enjoy the lowest tax rate in more than five decades—the lowest tax rate. So it is no surprise that Americans believe millionaires should shoulder their fair share. Even two-thirds of millionaires and a majority of Republicans around the country agree it is time to fix a system rigged to favor the richest of the rich. Republicans in Congress are the only ones not on board on this issue.

If you need evidence that millionaires and billionaires can afford to contribute a little more, consider this one simple fact: Last year there were 7,000 people who made more than \$1 million who did not pay a single penny of Federal income tax—not a penny. Thanks to Republicans, these lucky millionaires and billionaires can keep gaming the system while middle-class workers keep picking up the tab.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

A NEED FOR SOLUTIONS

Mr. MCCONNELL. Mr. President, yesterday I highlighted some of the tremendous challenges we face in our country and this President's refusal to

face them with the seriousness they demand.

At a moment when the Federal debt makes us look a lot like Greece, President Obama spends his time running around stumping for a tax hike that he knows will not help and that he knows will not pass. On gas prices, the President's response has been to call for a tax hike on energy manufactures, which, if anything, will drive the price of gas even higher and which he knows will not pass.

Now we hear that the President is announcing some kind of task force on oil speculation today—in other words, the same thing Washington Democrats always call for when gas prices go up. If I were to guess, I would say today's proposal by the President probably polls pretty well, but I guarantee you it will not do a thing to lower the price of gas at the pump. It never has in the past. White House officials admit as much. So why would it now?

The Democrats' favorite policy adviser, Warren Buffett, weighed in on the issue a few years ago. Here is what Warren Buffett had to say about it. Asked about the role speculation in the oil markets plays in determining price, he said, "It's not speculation, it's supply and demand." That is Warren Buffett on speculation relating to the oil markets. "It's not speculation," Warren Buffett said, "it's supply and demand." But, of course, that is not the point for this White House. President Obama only seems to care about Warren Buffett's opinion if it polls well.

The President's goal here is not to do something about the problem, it is to make people think he is doing something about the problem until the next crisis comes along. And that is the larger problem, that we have a President who is more concerned with looking as if he is doing something than in actually doing what is needed to tackle the challenges we face. We have a President who told us that he was a different kind of politician doing the same old things and using the same old talking points politicians in Washington have been peddling for literally years—for years. I mean, weren't these kinds of gimmicks and stale talking points precisely what President Obama campaigned against 4 years ago? I thought he was offering something new, something different.

I think the Associated Press summed up the President's latest proposal pretty well this morning. The White House plan, which Obama was to unveil Tuesday, the AP said, is more likely to draw sharp election-year distinctions with Republicans than to have an immediate effect on prices at the pump. Well, AP pretty well summed it up. They said it is more about drawing a distinction. Look, we do not need new distinctions, we need solutions. Americans need lawmakers who are more concerned with facing up to the problems we face than getting reelected. They need a President who thinks

about solving a problem, a President who thinks solving a problem involves more than giving a speech about it and pointing the finger at whatever does not poll well that particular day.

As I said yesterday, the President seems to have forgotten why he was elected in the first place. He seems to have forgotten his own campaign rhetoric: that he was going to be different, that he would bridge differences, that he would bring people together. The reality could not be more different or more disappointing. The sad truth is that it is all politics, all the time in this White House. They are out of ideas. They have nothing new to offer. Today's announcement is all the proof you need of that.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

IRAN'S NUCLEAR PROGRAM

Mr. MORAN. Mr. President, over the weekend the United States, Britain, France, China, Russia, and Germany returned to the negotiating table with Iran for the first time since January 2011. Reports indicate modest progress was made, and a second round of talks has now been scheduled for May.

While these negotiations represent an opportunity to achieve a peaceful outcome regarding Iran's nuclear program, the United States and our allies must guard against Iranian delays. Iran has a history of using negotiations as a stalling tactic. While our negotiators talk, the centrifuges keep spinning. That is the crux of the problem—Iran's nuclear program continues.

According to the most recent report in February from the International Atomic Energy Agency, Iran has produced more than 5,400 kilograms of low-enriched uranium and more than 100 kilograms of uranium enriched to a level of 20 percent. Enriching uranium to a level of 20 percent represents 85 to 90 percent of the work needed to reach weapons-grade fuel. Iran is also preparing additional cascades used to produce enriched uranium, which will accelerate the speed at which it can stockpile nuclear material. In total, Iran has enriched enough uranium

that, upon further processing, could build three to four nuclear weapons.

In response to Iran's continued nuclear program and its defiance of United Nations' Security Council resolutions, the United States and many of our allies have adopted sanctions on Iran. Sanctions are having a significant impact on the Iranian economy. In March, Iran's oil exports fell nearly 300,000 barrels per day or 12 percent, according to foreign reports. Iran's currency has lost roughly half its value in the past year, and inflation is more than 20 percent. The new European Union sanctions are scheduled to take effect this summer. These would make it even more difficult for Iran to ship oil globally.

Once the EU sanctions go into effect in July, the Congressional Research Service estimates that oil sales could fall by up to 40 percent.

In addition, a major Chinese insurance provider has announced it will no longer insure ships carrying Iranian oil. These are important developments that will increase economic pressure on the Iranian regime. Yet neither sanctions nor past negotiations have stopped Iran's nuclear program and its quest for a nuclear weapon.

Iran's nuclear program threatens American interests. First, Iran's pursuit of nuclear weapons increases the risk of global nuclear proliferation, which would jeopardize the security of the United States. The last two nations to acquire nuclear weapons—Pakistan and North Korea—have presented numerous challenges to American security interests.

North Korea provoked international condemnation last week when it launched its rocket. In Pakistan, a December report in the Atlantic called into question the security of that country's nuclear arsenal, stating that Pakistan regularly transports nuclear weapons through city streets without much security.

If Iran obtains a nuclear weapon other nations in the Middle East may soon follow. Saudi Arabia has already said it will consider seeking nuclear capability if Iran's program is not stopped.

Second, a nuclear Iran could increase its support of terrorism. Iran is already one of the world's leading state sponsors of terrorism, funneling money and weapons and supporting training for terrorist groups, including Hezbollah and Hamas. With a nuclear weapon Iran and its terrorist allies may be emboldened to carry out even more attacks. Furthermore, what would prevent Iran from giving nuclear weapons to one of the terrorist groups it supports, sharing its capabilities with one of the terrorist groups?

Third, a nuclear Iran could exert more influence over world oil markets. A direct link exists between volatile oil prices and Iran's nuclear program. Prices have risen when tensions have increased, and when tensions recede prices typically decline. American con-

sumers and businesses are directly affected by these volatile prices that negatively impact our economic well-being.

Although Saudi Arabia has pledged to boost production to make up for the loss of Iranian oil on the market, this will reduce spare production capacity and leave our country and the global economy vulnerable to any reduction in supplies, whether from conflicts within oil-producing nations or from natural disaster.

Finally, a nuclear Iran would threaten the safety of American troops serving abroad in the Middle East. For years Iran has fought American presence in the Middle East and has supported terrorist groups who have targeted and killed American troops. American officials believe Iran supported the terrorists responsible for the 1996 attack on a U.S. military residence in Saudi Arabia that killed 19 of our servicemen.

Iran also has long-range missiles that could hit U.S. military bases in the region, including ones in Turkey, Afghanistan, Bahrain, and Kuwait. Iran's nuclear program also threatens the existence of our ally, Israel.

The President of Iran has called for Israel to be "wiped off the map." If Iran acquires a nuclear weapon, its leaders would have the capability to do the destructive things of which they speak. Understandably, Israel is worried. Israelis know all too well the price of war because they have witnessed war and destruction. They know what can happen when evil men gain the ability to carry out evil deeds.

While some would have us believe Iran is Israel's problem, we should not be fooled. Iran's pursuit of nuclear weapons threatens all nations that care about global peace and stability. We cannot leave Israel to deal with this crisis alone. American leadership is needed now more than ever to stop Iran. We can begin by passing the Iran Sanctions Accountability and Human Rights Act. This legislation, which came through the Banking Committee, on which I serve, earlier this year strengthens and expands existing sanctions and for the first time makes it official U.S. policy to prevent Iran from obtaining nuclear weapons. The administration and President Obama must also fully enforce U.S. law and penalize those who violate U.S. sanctions.

In addition, the U.S. should use current negotiations to bring about an end to Iran's nuclear program. As a party to the nonproliferation treaty, Iran must adhere to its obligations under that treaty and provide transparency to international inspectors.

The longer Iran's nuclear program continues, the greater the danger grows for the United States and all nations. Last month, Israeli Prime Minister Benjamin Netanyahu spoke in Washington. He is an incredible leader, and his speech to Congress last year was one of the best I have ever heard. While speaking in Washington last

month, he laid out very clearly why a nuclear Iran would be such a grave danger. He said for the last 15 years he has been warning the world about a nuclear Iran.

We must not be fooled by negotiations that only stall and continue to create the opportunity for greater disaster down the road. Prime Minister Netanyahu said no one would be happier than he if Iran gave up its nuclear quest. But there are many around the world who would be happy because we all know the world would be a far safer, more peaceful place without a nuclear Iran. While we all desire a peaceful resolution, negotiations must not be a stalling tactic or an excuse for inaction.

Thursday of this week is Holocaust Remembrance Day. As we pause to remember and reflect on this past tragedy, the United States must act to prevent a nuclear Iran and the real possibility of a future tragedy. The world cannot again look the other way.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AID TO EGYPT

Mr. PAUL. Mr. President, I rise today to speak to an amendment that would end aid to Egypt until they end the prosecution of our U.S. citizens. I offered this amendment earlier this spring when Egypt was detaining our citizens—these prodemocracy workers—and was not letting them leave the country. Since then, they have let them leave the country but sort of in an insulting fashion in the sense they have let them leave when we paid, basically, ransom. We had to pay about \$5 million in ransom—\$300,000 per person—to let these people leave Egypt.

So they came home, but Egypt still could only get its aid if the administration certified they were pro democracy. Within days, Secretary Clinton did release the aid and said they were achieving their democratic goals. I wrote a letter to Secretary Clinton asking her not to do this because the prosecutions still go on. These American citizens who were allowed to leave the country had to pay \$300,000 in bail but they also had to sign a statement saying they were coming back for the trial.

Everybody said, well, I doubt they are ever going back to Egypt for these show trials. But it gets worse. It turns out in December of last year, President Obama signed an Executive order—this is Order No. 13524—that gives Interpol, the international police organization, immunity in our country. We also have an extradition treaty with Egypt,

meaning if you are accused of a crime in Egypt, we can send you back.

The danger is whether these pro-democracy workers are safe in the United States. We have Interpol agents in the United States who now have immunity and we have an extradition treaty with Egypt. There are definitely problems with allowing this to go on. This is an indication to me that maybe Egypt is not pursuing democratic goals, and that certifying them as a democratic country is perhaps not in our best interest, and maybe sending nearly \$2 billion of taxpayer money to Egypt, which continues to prosecute our citizens, is not a good idea.

Let me give an example of what Interpol is doing. Interpol recently took a Saudi journalist from Malaysia and sent him back to Saudi Arabia. Do you know what the crime was? He was accused of blasphemy. He was accused of the religious crime of apostasy. Do you know what the penalty in Saudi Arabia for blasphemy is? The death penalty. So we are now using an international police agency to go into a sovereign nation, where someone is accused of a religious crime and is sent back to a country where they can be put to death. This alarms me.

People say, oh, that could never happen in America. Well, right now, the President has allowed Interpol, through an Executive order, through the President's signature, to have diplomatic immunity in our country. For all I know, Interpol could be at this very moment looking for American citizens in this country and trying to get those people and extradite them to Egypt. This is a problem. This is why you don't want an international police force to operate within your sovereign Nation. There can be cooperation, but you don't want impunity and immunity for an international police force within your borders.

So I will introduce again an amendment to this bill and this amendment will say no aid to Egypt until they end this prosecution; no aid to Egypt until they end these red letter warrants they have asked for on U.S. citizens to be extradited to Egypt. We can't allow U.S. citizens to be sent to a foreign country to be tried in that country where blasphemy is a crime. Those are not American values, those are not American ways, and we cannot allow U.S. citizens to be subject to foreign laws and foreign crimes.

I will ask today for a vote on an amendment that will end Egyptian aid or at least delay Egyptian foreign aid until they relinquish this prosecution of our citizens.

Mr. LIEBERMAN, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

21ST CENTURY POSTAL SERVICE ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 1789 is agreed to. The motion to reconsider the vote is agreed to, and the Senate will resume consideration of the motion to invoke cloture on the motion to proceed to S. 1789, upon reconsideration. The Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 296, S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate equally divided and controlled between the two leaders or their designees.

Mr. LIEBERMAN. Mr. President, I rise to urge all of our colleagues to support the pending cloture motion filed by the leaders so we can begin a debate that will help decide whether the U.S. Postal Service—this iconic American institution created more than two centuries ago, embedded in the Constitution, created in the age of inkwells and quill pens—will survive in the age of e-mail and the Internet.

To me, this cloture vote should be an easy one because if we vote against cloture, we are essentially saying two things: One is we don't want to do anything. If we don't do anything, the Postal Service is going to run out of money and hit its borrowing limit later this year, forcing us to miss payments and unnecessarily begin to shut back or close down operations, which is the last thing the country needs at this point.

Frankly, the other thing we will do if we think we should do nothing is to leave the Postmaster General, the Postal Service, with an unlimited right to take steps that I believe a majority of Members of this body don't want to be taken precipitously without considering the alternative. That alternative is closing thousands of post offices around the country, including small towns in rural areas, and dramatically and quickly cutting back on the number of mail processing facilities, and therefore the standards by which mail is delivered and the speed with which it is delivered in this country. So I hope our colleagues consider this an easy vote, which is simply not to turn away from the crisis the Postal Service is in.

Senator COLLINS and I are joined by Senator CARPER and Senator SCOTT BROWN. We have a substitute that is a bipartisan proposal that I think will help save the post office but also force it to begin to make tough cost-efficient steps to keep itself in fiscal balance.

Let me give a sense of the scope of this matter. The Postal Service today, if it were a private corporation, would be the 35th largest company in the United States based on revenue, putting it just ahead of Apple. It would be the country's second largest employer just behind Walmart. The 32,000 post offices in America represent more domestic retail outlets than Walmart, Starbucks, and McDonald's combined.

These are big numbers, and the post office has a storied history. But today it is a troubled business and, frankly, on the verge of insolvency if we don't act—in part because of the recent economic recession but mostly because of the transformational impact of the Internet. The Postal Service has had a 21-percent drop in mail volume in the past 5 years, and, of course, a corresponding cut in revenue. As more businesses and communication move online, mail volume is inevitably going to continue to decrease.

In fiscal year 2011 the Postal Service took in \$65.7 billion but had expenses of \$70.6 billion. This \$5 billion loss would have actually been twice that if Congress had not delayed the due date for a statutorily required payment to the retiree health plan due at the end of the fiscal year. That followed record losses of \$8.5 billion in 2010. This simply cannot continue. As I said earlier, if nothing is done, the Postal Service will not have enough money to pay its bill.

Please vote for cloture. We have a good, solid substitute that is a major reform with some due process that will make the post office leaner and more efficient. It will dramatically reduce the number of employees and the number of facilities the post office maintains, but it will do so in a way that I think is evolutionary and not Draconian either to the Postal Service or the impact it would have on the millions of people who depend on the post office and will continue to every day.

There are a lot of different ideas about how to fix the post office. Some people don't want us to make any changes, and that is the road to bankruptcy. Some people want us to make Draconian changes right away, and I don't think that is appropriate. So I ask for a vote for cloture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am very pleased to join with the chairman of the Homeland Security Committee in urging all of our colleagues to cast a vote for cloture on the motion to proceed to this vitally important bill.

There are many different views on how to save the Postal Service, but there can be no doubt that the Postal

Service is in crisis. We are at a critical juncture. Without passing legislation, the Postal Service will simply be unable to meet its payroll, perhaps as soon as this fall. We simply cannot allow that to happen.

The Postal Service is vital to our economy. It is the linchpin of a trillion-dollar mailing industry that employs nearly 8.7 million Americans in fields as diverse as printing, catalog companies, paper manufacturing, and newspaper and magazine publishers. These industries and the jobs they sustain are in jeopardy. If we fail to act, we will deliver a crippling blow to the Postal Service.

As Senator LIEBERMAN has indicated, the Postal Service is in crisis. It has lost more than \$13 billion just in the past 2 years. First-class mail volume has dropped by 23 percent over the past 5 years and 12 percent over the past 2 years. The Postal Service has a debt to the U.S. Treasury of \$13 billion and will max out its credit limit of \$15 billion this year.

We have to address this crisis. It would be irresponsible for Members to simply vote no on the motion to proceed if they have other ideas on how to address this crisis. I have urged a full and open and fair amendment process so that Members can bring forth their alternative plans for saving the Postal Service. We simply cannot allow the Postal Service to fail. The stakes are too high for our economy and for Americans across this country.

Finally, I would remind my colleagues that the Postal Service's roots go back to our Constitution. This is an organization that is vital to our heritage and to our future. I urge a "yes" vote for the motion to proceed.

I yield back the remainder of the time on our side.

Mr. LIEBERMAN. I would do the same.

The PRESIDING OFFICER. All time is yielded back.

CLOTURE MOTION

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative 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 motion to proceed to Calendar No. 296, S. 1789, the 21st Century Postal Service Act.

Harry Reid, Thomas R. Carper, Sherrod Brown, Mark Begich, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard Blumenthal, Christopher A. Coons, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, Joseph I. Lieberman, Patty Murray, Charles E. Schumer, Mark Pryor.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1789, a bill to improve,

sustain, and transform the United States Postal Service, upon reconsideration, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Illinois (Mr. KIRK).

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

The yeas and nays resulted—yeas 74, nays 22, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—74

Alexander	Franken	Murray
Ayotte	Gillibrand	Nelson (NE)
Barrasso	Grassley	Nelson (FL)
Begich	Hagan	Portman
Bennet	Harkin	Pryor
Bingaman	Hoeven	Reed
Blumenthal	Hutchison	Reid
Blunt	Inouye	Roberts
Boozman	Isakson	Rockefeller
Boxer	Johnson (SD)	Sanders
Brown (MA)	Kerry	Schumer
Brown (OH)	Klobuchar	Sessions
Cantwell	Kohl	Shaheen
Carper	Kyl	Snowe
Casey	Landrieu	Stabenow
Coats	Lautenberg	Tester
Cochran	Levin	Thune
Collins	Lieberman	Udall (CO)
Conrad	Lugar	Udall (NM)
Coons	McCaskill	Warner
Corker	McConnell	Webb
Cornyn	Menendez	Whitehouse
Durbin	Merkley	Wicker
Enzi	Moran	Wyden
Feinstein	Murkowski	

NAYS—22

Baucus	Heller	Paul
Burr	Inhofe	Risch
Cardin	Johanns	Rubio
Chambliss	Johnson (WI)	Shelby
Coburn	Lee	Toomey
Crapo	Manchin	Vitter
DeMint	McCain	
Graham	Mikulski	

NOT VOTING—4

Akaka	Kirk
Hatch	Leahy

The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 22. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, upon reconsideration, the motion is agreed to.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair, and I thank our colleagues for a very strong vote which says to me that Members of the Senate, across party lines, understand that the Postal Service is a historic and also important part of America's future. It needs to change. It is in the midst of a real and dangerous fiscal crisis. We may differ about how to react to that crisis, but this strong cloture vote says to me that three-quarters of the Members of the Senate at least are ready and eager to debate and to pass

something that will save the Postal Service from bankruptcy and the implications that would have for our economy overall. The billions of dollars or hundreds of billions of dollars of our economy that depend on the mail would be compromised, and our economy and jobs would be further hurt.

I hope that as the day goes on—obviously, with the strong vote for cloture, we now proceed to a 30-hour period of debate on the matter, but I certainly hope that as the day goes on and the members of both caucuses and the leaders talk we can find a mutually agreeable path not to spend the 30 hours on the debate on this motion to proceed but that we go right to the bill.

At that point, Senator COLLINS and I, along with Senator CARPER and Senator SCOTT BROWN, will file a bipartisan substitute amendment which we have worked on which we hope will be the pending matter and then have an opportunity for people who have a different point of view about how to deal with this fiscal crisis of the post office—not to avoid dealing with it—people will have an opportunity to present amendments, and the body will work its will, which is the most important thing.

There are too many great national problems the Congress is not dealing with because of partisanship, because of ideological rigidity, because of an unwillingness to do what has to be done in our system of government, which is to compromise—not to compromise your principles but to understand that in a representative body such as the Senate, representing a country as big and as diverse as ours, you rarely can expect to get 100 percent of what you want. The aim should be to make progress, to get at least 50 percent of what you want and to let the other side get some of what they want as well.

So I would like to deliver now an opening statement and then hope that the ranking member, Senator COLLINS, will do the same on the bill, the substitute, which is S. 1789.

I am convinced that the substitute will help make the Postal Service leaner, nimbler, and more cost efficient, while still maintaining the service we Americans need to live our daily lives and to keep our economy going. But I want to be clear: This bill alone is not going to save the U.S. Postal Service. The changes occurring around it and within it are too deep. It will represent a very significant step forward. It will save the Postal Service, as we will indicate as this debate goes on, save billions and billions of dollars annually, and put the Postal Service back on the road to fiscal balance.

I view this bill as a bipartisan compromise, as the middle way between two different approaches to the fiscal crisis at the Postal Service, one that to a certain extent wants to wish it away, to say that really nothing has to change and we just have to find more ways—a different business model—we

have to find more ways for the Postal Service to make money, and we can just keep on doing business as we are doing. The end result of that is that either the Postal Service will collapse of its own weight or the Federal Government—the taxpayers—will be expected to bail it out, and I don't think that is what the American people want us to do. So one way is to do nothing.

The other way is to impose what I would call kind of an immediate over-reaction—close thousands of post offices that people depend on across the country, close hundreds of mail processing facilities, which will mean that people will not be able to get their mail and businesses will not be able to realize the expectation of timely delivery of the mail. And it will have a negative impact on this economy of ours which is still struggling to come out of a recession.

We are offering a middle way here that will provide real and substantial savings from the current operating picture of the post office, which is in severe debt and lost more than \$13 billion over the last 2 years, but will do it with due process, will do it in a way that requires the post office to look at every alternative before closing post offices that are so important to people in most every area of our country.

This bill, in other words, is an important beginning, and it will allow the Postal Service more time to continue working with its customers, its employees, Congress, and others to develop a balanced approach to what we need it to do in an age when almost every piece of communications that can be digitized is being digitized and sent over the Internet.

But if I may, I would like to step back and offer just a little bit of history because we are dealing with a current problem, but there is a rich history when you talk about the U.S. Postal Service.

It is kind of an accidental irony, a coincidental irony of the Senate bill numbers that this bill turns out to be S. 1789 because 1789 was the year the first Congress under the Constitution was seated. Among the duties of that founding body was the charge under article I, section 8, and I quote, “to establish Post Offices and Post Roads.” In fact, in the list of congressional powers detailed under section 8, creating the postal system comes before the creation of an army, a navy, or Federal courts. That is how important the Founders felt this public function would be to our new government, particularly in a democracy, how important communication was, and, in a country that had ambitious economic and commercial dreams right from the beginning, that the ability to communicate through a post office would be critically important to commerce and job creation.

In the Revolutionary era, it was the post office, under the direction of our first Postmaster General, Benjamin Franklin, that sped communications

among the members of the Continental Congress and the American Revolutionary military as well as delivered letters and newspapers from across our fledgling Republic that helped keep the citizens of our new country abreast of events in faraway cities and towns.

If you read some of the histories of the Revolutionary War, some of the great biographies done of the founding generation of Americans, that extraordinary and gifted group, you see the role the post office and postal communications played in their ability to keep in touch with each other. And some of the most important communications occurred, for instance, between the government and the military.

Ever since that early period of American history, the post office has had a tradition of aiding progress and innovation. Maps from the early days of our Republic show that many of the roads we still depend on today—if I may be parochial, I will cite I-95 in Connecticut and a lot of other places along that path—still follow and in some cases are built on top of old post roads.

The job of maintaining Samuel Morse's first telegraph line between Washington and Baltimore was entrusted to the post office. And it was a former Postmaster General who helped Morse expand his transformational network of telegraphs and communications to other cities in our country. But that network grew slowly, so to keep our Nation connected with its frontiers way out in places such as Montana, I might say to the occupant of the chair, the post office helped sponsor the Pony Express. That was a great early example of what we talk about a lot but do not do as much as we should—public-private partnerships. The Pony Express filled a necessary gap in communications until the telegraph finally spanned our Nation coast to coast.

The post office's subsidies for airmail in the early days of aviation helped jump-start the fledgling airlines and air freight industries, which, of course, we all depend on so much today.

I will not repeat what I said in my statement about the scope of the Postal Service today when I spoke earlier in support of the vote for cloture, but I will just repeat and say that if the post office were a private corporation, it would be the 35th largest company in the United States just ahead of Apple; that is, by revenue. It would be the country's second largest employer just behind Walmart. Its 32,000 post offices across America represent more domestic retail outlets than Walmart, Starbucks, and McDonald's combined.

But perhaps because of some of that, certainly notwithstanding it, the post office is today a troubled business. I want to speak honestly and directly. It is on the verge of insolvency if we do not act. Part of the problem more recently, obviously, is the impact of the economic recession we are in, but the big problem is one that is not going to

get better; that is, business loss to the Internet has led to a 21-percent drop in mail volume in the past 5 years and a slump in revenue as a result. You have to be unrealistic to say anything other than that this trend is going to continue and that mail volume will continue—first-class mail volume will continue to decrease. As I mentioned, there has been \$13 billion in deficit in the last 2 years—running a deficit in the last 2 years at the post office. It would have been \$5 billion more if Congress had not come along and delayed the due date for a statutorily required retiree health care prefunding payment that was due at the end of the last fiscal year.

This simply cannot continue. This is one of those bills that come along not because you are excited about doing it but because you have to do it. If we do not act, I repeat, two things are going to happen: Either the Postal Service will become insolvent and have to cut back its operations or the Postmaster will use authorities he has under the current law to close a lot of post offices and mail-processing facilities and cut back service. And I know Members across party lines do not want that to happen precipitously.

Let me now describe some of the major parts of the substitute bipartisan bill that has come out of our committee.

The bill includes the two measures that will relieve some of the immediate financial pressure on the Postal Service. The first is based on an Office of Personnel Management determination that the Postal Service has overpaid its contributions to the Federal retirement system by roughly \$11 billion. Call it a misunderstanding, call it a clerical error—it is fortuitous for the Postal Service and the trouble it is in. Our bill directs OPM to refund this money to the Postal Service and then directs the Postal Service to use this money to provide retirement incentives to employees and to pay off some of its debt.

Let me explain what I mean about those incentives. S. 1789, the substitute, would direct the Postal Service to use part of these refunds in the Federal Employee Retirement System to reduce its labor costs, which make up about 80 percent of its budget. There is no way the Postal Service is going to get back in balance without continuing to do what it has been doing, by tens of thousands, reducing the number of employees it has. But the aim here is to do that as a result of a voluntary buyout program.

The fact is that approximately half of the Postal Service's current workforce is eligible for either full or early retirement, and if 100,000 workers took advantage of the program—which is below the full amount eligible—the Postal Service would save \$8 billion a year. That is the single most significant saving item in the package that we bring before you today. We set a goal here, which is that the Postal

Service should aim to reduce its workforce with this incentivized retirement program by approximately 100,000 workers or 18 percent of its current workforce.

Our bill also reduces the amount the Postal Service must pay into its retiree health benefits account over the next 40 years. The current formula of scheduled payment was part of postal reform passed some years ago. We conclude that the payments required are larger than necessary to sustain the viability of the retiree health benefits plan, so we mandate an updated amortization schedule to fund postal retirees' health care in the future. It is not just an arbitrary number. We think that means the Postal Service is likely to see a significant cut in its annual \$5 billion bill to prefund retiree health care, which, of course, would take further stress off the Postal Service's annual operating budget. We expect, as the debate goes on, to have as close as possible an exact projection of how much that change would save for the Postal Service itself.

Now let me talk about some of the proposals that the Postal Service and Postmaster have made that have been most controversial.

First, Saturday deliveries and canceling most Saturday deliveries. The Postal Service has said it can save \$3.1 billion a year by cancelling Saturday deliveries to individual homes and businesses. It is not something you want to do, but if you are looking to get this institution back into balance and keep it alive, it is one of the things we are probably going to have to do. The Postal Rate Commission agrees that ending most Saturday deliveries will save a lot of money, but says their savings estimate is \$1.7 billion a year versus the \$3.1 billion figure from the Postal Service.

Either way, we are talking about a substantial reduction in costs, and one we may have to face. Our bill recognizes that ultimately it may well be necessary to switch to 5-day delivery. I say it is going to be necessary to switch to 5-day delivery. But we require the Postal Service to follow a certain path over the next few years before that significant step—6 to 5 days—is carried out.

They first have to determine, according to the bill, if the other cost-saving measures in the bill have made canceling Saturday service unnecessary. We can hope that would happen, but I am skeptical that it will.

If a 5-day schedule is deemed necessary, the Postal Service must then submit a plan to Congress, the GAO, and the Postal Rate Commission on how it plans to cushion the negative effect on the businesses and communities it serves.

GAO and the PRC will then submit their own studies to Congress on this matter. If the PRC and the Comptroller General conclude that the change is necessary to allow the Postal Service to achieve long-term financial sol-

vency, then 2 years from adoption the Postal Service will implement a 5-day delivery schedule.

What about the closing of post offices, which has created a lot of concern all across America in response particularly to the Postmaster announcing a list of 3,700 post offices that are possible candidates for closure? One of the things we found in response to this is exactly what I have found over the years in Connecticut. The local post office is not just a place where mail and packages pass through; it becomes a local institution of community significance. It is hard to convince people they should be closed. People are attached to their local post office, not just in small towns and rural areas—especially there—but in a lot of other places, including cities and neighborhoods in a State such as my own State of Connecticut.

The reality is we cannot afford to continue to have as many post offices as we do, operating in the way they do. So our bill would improve the present law covering post office closures. It doesn't prohibit them, but it requires more public participation and due process, and it requires the Postal Service to issue comprehensive retail service standards to ensure that communities throughout the country have access to retail postal services if their current post office needs to be closed—in other words, to look for ways to consolidate retail postal services. Perhaps they can put the retail postal service in a State or local government office building or perhaps put it in a retail establishment or a Wal-Mart or whatever to make sure that the services are maintained in a more cost-effective way, even if the local post office is not.

The bill also requires that the Postal Service take steps before closing a post office that it does not now have to take, including offering a community these other options I have talked about, such as keeping the post office open with more limited hours or permitting private contractors or rural carriers to provide the services the local post office is now providing.

Another one of the controversial proposals the Postmaster made is to close 232 of its current 461 mail processing facilities—not the post offices, but the places the mail goes to be processed so it can get from where it is sent to where it needs to be delivered. The truth is there is excess capacity in this system now, and the Postal Service has to eliminate some of that excess capacity.

However, the bipartisan substitute proposal basically requires that care be taken so this is done in a way that does not compromise the service standards necessary to maintain the current customer base. In other words, we have to reduce expenditures, but if we do it precipitously, as some of our colleagues will propose amendments to do, the net effect is that less people will use the post office, because they will not get the needed service and, as a re-

sult, revenues will drop, and probably even greater.

The substitute amendment, therefore, permits the Postal Service to eliminate excess capacity in the mail processing system but again requires the Postal Service to maintain a modified overnight delivery standard—a bit reduced from what it is now, but still there, particularly for the local delivery areas.

The maximum standard delivery time—and most people probably don't know this—the Postal Service accepts a maximum delivery time of 3 days to deliver a letter mailed anywhere in the continental U.S.; it has to be delivered anywhere else in the continental U.S. within 3 days. That will remain unchanged. The Postal Service would be required to maintain a sufficient number of processing facilities to meet these delivery standards but could otherwise close unneeded facilities.

So far, I have talked about the cost side of the ledger. S. 1789, the substitute, also gives the Postal Service tools to bring in fresh revenues by offering new products and services, specifically authorizing contracting with State and local governments to issue State licenses, authorizing for the first time the Postal Service to do what some of the private shippers do—shipping beer, wine, and distilled spirits, and provide notary services or provide specialized Internet services.

Our bill would also create an advisory commission of prominent citizens and charge them, within a set period of time, to reconsider the Postal Service's current business model and provide it with a strategic blueprint for the future that will enable it to both continue to exist and provide the services people want, but to do so in a way that balances its budget.

Finally, it creates a chief innovation officer at the Postal Service whose job is to continue to find ways to innovate and build on not only the constitutional responsibility to maintain the Postal Service and post offices but to do so in a way that is innovative and builds on the irreplaceable assets the Postal Service has, particularly the capacity to deliver to the last mile anywhere in this country.

These reforms are necessary. They will make the post office smaller and more cost efficient. As a result of this bill, there will be fewer employees at the post office and fewer facilities. You have no choice but to bring that about.

But this bill will keep the Postal Service alive. I think it will keep it well and it will put it on a path to surviving forever but in a different way, because the environment in which it is operating, because of the Internet, simply has changed. Despite its shrinking stream of posts and parcels, here is the reality we are dealing with and what would be affected if the Postal Service is to begin cutting back its operation.

The Postal Service still delivers 563 million pieces of mail every day. Only the Postal Service, for the price of a

stamp, will go literally that last mile to ensure delivery to every business and residence in America, using burros in the Grand Canyon and snowshoes in Alaska, doing whatever is necessary to make that happen.

What Federal agency, if I can go to another service the Postal Service gives, could process—think of the unthinkable—6.7 million passport applications a year if the Postal Service weren't there.

These are some examples and suggestions of the fact of what is possible but also proving that the Postal Service is not just a relic of the 18th century; it is a pivotal part of the 21st century.

The computer age poses unique challenges to the Postal Service, and the day may come when we will send and receive mail, get most of our magazines and books, and pay our bills on electronic devices that are reliable and secure. But honestly the day will never come when we can send physical things across the Internet between homes and businesses—such as medicine, clothing, household and business supplies, and even spare parts for those computers we use so much.

The Postal Service is unique, and its network of support facilities and dedicated employees stands ready to deliver to every home, store, business, and factory in America. That is why we have to act to make sure it continues to be able to do that.

Let me go back to the first Postmaster General, Benjamin Franklin, who always had a lot of good things to say that even seem relevant centuries after. Franklin said, "By failing to prepare, you are preparing to fail." This bill offers preparations to succeed, to make sure the Postal Service never fails.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to speak for up to 30 minutes.

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

Ms. COLLINS. Today, the Senate begins debate on reform legislation to save an American institution—the U.S. Postal Service. Our Founding Fathers recognized the importance of having a postal service. Article I, section 8 of the Constitution gives Congress the power to establish post offices. The Postal Service is also required by law to provide the entire population of the United States with adequate and efficient postal services at a fair and reasonable rate. This is called the universal mandate, and it ensures that the Postal Service cannot leave behind rural States and small towns.

The Postal Service, which has delivered news to generation after generation of Americans, is at great risk of not being able to make its payroll by this fall, according to the Postmaster General himself. My point is that this crisis is very real. The Postal Service

is in debt to the U.S. Treasury by \$13 billion. By the end of the year, it is likely to reach its statutory debt limit of \$15 billion. Driving this crisis are many factors, not the least of which is that the volume of its first-class mail has fallen by 26 percent since 2006 and continues to decline as this chart shows. Reflecting that sharp drop in volume, revenue has plummeted from \$72.8 billion in 2006 to \$65.7 billion in 2011.

The Postal Service is part of our culture and economic fabric. Its failure would deliver a crushing blow to our economy at a time when the economy is already fragile, and it would be particularly harmful to people living and working in rural America. That means we must pass a bill. Doing nothing is only an option if we are willing to let the Postal Service fail. That is the choice we face. Failure would imperil a vital component of our economy, for the Postal Service is the linchpin of a \$1 trillion mailing and mail-related industry that employs nearly 8.7 million Americans in fields as diverse as direct mail, printing, catalog companies, magazine and newspaper publishers, and paper manufacturing, to name just a few. In my State, nearly 38,000 Mainers work in jobs related to the mailing industry, including thousands at our pulp and paper mills, such as the one in Bucksport, ME, which manufactures the paper for Time magazine.

The rapid transition from traditional mail to electronic communication has come at an enormous cost to the Postal Service. The loss of so much mail, coupled with unsustainably high labor costs and exacerbated by the worst recession in decades, has left the Postal Service on the brink of collapse. Despite these headwinds, the Postmaster General is inexplicably forging ahead with plans to abandon current mail service standards in favor of reduced access, slower delivery times, and higher prices. His plans, I fear, will force many of the Postal Service's best customers to pursue delivery alternatives. I cannot think of another major business in serious financial trouble that would risk alienating its remaining customers by slashing service and raising prices. That is a recipe for disaster.

We recently learned the Postal Service's own preliminary analysis—submitted secretly to its regulators—reveals that the destructive service reduction plan to slow mail delivery and shut down postal plants will lead to a more than 9-percent decrease in first-class mail and a 7.7-percent reduction in all mail. The Postal Service itself made a preliminary estimate that the first year losses alone would be \$5.2 billion. That would consume a major portion of any supposed savings intended by the Postal Service's plan.

Of course, now that these numbers have become public, the Postal Service is backpedaling rapidly and criticizing its own estimates, claiming the survey questions gave the respondents—postal customers—too much information

about the drastic nature of the proposed service reductions before asking if these mailers would likely pull out of the system in response to these changes. If the Postal Service is aware of a legitimate methodological flaw in the study, then I would urge a public release of the study and an explanation for why it was submitted to the regulators if, in fact, it is so flawed.

The findings of the survey do not surprise me. They are consistent with what I am hearing from major postal customers. Mailers are all too aware of the destructive course postal leaders are pursuing. Once customers turn to communication options other than the mail system, they will not be coming back, and the Postal Service will be sucked further and further into a death spiral. Companies large and small that rely on the mail tell me if service continues to deteriorate, they will conduct more business online and encourage their customers to switch to online services for bill paying and other transactions.

Let me give an example from Bangor, ME, which illustrates this economic reality. A small business owner from the hometown in which I am living now sent me an e-mail he received from the company that processes his payroll. In the e-mail, the payroll company reminds the small business owner that the Postal Service intends to close a nearby processing center in Hampden, ME. The payroll firm recommends the best option for the small business would be to move to an electronic option outside the mail system. It also offered another option of using nonmail delivery or pickup services.

My point is this example reflects the realities of commerce. Degrade service or raise prices and we don't get more revenue, we get fewer customers and less revenue.

One bright light for me, with respect to the bill we are considering, is that we first should do no harm in the form of hastening the volume decline through ill-conceived policy changes. That is why the downsizing of the labor force and excess capacity the Postmaster General has stated are critical to saving the Postal Service must be carried out in a way that preserves service and does not inflict avoidable harm on dedicated postal workers.

There are naturally strong opinions on what should be done to save the Postal Service, and the bill and the substitute we are bringing to the floor is the product of careful consideration of those competing positions and priorities. As with any bipartisan compromise, this is not the bill each of us alone would have crafted, but we came together because our goal of saving the Postal Service is so important. Senator LIEBERMAN, Senator SCOTT BROWN, Senator CARPER, and I consulted extensively with postal customers, both business and residential, with postal workers, with the Postmaster General, the GAO, the administration, and local communities deeply committed to preserving their postal facilities. We have

deliberated together literally day after day, meeting after meeting on these complex issues. The product of these deliberations—the 21st Century Postal Service Act—provides the right tools to the Postal Service, with the right checks and balances, to set it back on course.

First, let me give our colleagues some background. The first thing we did was analyze the Postal Service's costs. The fact is labor-related expenses are responsible for 80 percent of the Postal Service's costs. It is always painful to recognize that workforce costs are simply too high, especially when the employees are as dedicated as those working at the Postal Service. Avoiding reductions in these expenses is simply not an option as we hope to save as many jobs as possible, both within the Postal Service and within the broader mailing community. But we can do so in a compassionate, fair way.

Our bill would transfer to the Postal Service the nearly \$11 billion it has overpaid into the Federal Employees Retirement System. We would direct the Postmaster General to use a portion of this money for retirement and separation incentives in order to reduce the size of the workforce compassionately. Let me emphasize—because there are misunderstandings on this point—the refund from FERS—the Federal Employees Retirement System—is not taxpayer money. It was contributed by the Postal Service using ratepayer dollars. It is an overpayment that was identified and confirmed by the actuaries at OPM and verified by the GAO.

In fact, GAO recently confirmed OPM's assessment that this figure now has risen to nearly \$11 billion. We would encourage early separation and retirement incentives, capped at the current Federal limit of \$25,000, combined with retirement incentives, such as giving an extra year of service credit if the postal worker is in the CSRS system—the old Civil Service Retirement System—or 2 years if the worker is in the FERS system. That would allow the Postmaster General, by his estimate, to compassionately reduce the workforce by about 100,000 people, a goal he has said in the past was necessary to achieve solvency.

Let me give our colleagues another important fact. More than one-third of all postal workers are already eligible for retirement, so these incentives should be effective and, as the chairman indicated, would save an estimated \$8 billion a year.

The bipartisan legislation also includes a new requirement that arbitrators rendering binding decisions in labor disputes consider the financial condition of the Postal Service. I know it may defy belief that an arbitrator would not automatically consider the looming bankruptcy of the Postal Service when ruling on contract disputes, but some previous arbitrators have disregarded this factor in their

decisions because the requirement to consider it was not explicitly listed in law. We would remedy this problem.

For the first time in 35 years, the bill also brings sorely needed commonsense reforms to the Federal workers' compensation program—not only at the Postal Service but across the Federal Government. But why is this particularly important to the Postal Service? Forty percent of workers who are on the long-term rolls for Federal workers' comp are postal workers. The Postal Service contributes about \$1 billion a year in Federal comp costs.

This program, intended as assistance for injured workers to help them recover and return to work, currently has more than 10,000 postal and Federal employees age 70 or older, 2,000 of whom are postal employees. They receive a higher payment on workers' comp than they would under the standard retirement program, even though it is obvious at that age they would not be returning to work. In fact, 430 of these workers, Federal and postal, are over 90 years of age and 6 workers are 100 years old or older. These employees clearly are never going to return to work, and they should be switched to the normal retirement system.

It is unfair to employees who are working to the normal retirement age. It does not serve injured workers well. It also imposes an enormous financial burden on the Postal Service.

Our bill, I would note, in its workers' comp reforms, is very similar to the reforms proposed by the Obama administration. It would make benefit levels more comparable to what the majority of States are offering their workers. Let me describe just a few more of these issues.

First, for people past retirement age the median annual workers' compensation benefit is 26 percent higher than the median benefit received by Federal and postal workers who retire under the regular retirement system. Thirty-nine of the 50 States pay their workers' comp recipients two-thirds or less of their salary. Yet most Federal beneficiaries receive 75 percent of their salary, and that is tax free.

The program has also been shown to be highly vulnerable to fraud and abuse. That is not good for workers who are truly injured and need the help of this program. Let me mention two flaws. The program relies heavily on self-reported data, and it does not now require the use of independent physicians to assess the initial or continued eligibility of claimants. These vulnerabilities are not hypothetical, but they surely are costly.

The IG of the Department of Labor reports that the removal of a single fraudulent claim saves on average \$300,000 to \$500,000. When the IG reviewed over 10,000 claimant files a decade ago, there were irregularities in almost 75 percent of the cases. That resulted in benefits being reduced or ended for more than 500 claimants, saving almost \$5 million a year in benefits that otherwise would be paid.

I note that the Obama administration has proposed many similar changes and also has recommended that they apply across the board so we do not have two different systems. We agree.

I want to move to another issue about which there has been a lot of discussion. The Postal Service blames some of its financial woes on a 2006 requirement to prefund its retiree health plan—a requirement the Postal Service endorsed at the time, I might add. The Postal Service currently owes \$46.2 billion to cover the costs of the promises it has made to provide health care to future retirees. That unfunded liability is not going away. Nevertheless, the payments for retirement health benefits could be eased by coming up with a new amortization schedule that stretches out the payments. That is what we have done.

We have established a 40-year amortization schedule for the unfunded liability, and we would also reduce the requirement that the fund reach 100 percent of the liability. We have changed that to 80 percent, which is more consistent with what is done by the private sector.

I note this would reduce the annual payment by approximately \$2 to \$3 billion while still keeping promises to workers and avoiding a taxpayer bailout. Our bill gives authority to the Postal Service to save money through greater efficiency in its operations. We do so in a way that ensures that rural America will not be left behind. As the Presiding Officer is well aware, across America communities are up in arms over the Postal Service's plans to close about 3,200 post offices. It has become clear to me, in looking at the specifics, that common sense often is not applied in these decisions.

We do not mandate that every single post office remains open nor do we dictate that an arbitrary number should close. Instead, our bill requires the Postal Service to work with the Postal Regulatory Commission to establish for the first time clear standards for what constitutes reasonable access to postal services for communities and for customers. These would be developed by considering important factors, including distance, travel time, access to transportation, weather, and geography.

That means if the Postal Service tries to close a post office and that closure would result in this new service standard being violated, the community, under our bill, could appeal the closure to the Commission. If the Commission agrees, its binding decision would require the service to be preserved.

The Presiding Officer, Senator TESTER, and Senator MORAN from Kansas have worked very hard on the language in this provision. I thank them for that. What is more, the bill requires the Postmaster General to work with communities to offer cost-saving alternatives to full-time, full-service post

offices in lieu of totally shuttering a beloved post office in the heart of town.

There are so many options the Postal Service could use. For example, moving the post office into a retail store, providing hours part time—say at 7 to 9 in the morning, when people are going to work, or 5 to 7 in the evening when they are coming home. We need to be creative. In recent months we have seen the Postal Service announce a number of Draconian measures, including the closing of hundreds of processing plants and implementing disastrous service standards changes, including a proposal to do away with overnight delivery, one of the real advantages the Postal Service has.

Our bill takes a better approach that helps the Postal Service rightsize its excess capacity while still maintaining what is one of its most valuable assets: its ability to deliver mail overnight to many areas.

Let me give another example. The Postal Service has proposed closing one of two processing plants in the State of Maine, the one that is located in Hampden, ME, in the central eastern part of our State. That means for northern Maine communities that are sending mail between those communities, the letter would have to take a roundtrip of more than 600 miles to be processed and returned. That makes no sense at all. It clearly will lead to a marked slowness in delivery, a deterioration in service, and, I would argue, probably to more costs. That plant could be downsized, but it should never be closed.

There are so many options that need to be pursued by the Postal Service in order to prevent service from deteriorating and delivery times from lengthening because, once again, that will drive more mail out of the system, and that is the last thing the Postal Service needs.

I would say that many postal employees have pointed out to me, as has the inspector general, that there are excessive bureaucratic costs at the Postal Service. For example, the Postal Service—even though it is insisting on closing all these facilities—already has over 67 million square feet of excess property that it has yet to dispose of. The bill requires the Postal Service to devise a plan to close and consolidate these administrative offices around the country and to start implementing that plan within the year.

We have also encouraged collocation of postal facilities with other Federal agencies, an idea that Senator CARPER had to minimize excess capacity. We also authorized the Postal Service to convert delivery from front door to the curb where it is practical and cost effective. The Postal Service inspector general has estimated this could save as much as \$4.5 billion a year.

Another controversial issue that we tackle in this bill is the Postmaster General's proposal to eliminate Saturday delivery. I have said repeatedly

that I believe abandoning Saturday delivery will once again drive mail out of the system and do more harm than good. Our compromise prohibits eliminating Saturday delivery for at least 2 years so that cost-cutting reforms can be implemented. If at that point to achieve solvency the Postal Service needs to go to 5-day delivery, it can do so if it proves it has done everything else to cut its excessive costs. Again, reducing service should be the last resort, not the first option. Our hope is that the cost-cutting tools we provide the Postal Service in this bill will allow this service reduction to be avoided.

There is much more in this bill which we will discuss as the debate goes on. Today is just the first step in what I know is going to be a long journey. But the point is we must pass a postal reform bill. The House also has a bill that awaits floor consideration, and more compromises will have to be made along the way. But we cannot forget the urgency of this task.

I ask my colleagues to work with us during the upcoming floor debate, and I urge their support for final passage. The fact is it is up to us to preserve this vital American institution, the U.S. Postal Service.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

21ST CENTURY POSTAL SERVICE ACT MOTION TO PROCEED—Continued

Mr. LIEBERMAN. Mr. President, I know the Senator from Maryland, Mr. CARDIN, is on his way to the floor to make a statement. Pending that, 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. CARDIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

RACIAL PROFILING

Mr. CARDIN. Mr. President, I take this time to inform my colleagues of a hearing that took place this morning before the Subcommittee on the Constitution, Civil Rights and Human Rights of the Senate Judiciary Committee, chaired by Senator DURBIN. Senator DURBIN has been a leader in this body on making sure we have a

committee that focuses on the issues of human rights. Today's hearing on racial profiling, ending racial profiling in America, was the first hearing we have had in Congress on racial profiling since the attack on our country on September 11. I congratulate Senator DURBIN for holding this hearing. I thought the hearing was very informative as to a problem we have in America on the use of racial profiling.

I know the Nation has been focused on the tragedy that took place in Sanford, FL, in which 17-year-old Travon Martin was killed, a clearly avoidable death, by Mr. Zimmerman. We first and foremost want to make sure justice prevails in this case. I know there is a case pending in Florida. We are all going to be watching that very carefully. There is a Federal investigation underway by the Department of Justice to look into circumstances concerning Travon Martin's death, to see what role race played in regard to that tragedy, not only as it related to Travon Martin's death but also as to the investigation that ensued.

A few weeks ago, I spoke about this issue at the Center for Urban Families in Baltimore. That is a group that is interested in urban family life. We came together shortly after Travon Martin's tragic death to talk about what had happened.

I was very much moved by so many people who came forward at that meeting and explained how they had been victims of racial profiling. A young woman talked about the time she went to a basketball game with her father and her father was pulled over and stopped by police for no apparent reason other than the color of his skin and how that impacted this girl, seeing her father held, unable to go to the basketball game. These types of victimization occur too frequently in our community, where people are picked out solely because of their race, their religion, their ethnic background.

We have a problem in this country, and we need to do something about that. The question that needs to be answered in regard to Travon Martin is was he initially pursued because of the color of his skin. Would Mr. Zimmerman have done the same if it was a White child rather than an African American?

In October of 2011, I introduced S. 1670, the End Racial Profiling Act. I am proud to have many colleagues as cosponsors, including Senator BLUMENTHAL, Senator BOXER, Senator DURBIN, Senator GILLIBRAND, Senator JOHN KERRY, Senator LAUTENBERG, Senator LEVIN, Senator MENENDEZ, Senator MIKULSKI, Senator HARRY REID, Senator STABENOW, and Senator MARK UDALL. I thank my cosponsors for joining me in this legislation.

This legislation would make it clear that racial profiling will not be allowed in this country. Racial profiling is un-American. It is against the values of our Nation. It is contrary to the 14th amendment of the Constitution, which

provides for equal protection under the law. It is counterproductive, and it doesn't keep us safe. We are using valuable police resources in a way that is wasting those resources. It is sloppy police work if you try to identify a problem by race rather than looking for good police work to identify the real perpetrator of a crime. It also creates a mistrust in the community they are trying to protect, a community that they need to help and to cooperate with as far as keeping the community safe. For all of those reasons, racial profiling should have no place in modern law enforcement. We need a national law.

I was impressed that in the hearing today there was general consensus that we have a problem in this country, that there is a problem of law enforcement using racial profiling, which should not be done. The bill, S. 1670, would prohibit the use of racial profiling. By making a decision based upon race, ethnicity, national origin, or religion, basically what you are doing is subjecting an individual to a spontaneous investigation. That should have no place. What we are talking about is someone being stopped for a routine traffic stop, subjected to a search, interrogated, or investigated based on that person's race or the scope and substance of law enforcement activities following an initial investigative proceeding are determined because of race. That should have no place in America.

My legislation would apply to all levels of government, not just Federal but State and local law enforcement. It requires mandatory training. And here is an issue on which I think we should all agree. Perhaps the tragedy that happened with Trayvon Martin would not have happened if Mr. Zimmerman had been trained on the issues of what is good police work and what is not good police work and how racial profiling needs to be eliminated. We feel very strongly about the need for mandatory training.

The legislation requires data collection by local and State law enforcement. State and local law enforcement must maintain adequate policies and procedures designated to eliminate profiling, and they must eliminate any existing practices that present or encourage racial profiling.

The Department of Justice has granted authority to make grants to promote best practices, so one jurisdiction can learn from another as to what the best practices are in order to make sure that this practice is not being used and that we are doing everything possible to keep communities safe by good police work, not by sloppy police work.

I wish to point out that the overwhelming majority of people who are in law enforcement do it the right way. We have dedicated men and women who work every day to keep us safe—our first responders. We owe them a debt of gratitude, we owe them our support,

and we cannot say enough complimentary things about what they do every day by putting their lives on the line to keep us safe. So for the sake of what is right for America and for the sake of the overwhelming majority of the people who are professionals in law enforcement, we need to make it clear that racial profiling has no role in American law enforcement.

I am proud of the many groups that are supporting this legislation, including the NAACP, the ACLU, the Leadership Conference of Civil and Human Rights, and numerous other organizations.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the list of organizations that are supporting the legislation.

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

(See exhibit 1.)

Mr. CARDIN. Let me conclude by quoting our former colleague Senator Kennedy, who said that civil rights is the great unfinished business of America. Let's continue to fight to make sure we have equal justice under the law for all Americans. That is what the legislation I have introduced will do. The End Racial Profiling Act will continue us on that journey to provide equal justice in the law to all Americans.

EXHIBIT 1

GROUP ENDORSEMENTS OF END RACIAL PROFILING ACT

NATIONAL ORGANIZATIONS

A. Philip Randolph Institute; African American Ministers in Action; American Civil Liberties Union; American Humanist Association; American-Arab Anti-Discrimination Committee; American Probation and Parole Association; Asian & Pacific Islander American Health Forum; Asian American Justice Center; Asian Law Caucus; Asian Pacific American Labor Alliance; Bill of Rights Defense Committee; Blacks in Law Enforcement in America; Break the Cycle; Brennan Center for Justice at New York University School of Law; Campaign for Community Change; Campaign for Youth Justice; Center for National Security Studies; Charles Hamilton Houston Institute for Race and Justice at Harvard Law School; Council on American-Islamic Relations; Council on Illicit Drugs of the National Association for Public Health Policy.

Disciples Justice Action Network; Drug Policy Alliance; Equal Justice Society; Fair Immigration Reform Movement; Fellowship of Reconciliation; Human Rights Watch; Indo-American Center; Institute Justice Team, Sisters of Mercy of the Americas; Japanese American Citizens League; Jewish Labor Committee; Jewish Reconstructionist Federation; Lawyers' Committee for Civil Rights Under Law; The Leadership Conference on Civil and Human Rights; League of United Latin American Citizens; Lutheran Immigration and Refugee Service; Muslim Advocates; Muslim Legal Fund of America; Muslim Public Affairs Council; NAACP; NAACP Legal Defense and Educational Fund, Inc.; National Advocacy Center of the Sisters of the Good Shepherd.

National African American Drug Policy Coalition, Inc.; National Alliance for Medication Assisted Recovery; National Alliance of Faith and Justice; National Asian American

Pacific Islander Mental Health Association; National Asian Pacific American Bar Association; National Asian Pacific American Women's Forum; National Association of Criminal Defense Lawyers; National Association of Social Workers; National Black Justice Coalition; National Black Law Students Association; National Black Police Association; National Congress of American Indians; National Council of La Raza; National Education Association; National Gay and Lesbian Task Force Action Fund; National Korean American Service and Education Consortium; National Latina Institute for Reproductive Health; National Lawyers Guild Drug Policy Committee; National Legal Aid and Defender Association; National Organization of Black Women in Law Enforcement; National Organization of Sisters of Color Ending Sexual Assault; National Urban League Policy Institute.

NETWORK, A National Catholic Social Justice Lobby; 9to5, National Association of Working Women; North American South Asian Bar Association; Open Society Policy Center; Organization of Chinese Americans; Pax Christi USA; National Catholic Peace Movement; Prison Policy Initiative; Rights Working Group; Sentencing Project; Sikh American Legal Defense and Education Fund; Sikh Coalition; SOJOURNERS; South Asian Americans Leading Together; South Asian Network; South Asian Resource Action Center; StoptheDrugWar.org; The Real Cost of Prisons Project; Treatment Communities of America; U.S. Human Rights Network; Union for Reform Judaism; United Methodist Church, General Board of Church and Society; UNITED SIKHS; Women's Alliance for Theology, Ethics and Ritual.

STATE AND LOCAL ORGANIZATIONS

A New PATH (Parents for Addiction Treatment & Healing) (California); Adhikaar (New York); Advocare, Inc. (Ohio); Arab American Action Network (Illinois); Arab-American Family Support Center (New York); CASA de Maryland (Maryland); Casa Esperanza (New Jersey); CAUSA—Oregon's Immigrant Rights Organization (Oregon); Center for NuLeadership on Urban Solutions (New York); Counselors Helping (South) Asians/Indians, Inc. (Maryland); Desis Rising Up and Moving (New York); Drug Policy Forum of Hawaii (Hawaii); Drug Policy Forum of Texas (Texas); Florida Immigrant Coalition (Florida); Healing Communities Prison Ministry and Reentry Project (Pennsylvania); Korean American Resource and Cultural Center (Illinois); Korean Resource Center (California); Legal Services for Prisoners with Children (California); Legal Voice (Washington).

Maryland CURE—Citizens United for the Rehabilitation of Errants (Maryland); National Alliance for Medication Assisted Recovery, Delaware Chapter (Delaware); 9to5 Atlanta Working Women (Georgia); 9to5 Bay Area (California); 9to5 Colorado (Colorado); 9to5 Los Angeles (California); 9to5 Milwaukee (Wisconsin); Perspectives, Inc. (Minnesota); Pineros y Campesinos Unidos del Noroeste; Northwest Treeplanters and Farmworkers United (Oregon); Public Justice Center (Maryland); Rights for All People (Colorado); Safe Streets Arts Foundation (Washington, DC); Sahara of South Florida, Inc. (Florida); Satrang (California); Sneha, Inc. (Connecticut); South Asian Bar Association of Northern California (California); St. Leonard's Ministries (Illinois).

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Vermont.

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

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

Mr. SANDERS. Mr. President, the issue we are debating right now is an issue of enormous consequence for the American people, for our economy, for rural America, and for the hundreds of thousands of workers in the U.S. Postal Service. I thank Senators LIEBERMAN, CARPER, COLLINS, and BROWN for the important work they have done in moving this legislation forward.

Let me begin by saying the debate we are having is not whether the Postal Service in the digital age should change. Everybody agrees the Postal Service should change. The question is what kind of change do we want, what kind of change is good for the American economy, and what kind of change is good for our country.

Last year—I think about 9 or 10 months ago—the Postmaster General gave us his view of change. There was concern about some of the financial problems facing the Post Office. He came up with a proposal that would do the following: What he said is we should close more than 3,600 mostly rural post offices. In my State, I think the number of rural post offices is about 15. All over this country post offices, in so many ways, serve a function beyond delivering mail or selling stamps. In many ways, post offices become the center of a small town. The Postmaster General's proposal was to shut down more than 3,600 mostly rural post offices.

Furthermore, he wanted to shut down about half of the mail processing facilities in America—somewhere around 250 of them—and when we do that, by definition we slow overnight delivery standards for first class mail. So at a moment when the Postal Service is being challenged by e-mail in the digital age—instantaneous communication—he was proposing to slow down mail delivery.

He also proposed to end Saturday mail service and reduce the postal workforce in the midst of a horrendous recession by some 220,000 workers, going from 550,000 down to about 330,000.

I find it a bit ironic that a couple of months ago we had a great debate here—and I think bipartisan support—to make sure veterans get the jobs they need. Many of the people who work in the Postal Service are, in fact, veterans. They are doing a good job. When we downsize the Postal Service, as the Postmaster General proposed, by 220,000 workers, we are downsizing many of our veterans.

Many of my colleagues in the Senate and the House and I are strongly opposed to what the Postmaster General brought forth and we have been working with him and his staff to improve this plan. Frankly, I think we are mak-

ing some progress. Obviously, the key danger of what the Postmaster General has proposed is that if we slow down mail delivery standards, what ends up happening is that individuals and businesses will be rethinking whether they want to use the Postal Service and whether they want to go elsewhere. So what we could very well begin is what we call a death spiral: slow down mail delivery service, businesses stop using the Postal Service, less revenue comes in, more cuts are made, more delays, more slowdowns. We think that is a bad idea.

Again, I believe, and I think everybody in this Senate believes, we need a new business model for the Postal Service in the digital age. Some of us believe we can bring forth a new business model which does not necessitate hundreds of thousands of job losses and cuts, cuts, and cuts.

Among other things, I wish to point out that a recently disclosed study by Opinion Research Corporation, commissioned by the Postal Service itself, found the Postal Service would lose nearly \$2 billion by eliminating overnight delivery standards. Let me repeat: A study commissioned by the Postal Service found that ending overnight delivery standards and shutting down half of the mail processing plants in America would cost the Postal Service nearly \$2 billion. The answer is a lot to do with what I said: If we slow down service, fewer and fewer people are going to be using the Postal Service.

For the last several months I have been working with several dozen of my colleagues in the Senate to oppose those cuts. I thank Senator LIEBERMAN and Senator CARPER for their support, as well as Senator COLLINS and Senator BROWN. We have been working with them, and what we basically did is come up with a good bill that is much better than the Postmaster General had originally proposed, and we think we can do better. In fact, we have been working, and I think it is fair to say we have made some significant improvements which have been incorporated in the substitute amendment that is before us. Let me begin by touching on some of the improvements that I think we have brought about.

The managers' amendment brings more protection for rural post offices. I come from a rural State. I know how important rural post offices are, and the managers' amendment provides more protection for these rural post offices.

No. 1: The substitute amendment would prevent the Postal Service from closing any post offices until it has established a set of service standards that would guarantee all postal customers regular and effective access to retail postal services nationwide on a reasonable basis. The Postal Service is required to establish the standards within 6 months. The service standards would be required to take into account certain factors. In other words, what

we are talking about here is that before a rural post office can be shut down, certain standards are going to have to be addressed. They are:

A, a consideration of the reasonable maximum time a postal customer should expect to travel to access a postal retail location. In other words, if we shut down a post office and somebody has to go 20 miles and spend money on gasoline, and an enormous amount of time, it doesn't make sense to shut down that rural post office;

B, furthermore, we want to look at the age and disability status of individuals in the area. If there are elderly people, if there are a large number of disabled people and we shut down that postal service, those folks are going to be, for all intents and purposes, isolated. Don't shut down that postal service;

C, there would be a requirement that the Postal Service serve remote areas and communities which have transportation challenges. If I live in a community and I don't have a car, how do I get to a post office that is 5 miles away?

D, the effects of inclement weather or other natural conditions that might impede access to postal services. In other words, if people live in a climate where they have a whole lot of snow, how are they going to get to another post office?

I see the majority leader standing. Does the leader wish to address the Senate?

Mr. REID. I have some procedural matters to do, if the Senator from Vermont wishes to finish his statement.

Mr. SANDERS. I will be another 5 or 10 minutes. I will yield to the majority leader.

Mr. REID. Mr. President, I ask unanimous consent that when I finish my procedural matters, the Senator from Vermont be recognized.

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

Mr. REID. I ask unanimous consent that all postclosure time be yielded back and the motion to proceed to S. 1789 be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I now ask unanimous consent that the only amendments in order to S. 1789 or the Lieberman-Collins substitute amendment No. 2000 be those that are relevant to the bill or the substitute amendment.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object, Egypt currently gets \$2 billion from our country from the U.S. taxpayer. My question is, should we be sending \$2 billion a year to Egypt when they seek to continue to prosecute American citizens.

Recently, President Obama's administration freed up that money and said Egypt is pursuing democratic aims, so

we freed up the \$2 billion. How did Egypt respond to this? Egypt basically thumbed their nose at us. Egypt said we are now issuing international warrants to get American citizens, extradite them, take them back to Egypt for a political show trial. So we give money to a country that insults us.

I think this should end. I think this deserves 15 minutes of Senate time to discuss whether America has money to be sending to Egypt when we have 12 million people unemployed in this country, and whether we have needs here at home that need to be met before we send \$2 billion to Egypt which turns around and insults us by prosecuting American citizens.

I respectfully object and seek a vote on this amendment that would end their aid if they do not end the prosecution of American citizens.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, as we speak, there are 8 million Americans who are dependent on the Post Office. These are people who have jobs as a result of the Postal Service. We need to do a postal reform bill. Doing nothing is not an option.

I ask unanimous consent that we set up a procedure to allow the Senate to consider amendments relevant to the postal reform bill.

The PRESIDING OFFICER. Is there objection?

Mr. PAUL. Reserving the right to object, the Post Office is losing \$4 billion a year, and I sympathize. But at the same time we are losing \$4 billion, we are sending \$2 billion to Egypt. We have problems in our country and we don't have the money to send to Egypt, so I would say it is relevant. It is relevant whether, when we have limited resources, we send \$2 billion to Egypt, or whether we try to fix the problems we have at home. I would say bring some of that money home and that might help us fix the Post Office.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. PAUL. I continue my objection.

21ST CENTURY POSTAL SERVICE ACT

Mr. REID. Would the Chair report the bill, please.

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant bill clerk read as follows:

A bill (S. 1789) to improve, sustain, and transform the United States Postal Service.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "21st Century Postal Service Act of 2012".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Definitions.

TITLE I—POSTAL WORKFORCE MATTERS

Sec. 101. Treatment of postal funding surplus for Federal Employees Retirement System.

Sec. 102. Additional service credit.

Sec. 103. Restructuring of payments for retiree health benefits.

Sec. 104. Postal Service Health Benefits Program.

Sec. 105. Arbitration; labor disputes.

TITLE II—POSTAL SERVICES AND OPERATIONS

Sec. 201. Postal facilities.

Sec. 202. Additional Postal Service planning.

Sec. 203. Area and district office structure.

Sec. 204. Post offices; retail service standards.

Sec. 205. Conversion of door delivery points.

Sec. 206. Limitations on changes to mail delivery schedule.

Sec. 207. Time limits for consideration of service changes.

Sec. 208. Public procedures for significant changes to mailing specifications.

Sec. 209. Nonpostal products and services.

TITLE III—FEDERAL EMPLOYEES' COMPENSATION ACT

Sec. 301. Short title; references.

Sec. 302. Federal workers compensation reforms for retirement-age employees.

Sec. 303. Augmented compensation for dependents.

Sec. 304. Schedule compensation payments.

Sec. 305. Vocational rehabilitation.

Sec. 306. Reporting requirements.

Sec. 307. Disability management review; independent medical examinations.

Sec. 308. Waiting period.

Sec. 309. Election of benefits.

Sec. 310. Sanction for noncooperation with field nurses.

Sec. 311. Subrogation of continuation of pay.

Sec. 312. Integrity and compliance.

Sec. 313. Amount of compensation.

Sec. 314. Technical and conforming amendments.

Sec. 315. Regulations.

TITLE IV—OTHER MATTERS

Sec. 401. Profitability plan.

Sec. 402. Postal rates.

Sec. 403. Cooperation with State and local governments; intra-Service agreements.

Sec. 404. Shipping of wine and beer.

Sec. 405. Annual report on United States mailing industry.

Sec. 406. Use of negotiated service agreements.

Sec. 407. Contract disputes.

Sec. 408. Contracting provisions.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COMMISSION.—The term "Commission" means the Postal Regulatory Commission.

(2) POSTAL SERVICE.—The term "Postal Service" means the United States Postal Service.

TITLE I—POSTAL WORKFORCE MATTERS

SEC. 101. TREATMENT OF POSTAL FUNDING SURPLUS FOR FEDERAL EMPLOYEES RETIREMENT SYSTEM.

Section 8423(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

"(5)(A) In this paragraph, the term 'postal funding surplus' means the amount by which the amount computed under paragraph (1)(B) is less than zero.

"(B)(i) Beginning with fiscal year 2011, for each fiscal year in which the amount computed

under paragraph (1)(B) is less than zero, upon request of the Postmaster General, the Director shall transfer to the United States Postal Service from the Fund an amount equal to the postal funding surplus for that fiscal year for use in accordance with this paragraph.

"(ii) The Office shall calculate the amount under paragraph (1)(B) for a fiscal year by not later than June 15 after the close of the fiscal year, and shall transfer any postal funding surplus to the United States Postal Service within 10 days after a request by the Postmaster General.

"(C) For each of fiscal years 2011, 2012, and 2013, if the amount computed under paragraph (1)(B) is less than zero, a portion of the postal funding surplus for the fiscal year shall be used by the United States Postal Service for the cost of providing to employees of the United States Postal Service who voluntarily separate from service before October 1, 2014—

"(i) voluntary separation incentive payments (including payments to employees who retire under section 8336(d)(2) or 8414(b)(1)(B) before October 1, 2014) that may not exceed the maximum amount provided under section 3523(b)(3)(B) for any employee; and

"(ii) retirement service credits, as authorized under section 8332(p) or 8411(m).

"(D) Any postal funding surplus for a fiscal year not expended under subparagraph (C) may be used by the United States Postal Service for the purposes of—

"(i) repaying any obligation issued under section 2005 of title 39; or

"(ii) making required payments to—

"(I) the Employees' Compensation Fund established under section 8147;

"(II) the Postal Service Retiree Health Benefits Fund established under section 8909a;

"(III) the Employees Health Benefits Fund established under section 8909; or

"(IV) the Civil Service Retirement and Disability Fund."

SEC. 102. ADDITIONAL SERVICE CREDIT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

"(p)(1)(A) For an employee of the United States Postal Service who is covered under this subchapter and voluntarily separates from service before October 1, 2014, at the direction of the United States Postal Service, the Office shall add not more than 1 year (as specified by the United States Postal Service) to the total creditable service of the employee for purposes of determining entitlement to and computing the amount of an annuity under this subchapter (except for a disability annuity under section 8337).

"(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.

"(2)(A) Subject to subparagraph (B), and notwithstanding any other provision of law, no deduction, deposit, or contribution shall be required for service credited under this subsection.

"(B) The actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from this subsection shall be included in the amount calculated under section 8348(h)(1)(A)."

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

"(m)(1)(A) For an employee of the United States Postal Service who is covered under this chapter and voluntarily separates from service before October 1, 2014, at the direction of the United States Postal Service, the Office shall add not more than 2 years (as specified by the United States Postal Service) to the total creditable service of the employee for purposes of determining entitlement to and computing the amount of an annuity under this chapter (except for a disability annuity under subchapter V of that chapter).

“(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.

“(2)(A) Subject to subparagraph (B), and notwithstanding any other provision of law, no deduction, deposit, or contribution shall be required for service credited under this subsection.

“(B) The actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from this subsection shall be included in the amount calculated under section 8423(b)(1)(B).”.

SEC. 103. RESTRUCTURING OF PAYMENTS FOR RETIREE HEALTH BENEFITS.

(a) CONTRIBUTIONS.—Section 8906(g)(2)(A) of title 5, United States Code, is amended by striking “through September 30, 2016, be paid by the United States Postal Service, and thereafter shall” and inserting “after the date of enactment of the 21st Century Postal Service Act of 2012”.

(b) POSTAL SERVICE RETIREE HEALTH BENEFITS FUND.—Section 8909a of title 5, United States Code, is amended—

(1) in subsection (d)—
(A) in paragraph (2)(B)—
(i) by striking “2017” and inserting “2012”; and

(ii) by inserting after “later, of” the following: “80 percent of”; and

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (iii), by adding “and” at the end; (II) in clause (iv), by striking the semicolon at the end and inserting a period; and

(III) by striking clauses (v) through (x); and

(ii) in subparagraph (B), by striking “2017” and inserting “2012”; and

(2) by adding at the end the following:

“(e) Subsections (a) through (d) shall be subject to section 104 of the 21st Century Postal Service Act of 2012.”.

SEC. 104. POSTAL SERVICE HEALTH BENEFITS PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term “covered employee” means an employee of the Postal Service who is represented by a bargaining representative recognized under section 1203 of title 39, United States Code;

(2) the term “Federal Employee Health Benefits Program” means the health benefits program under chapter 89 of title 5, United States Code; and

(3) the term “Postal Service Health Benefits Program” means the health benefits program that may be agreed to under subsection (b)(1).

(b) COLLECTIVE BARGAINING.—

(1) IN GENERAL.—Consistent with section 1005(f) of title 39, United States Code, the Postal Service may negotiate jointly with all bargaining representatives recognized under section 1203 of title 39, United States Code, and enter into a joint collective bargaining agreement with those bargaining representatives to establish the Postal Service Health Benefits Program that satisfies the conditions under subsection (c). The Postal Service and the bargaining representatives shall negotiate in consultation with the Director of the Office of Personnel Management.

(2) CONSULTATION WITH SUPERVISORY AND MANAGERIAL PERSONNEL.—In the course of negotiations under paragraph (1), the Postal Service shall consult with each of the organizations of supervisory and other managerial personnel that are recognized under section 1004 of title 39, United States Code, concerning the views of the personnel represented by each of those organizations.

(3) ARBITRATION LIMITATION.—Notwithstanding chapter 12 of title 39, United States Code, there shall not be arbitration of any dispute in the negotiations under this subsection.

(4) TIME LIMITATION.—The authority under this subsection shall extend until September 30, 2012.

(c) POSTAL SERVICE HEALTH BENEFITS PROGRAM.—The Postal Service Health Benefits Program—

(1) shall—

(A) be available for participation by all covered employees;

(B) be available for participation by any officer or employee of the Postal Service who is not a covered employee, at the option solely of that officer or employee;

(C) provide adequate and appropriate health benefits;

(D) be administered in a manner determined in a joint agreement reached under subsection (b); and

(E) provide for transition of coverage under the Federal Employee Health Benefits Program of covered employees to coverage under the Postal Service Health Benefits Program on January 1, 2013;

(2) may provide dental benefits; and

(3) may provide vision benefits.

(d) AGREEMENT AND IMPLEMENTATION.—If a joint agreement is reached under subsection (b)—

(1) the Postal Service shall implement the Postal Service Health Benefits Program;

(2) the Postal Service Health Benefits Program shall constitute an agreement between the collective bargaining representatives and the Postal Service for purposes of section 1005(f) of title 39, United States Code; and

(3) covered employees may not participate as employees in the Federal Employees Health Benefits Program.

(e) GOVERNMENT PLAN.—The Postal Service Health Benefits Program shall be a government plan as that term is defined under section 3(32) of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(32)).

(f) REPORT.—Not later than June 30, 2013, the Postal Service shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives that—

(1) reports on the implementation of this section; and

(2) requests any additional statutory authority that the Postal Service determines is necessary to carry out the purposes of this section.

SEC. 105. ARBITRATION; LABOR DISPUTES.

Section 1207(c)(2) of title 39, United States Code, is amended—

(1) by inserting “(A)” after “(2)”;

(2) by striking the last sentence and inserting “The arbitration board shall render a decision not later than 45 days after the date of its appointment.”; and

(3) by adding at the end the following:

“(B) In rendering a decision under this paragraph, the arbitration board shall consider such relevant factors as—

“(i) the financial condition of the Postal Service;

“(ii) the requirements relating to pay and compensation comparability under section 1003(a); and

“(iii) the policies of this title.”.

TITLE II—POSTAL SERVICES AND OPERATIONS

SEC. 201. POSTAL FACILITIES.

Section 404 of title 39, United States Code, is amended by adding after subsection (e) the following:

“(f) CLOSING OR CONSOLIDATION OF CERTAIN POSTAL FACILITIES.—

“(1) POSTAL FACILITY.—In this subsection, the term ‘postal facility’—

“(A) means any Postal Service facility that is primarily involved in the preparation, dispatch, or other physical processing of mail; and

“(B) does not include—

“(i) any post office, station, or branch; or

“(ii) any facility used only for administrative functions.

“(2) AREA MAIL PROCESSING STUDY.—

“(A) NEW AREA MAIL PROCESSING STUDIES.—After the date of enactment of this subsection, before making a determination under subsection

(a)(3) as to the necessity for the closing or consolidation of any postal facility, the Postal Service shall—

“(i) conduct an area mail processing study relating to that postal facility that includes a plan to reduce the capacity of the postal facility, but not close the postal facility;

“(ii) publish the study on the Postal Service website; and

“(iii) publish a notice that the study is complete and available to the public, including on the Postal Service website.

“(B) COMPLETED OR ONGOING AREA MAIL PROCESSING STUDIES.—

“(i) IN GENERAL.—In the case of a postal facility described in clause (ii), the Postal Service shall—

“(I) consider a plan to reduce the capacity of the postal facility, but not close the postal facility; and

“(II) publish the results of the consideration under subclause (I) with or as an amendment to the area mail processing study relating to the postal facility.

“(ii) POSTAL FACILITIES.—A postal facility described in this clause is a postal facility for which, on or before the date of enactment of this subsection—

“(I) an area mail processing study that does not include a plan to reduce the capacity of the postal facility, but not close the facility, has been completed or is in progress; and

“(II) a determination as to the necessity for the closing or consolidation of the postal facility has not been made.

“(3) NOTICE, PUBLIC COMMENT, AND PUBLIC HEARING.—If the Postal Service makes a determination under subsection (a)(3) to close or consolidate a postal facility, the Postal Service shall—

“(A) provide notice of the determination to—

“(i) Congress; and

“(ii) the Postal Regulatory Commission;

“(B) provide adequate public notice of the intention of the Postal Service to close or consolidate the postal facility;

“(C) ensure that interested persons have an opportunity to submit public comments during a 45-day period after the notice of intention is provided under subparagraph (B);

“(D) before the 45-day period described in subparagraph (C), provide for public notice of that opportunity by—

“(i) publication on the Postal Service website;

“(ii) posting at the affected postal facility; and

“(iii) advertising the date and location of the public community meeting under subparagraph (E); and

“(E) during the 45-day period described in subparagraph (C), conduct a public community meeting that provides an opportunity for public comments to be submitted verbally or in writing.

“(4) FURTHER CONSIDERATIONS.—Not earlier than 30 days after the end of the 45-day period for public comment under paragraph (3), the Postal Service, in making a determination whether or not to close or consolidate a postal facility, shall consider—

“(A) the views presented by interested persons solicited under paragraph (3);

“(B) the effect of the closing or consolidation on the affected community, including any disproportionate impact the closure or consolidation may have on a State, region, or locality;

“(C) the effect of the closing or consolidation on the travel times and distances for affected customers to access services under the proposed closing or consolidation;

“(D) the effect of the closing or consolidation on delivery times for all classes of mail;

“(E) any characteristics of certain geographical areas, such as remoteness, broadband internet availability, and weather-related obstacles to using alternative facilities, that may result in the closing or consolidation having a unique effect; and

“(F) any other factor the Postal Service determines is necessary.

“(5) **JUSTIFICATION STATEMENT.**—Before the date on which the Postal Service closes or consolidates a postal facility, the Postal Service shall post on the Postal Service website a closure or consolidation justification statement that includes—

“(A) a response to all public comments received with respect to the considerations described under paragraph (4);

“(B) a description of the considerations made by the Postal Service under paragraph (4); and

“(C) the actions that will be taken by the Postal Service to mitigate any negative effects identified under paragraph (4).

“(6) **CLOSING OR CONSOLIDATION OF POSTAL FACILITIES.**—

“(A) **IN GENERAL.**—Not earlier than the 15 days after posting and publishing the final determination and the justification statement under paragraph (6) with respect to a postal facility, the Postal Service may close or consolidate the postal facility.

“(B) **ALTERNATIVE INTAKE OF MAIL.**—If the Postal Service closes or consolidates a postal facility under subparagraph (A), the Postal Service shall make reasonable efforts to ensure continued mail receipt from customers of the closed or consolidated postal facility at the same location or at another appropriate location in close geographic proximity to the closed or consolidated postal facility.

“(7) **POSTAL SERVICE WEBSITE.**—For purposes of any notice required to be published on the Postal Service website under this subsection, the Postal Service shall ensure that the Postal Service website—

“(A) is updated routinely; and

“(B) provides any person, at the option of the person, the opportunity to receive relevant updates by electronic mail.

“(8) **PROTECTION OF CERTAIN INFORMATION.**—Nothing in this subsection may be construed to require the Postal Service to disclose—

“(A) any proprietary data, including any reference or citation to proprietary data; and

“(B) any information relating to the security of a postal facility.”.

SEC. 202. ADDITIONAL POSTAL SERVICE PLAN- NING.

Section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note) is amended—

(1) in paragraph (8), by striking the period at the end and inserting “; and”;

(2) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively, and adjusting the margins accordingly;

(3) in the matter preceding subparagraph (A), as so redesignated, by striking “shall include” and inserting the following: “shall—

“(1) include”; and

(4) by adding at the end the following:

“(2) where possible, provide for an improvement in customer access to postal services;

“(3) consider the impact of any decisions by the Postal Service relating to the implementation of the plan on small communities and rural areas; and

“(4) ensure that—

“(A) small communities and rural areas continue to receive regular and effective access to retail postal services after implementation of the plan; and

“(B) the Postal Service solicits community input in accordance with applicable provisions of Federal law.”.

SEC. 203. AREA AND DISTRICT OFFICE STRUC- TURE.

(a) **PLAN REQUIRED.**—Not later than 1 year after the date of enactment of this Act, the Postal Service shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Governmental Reform of the House of Representatives—

(1) a comprehensive strategic plan to govern decisions relating to area and district office

structure that considers efficiency, costs, redundancies, mail volume, technological advancements, operational considerations, and other issues that may be relevant to establishing an effective area and district office structure; and

(2) a 10-year plan, including a timetable, that provides for consolidation of area and district offices wherever the Postal Service determines a consolidation would—

(A) be cost effective; and

(B) not substantially and adversely affect the operations of the Postal Service.

(b) **CONSOLIDATION.**—Beginning not later than 1 year after the date of enactment of this Act, the Postal Service shall, consistent with the plans required under and the criteria described in subsection (a)—

(1) consolidate district offices that are located within 50 miles of each other;

(2) consolidate area and district offices that have less than the mean mail volume and number of work hours for all area and district offices; and

(3) relocate area offices to headquarters.

(c) **UPDATES.**—The Postal Service shall update the plans required under subsection (a) not less frequently than once every 5 years.

SEC. 204. POST OFFICES; RETAIL SERVICE STAND- ARDS.

(a) **CLOSING POST OFFICES.**—Section 404 of title 39, United States Code, is amended—

(1) by striking “(d)(1)” and all that follows through “present their views.” and inserting the following:

“(d)(1) The Postal Service, prior to making a determination under subsection (a)(3) of this section as to the necessity for the closing or consolidation of any post office, shall—

“(A) consider whether—

“(i) to close the post office or consolidate the post office and another post office located within a reasonable distance;

“(ii) instead of closing or consolidating the post office—

“(I) to reduce the number of hours a day that the post office operates; or

“(II) to continue operating the post office for the same number of hours a day;

“(iii) to procure a contract providing full, or less than full, retail services in the community served by the post office; or

“(iv) to provide postal services to the community served by the post office through a rural carrier;

“(B) provide postal customers served by the post office an opportunity to participate in a nonbinding survey conducted by mail on a preference for an option described in subparagraph (A); and

“(C) if the Postal Service determines to close or consolidate the post office, provide adequate notice of its intention to close or consolidate such post office at least 60 days prior to the proposed date of such closing or consolidation to persons served by such post office to ensure that such persons will have an opportunity to present their views.”; and

(2) in subsection (d)(5), in the first sentence—

(A) by inserting “, station, or branch” after “post office”;

(B) by inserting “, station, or branch” after “such office”; and

(C) by striking “under paragraph (3)”.’

(b) **RETAIL SERVICE STANDARDS.**—

(1) **DEFINITION.**—In this subsection, the term “retail postal service” means service that allows a postal customer to—

(A) purchase postage;

(B) enter packages into the mail; and

(C) procure other services offered by the Postal Service.

(2) **ESTABLISHMENT.**—Not later than 6 months after the date of enactment of this Act, the Postal Service shall exercise its authority under section 3691 of title 39, United States Code, to establish service standards for market-dominant products in order to guarantee customers of the

Postal Service regular and effective access to retail postal services nationwide (including in territories and possessions of the United States) on a reasonable basis.

(3) **CONTENTS.**—The service standards established under paragraph (2) shall—

(A) be consistent with—

(i) the obligations of the Postal Service under section 101(b) of title 39, United States Code; and

(ii) the contents of the plan developed under section 302 of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note), as amended by section 202 of this Act; and

(B) take into account factors including—

(i) geography, including the establishment of standards for the proximity of retail postal services to postal customers, including a consideration of the reasonable maximum time a postal customer should expect to travel to access a postal retail location;

(ii) population, including population density, demographic factors such as the age and disability status of individuals in the area to be served by a location providing postal retail services, and other factors that may impact the ability of postal customers, including businesses, to travel to a postal retail location;

(iii) the feasibility of offering retail access to postal services in addition to post offices, as described in section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note);

(iv) the requirement that the Postal Service serve remote areas and communities with transportation challenges, including communities in which the effects of inclement weather or other natural conditions might obstruct or otherwise impede access to retail postal services; and

(v) the ability of postal customers to access retail postal services in areas that were served by a post office that was closed or consolidated during the 1 year period ending on the date of enactment of this Act.

(c) **PROHIBITION ON CLOSING POST OFFICES.**—Notwithstanding section 404(d) of title 39, United States Code, during the period beginning on the date of enactment of this Act and ending on the date on which the Postal Service establishes the service standards under subsection (b), the Postal Service may not close a post office, except as required for the immediate protection of health and safety.

SEC. 205. CONVERSION OF DOOR DELIVERY POINTS.

(a) **IN GENERAL.**—Subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

“§3692. Conversion of door delivery points

“(a) **DEFINITIONS.**—In this section, the following definitions shall apply:

“(1) **CENTRALIZED DELIVERY POINT.**—The term ‘centralized delivery point’ means a group or cluster of mail receptacles at 1 delivery point that is within reasonable proximity of the street address associated with the delivery point.

“(2) **CURBLINE DELIVERY POINT.**—The term ‘curbline delivery point’ means a delivery point that is—

“(A) adjacent to the street address associated with the delivery point; and

“(B) accessible by vehicle on a street that is not a private driveway.

“(3) **DOOR DELIVERY POINT.**—The term ‘door delivery point’ means a delivery point at a door of the structure at a street address.

“(4) **SIDEWALK DELIVERY POINT.**—The term ‘sidewalk delivery point’ means a delivery point on a sidewalk adjacent to the street address associated with the delivery point.

“(b) **CONVERSION.**—Except as provided in subsection (c), and in accordance with the profitability plan required under section 401 and standards established by the Postal Service, the Postal Service is authorized to, to the maximum extent feasible, convert door delivery points to—

“(1) curbline delivery points;

“(2) sidewalk delivery points; or
 “(3) centralized delivery points.

“(c) EXCEPTIONS.—

“(1) CONTINUED DOOR DELIVERY.—The Postal Service may allow for the continuation of door delivery due to—

“(A) a physical hardship of a customer;

“(B) weather, in a geographic area where snow removal efforts could obstruct access to mailboxes near a road;

“(C) circumstances in an urban area that preclude efficient use of curbside delivery points;

“(D) other exceptional circumstances, as determined in accordance with regulations issued by the Postal Service; or

“(E) other circumstances in which the Postal Service determines that alternatives to door delivery would not be practical or cost effective.

“(2) NEW DOOR DELIVERY POINTS.—The Postal Service may provide door delivery to a new delivery point in a delivery area that received door delivery on the day before the date of enactment of this section, if the delivery point is established before the delivery area is converted from door delivery under subsection (b).

“(d) SOLICITATION OF COMMENTS.—The Postal Service shall establish procedures to solicit, consider, and respond to input from individuals affected by a conversion under this section.

“(e) REVIEW.—Subchapter V of this chapter shall not apply with respect to any action taken by the Postal Service under this section.

“(f) REPORT.—Not later than 60 days after the end of each fiscal year through fiscal year 2015, the Postal Service shall submit to Congress and the Inspector General of the Postal Service a report on the implementation of this section during the preceding fiscal year that—

“(1) includes the number of door delivery points—

“(A) that existed at the end of the fiscal year preceding the preceding fiscal year;

“(B) that existed at the end of the preceding fiscal year;

“(C) that, during the preceding fiscal year, converted to—

“(i) curbside delivery points or sidewalk delivery points;

“(ii) centralized delivery points; and

“(iii) any other type of delivery point; and

“(D) for which door delivery was continued under subsection (c)(1);

“(2) estimates any cost savings, revenue loss, or decline in the value of mail resulting from the conversions from door delivery that occurred during the preceding fiscal year;

“(3) describes the progress of the Postal Service toward achieving the conversions authorized under subsection (b); and

“(4) provides such additional information as the Postal Service considers appropriate.”

(b) CLERICAL AMENDMENT.—The table of sections for subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

“3692. Conversion of door delivery points.”

SEC. 206. LIMITATIONS ON CHANGES TO MAIL DELIVERY SCHEDULE.

(a) LIMITATION ON CHANGE IN SCHEDULE.—Notwithstanding any other provision of law—

(1) the Postal Service may not establish a general, nationwide delivery schedule of 5 or fewer days per week to street addresses under the authority of the Postal Service under title 39, United States Code, earlier than the date that is 24 months after the date of enactment of this Act; and

(2) on or after the date that is 24 months after the date of enactment of this Act, the Postal Service may establish a general, nationwide 5-day-per-week delivery schedule to street addresses under the authority of the Postal Service under section 3691 of title 39, United States Code, only in accordance with the requirements and limitations under this section.

(b) PRECONDITIONS.—If the Postal Service intends to establish a change in delivery schedule

under subsection (a)(2), the Postal Service shall—

(1) identify customers and communities for whom the change may have a disproportionate, negative impact, including the customers identified as “particularly affected” in the Advisory Opinion on Elimination of Saturday Delivery issued by the Commission on March 24, 2011;

(2) develop, to the maximum extent possible, measures to ameliorate any disproportionate, negative impact the change would have on customers and communities identified under paragraph (1), including, where appropriate, providing or expanding access to mailboxes for periodical mailers on days on which the Postal Service does not provide delivery;

(3) implement measures to increase revenue and reduce costs, including the measures authorized under the amendments made by sections 101, 102, 103, 205, and 209 of this Act;

(4) evaluate whether any increase in revenue or reduction in costs resulting from the measures implemented under paragraph (3) are sufficient to allow the Postal Service, without implementing a change in delivery schedule under subsection (a), to—

(A) become profitable by fiscal year 2015; and

(B) achieve long-term financial solvency; and

(5) not earlier than 15 months after the date of enactment of this Act and not later than 9 months before the effective date proposed by the Postal Service for the change, submit a report on the steps the Postal Service has taken to carry out this subsection to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives;

(B) the Comptroller General of the United States; and

(C) the Commission.

(c) REVIEW.—

(1) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 3 months after the date on which the Postal Service submits a report under subsection (b)(5), the Comptroller General shall submit to the Commission and to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that contains findings relating to each of the following:

(A) Whether the Postal Service has adequately complied with subsection (b)(3), taking into consideration the statutory authority of and limitations on the Postal Service.

(B) The accuracy of any statement by the Postal Service that the measures implemented under subsection (b)(3) have increased revenues or reduced costs, and the accuracy of any projection by the Postal Service relating to increased revenue or reduced costs resulting from the measures implemented under subsection (b)(3).

(C) The adequacy and methodological soundness of any evaluation conducted by the Postal Service under subsection (b)(4) that led the Postal Service to assert the necessity of a change in delivery schedule under subsection (a)(2).

(D) Whether, based on an analysis of the measures implemented by the Postal Service to increase revenues and reduce costs, projections of increased revenue and cost savings, and the details of the profitability plan required under section 401, a change in delivery schedule is necessary to allow the Postal Service to—

(i) become profitable by fiscal year 2015; and

(ii) achieve long-term financial solvency.

(2) POSTAL REGULATORY COMMISSION.—

(A) REQUEST.—Not later than 6 months before the proposed effective date of a change in delivery schedule under subsection (a), the Postal Service shall submit to the Commission a request for an advisory opinion relating to the change.

(B) ADVISORY OPINION.—

(i) IN GENERAL.—The Commission shall—

(I) issue an advisory opinion with respect to a request under subparagraph (A), in accordance

with the time limits for the issuance of advisory opinions under section 3661(b)(2) of title 39, United States Code, as amended by this Act; and

(II) submit the advisory opinion to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(ii) REQUIRED DETERMINATIONS.—An advisory opinion under clause (i) shall determine—

(I) whether the measures developed under subsection (b)(2) ameliorate any disproportionate, negative impact that a change in schedule may have on customers and communities identified under subsection (b)(1); and

(II) based on the report submitted by the Comptroller General under paragraph (1)—

(aa) whether the Postal Service has implemented measures to reduce operating losses as required under subsection (b)(3);

(bb) whether the implementation of the measures described in item (aa) has increased revenues or reduced costs, or is projected to further increase revenues or reduce costs in the future; and

(cc) whether a change in schedule under subsection (a)(2) is necessary to allow the Postal Service to—

(AA) become profitable by fiscal year 2015; and

(BB) achieve long-term financial solvency.

(3) PROHIBITION ON IMPLEMENTATION OF CHANGE IN SCHEDULE.—The Postal Service may not implement a change in delivery schedule under subsection (a)(2)—

(A) before the date on which the Comptroller General submits the report required under paragraph (1); and

(B) unless the Commission determines under paragraph (2)(B)(ii)(I)(cc) that the Comptroller General has concluded that the change is necessary to allow the Postal Service to become profitable by fiscal year 2015 and to achieve long-term financial solvency, without regard to whether the Commission determines that the change is advisable.

(d) ADDITIONAL LIMITATIONS.—

(1) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) authorize the reduction, or require an increase, in delivery frequency for any route for which the Postal Service provided delivery on fewer than 6 days per week on the date of enactment of this Act;

(B) authorize any change in—

(i) the days and times that postal retail service or any mail acceptance is available at postal retail facilities or processing facilities; or

(ii) the locations at which postal retail service or mail acceptance occurs at postal retail facilities or processing facilities;

(C) authorize any change in the frequency of delivery to a post office box;

(D) prohibit the collection or delivery of a competitive mail product on a weekend, a recognized Federal holiday, or any other specific day of the week; or

(E) prohibit the Postal Service from exercising its authority to make changes to processing or retail networks.

(2) PROHIBITION ON CONSECUTIVE DAYS WITHOUT MAIL DELIVERY.—The Postal Service shall ensure that, under any change in schedule under subsection (a)(2), at no time shall there be more than 2 consecutive days without mail delivery to street addresses, including recognized Federal holidays.

SEC. 207. TIME LIMITS FOR CONSIDERATION OF SERVICE CHANGES.

Section 3661 of title 39, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

“(b) PROPOSED CHANGES FOR MARKET-DOMINANT PRODUCTS.—

“(1) SUBMISSION OF PROPOSAL.—If the Postal Service determines that there should be a change in the nature of postal services relating

to market-dominant products that will generally affect service on a nationwide or substantially nationwide basis, the Postal Service shall submit a proposal to the Postal Regulatory Commission requesting an advisory opinion on the change.

“(2) **ADVISORY OPINION.**—Upon receipt of a proposal under paragraph (1), the Postal Regulatory Commission shall—

“(A) provide an opportunity for public comment on the proposal; and

“(B) issue an advisory opinion not later than—

“(i) 90 days after the date on which the Postal Regulatory Commission receives the proposal; or

“(ii) a date that the Postal Regulatory Commission and the Postal Service may, not later than 1 week after the date on which the Postal Regulatory Commission receives the proposal, determine jointly.

“(3) **RESPONSE TO OPINION.**—The Postal Service shall submit to the President and to Congress a response to an advisory opinion issued under paragraph (2) that includes—

“(A) a statement of whether the Postal Service plans to modify the proposal to address any concerns or implement any recommendations made by the Commission; and

“(B) for any concern that the Postal Service determines not to address and any recommendation that the Postal Service determines not to implement, the reasons for the determination.

“(4) **ACTION ON PROPOSAL.**—The Postal Service may take action regarding a proposal submitted under paragraph (1)—

“(A) on or after the date that is 30 days after the date on which the Postal Service submits the response required under paragraph (3);

“(B) on or after a date that the Postal Regulatory Commission and the Postal Service may, not later than 1 week after the date on which the Postal Regulatory Commission receives a proposal under paragraph (2), determine jointly; or

“(C) after the date described in paragraph (2)(B), if—

“(i) the Postal Regulatory Commission fails to issue an advisory opinion on or before the date described in paragraph (2)(B); and

“(ii) the action is not otherwise prohibited under Federal law.

“(5) **MODIFICATION OF TIMELINE.**—At any time, the Postal Service and the Postal Regulatory Commission may jointly redetermine a date determined under paragraph (2)(B)(ii) or (4)(B).”.

SEC. 208. PUBLIC PROCEDURES FOR SIGNIFICANT CHANGES TO MAILING SPECIFICATIONS.

(a) **NOTICE AND OPPORTUNITY FOR COMMENT REQUIRED.**—Effective on the date on which the Postal Service issues a final rule under subsection (c), before making a change to mailing specifications that could pose a significant burden to the customers of the Postal Service and that is not reviewed by the Commission, the Postal Service shall—

(1) publish a notice of the proposed change to the specification in the Federal Register;

(2) provide an opportunity for the submission of written comments concerning the proposed change for a period of not less than 30 days;

(3) after considering any comments submitted under paragraph (2) and making any modifications to the proposed change that the Postal Service determines are necessary, publish—

(A) the final change to the specification in the Federal Register;

(B) responses to any comments submitted under paragraph (2); and

(C) an analysis of the financial impact that the proposed change would have on—

(i) the Postal Service; and

(ii) the customers of the Postal Service that would be affected by the proposed change; and

(4) establish an effective date for the change to mailing specifications that is not earlier than 30 days after the date on which the Postal Service publishes the final change under paragraph (3).

(b) **EXCEPTION FOR GOOD CAUSE.**—If the Postal Service determines that there is an urgent and compelling need for a change to a mailing specification described in subsection (a) in order to avoid demonstrable harm to the operations of the Postal Service or to the public interest, the Postal Service may—

(1) change the mailing specifications by—

(A) issuing an interim final rule that—

(i) includes a finding by the Postal Service that there is good cause for the interim final rule;

(ii) provides an opportunity for the submission of written comments on the interim final rule for a period of not less than 30 days; and

(iii) establishes an effective date for the interim final rule that is not earlier than 30 days after the date on which the interim final rule is issued; and

(B) publishing in the Federal Register a response to any comments submitted under subparagraph (A)(ii); and

(2) waive the requirement under paragraph (1)(A)(iii) or subsection (a)(4).

(c) **RULES RELATING TO NOTICE AND COMMENT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Postal Service shall issue rules governing the provision of notice and opportunity for comment for changes in mailing specifications under subsection (a).

(2) **RULES.**—In issuing the rules required under paragraph (1), the Postal Service shall—

(A) publish a notice of proposed rulemaking in the Federal Register that includes proposed definitions of the terms “mailing specifications” and “significant burden”; and

(B) provide an opportunity for the submission of written comments concerning the proposed change for a period of not less than 30 days; and

(C) publish—

(i) the rule in final form in the Federal Register; and

(ii) responses to the comments submitted under subparagraph (B).

SEC. 209. NONPOSTAL PRODUCTS AND SERVICES.

(a) **IN GENERAL.**—Section 404 of title 39, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(B) by inserting after paragraph (5) the following:

“(6) after the date of enactment of the 21st Century Postal Service Act of 2012, and except as provided in subsection (e), to provide other services that are not postal services, after the Postal Regulatory Commission—

“(A) makes a determination that the provision of such services—

“(i) uses the processing, transportation, delivery, retail network, or technology of the Postal Service;

“(ii) is consistent with the public interest and a demonstrated or potential public demand for—

“(I) the Postal Service to provide the services instead of another entity providing the services; or

“(II) the Postal Service to provide the services in addition to another entity providing the services;

“(iii) would not create unfair competition with the private sector; and

“(iv) has the potential to improve the net financial position of the Postal Service, based on a market analysis provided to the Postal Regulatory Commission by the Postal Service; and

“(B) for services that the Postal Regulatory Commission determines meet the criteria under subparagraph (A), classifies each such service as a market-dominant product, competitive product, or experimental product, as required under chapter 36 of title 39, United States Code;”;

(2) in subsection (e)(2), by striking “Nothing” and all that follows through “except that the” and inserting “The”.

(b) **MARKET ANALYSIS.**—During the 5-year period beginning on the date of enactment of this Act, the Postal Service shall submit a copy of any market analysis provided to the Commission under section 404(a)(6)(A)(iv) of title 39, United States Code, as amended by this section, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

TITLE III—FEDERAL EMPLOYEES’ COMPENSATION ACT

SEC. 301. SHORT TITLE; REFERENCES.

(a) **SHORT TITLE.**—This title may be cited as the “Workers’ Compensation Reform Act of 2012”.

(b) **REFERENCES.**—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 5, United States Code.

SEC. 302. FEDERAL WORKERS COMPENSATION REFORMS FOR RETIREMENT-AGE EMPLOYEES.

(a) **CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.**—

(1) **DEFINITIONS.**—Section 8101 is amended

(A) in paragraph (18), by striking “and” at the end;

(B) in paragraph (19), by striking “and” at the end;

(C) in paragraph (20), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(21) ‘retirement age’ has the meaning given that term under section 216(l)(1) of the Social Security Act (42 U.S.C. 416(l)(1));

“(22) ‘covered claim for total disability’ means a claim for a period of total disability that commenced before the date of enactment of the Workers’ Compensation Reform Act of 2012;

“(23) ‘covered claim for partial disability’ means a claim for a period of partial disability that commenced before the date of enactment of the Workers’ Compensation Reform Act of 2012; and

“(24) ‘individual who has an exempt disability condition’ means an individual—

“(A) who—

“(i) is eligible to receive continuous periodic compensation for total disability under section 8105 on the date of enactment of the Workers’ Compensation Reform Act of 2012; and

“(ii) meets the criteria under section 8105(c);

“(B) who, on the date of enactment of the Workers’ Compensation Reform Act of 2012—

“(i) is eligible to receive continuous periodic compensation for total disability under section 8105; and

“(ii) has sustained a currently irreversible severe mental or physical disability for which the Secretary of Labor has authorized, for at least the 1-year period ending on the date of enactment of the Workers’ Compensation Reform Act of 2012, constant in-home care or custodial care, such as placement in a nursing home; or

“(C) who is eligible to receive continuous periodic compensation for total disability under section 8105—

“(i) for not less than the 3-year period ending on the date of enactment of the Workers’ Compensation Reform Act of 2012; or

“(ii) if the individual became eligible to receive continuous periodic compensation for total disability under section 8105 during the period beginning on the date that is 3 years before the date of enactment of the Workers’ Compensation Reform Act of 2012 and ending on such date of enactment, for not less than the 3-year period beginning on the date on which the individual became eligible.”.

(2) **TOTAL DISABILITY.**—Section 8105 is amended—

(A) in subsection (a), by striking “If” and inserting “IN GENERAL.—Subject to subsection (b), if”;

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

“(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for total disability for an employee who has attained retirement age shall be 50 percent of the monthly pay of the employee.

“(2) EXCEPTIONS.—

“(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE OR HAVE AN EXEMPT DISABILITY CONDITION.—Paragraph (1) shall not apply to a covered claim for total disability by an employee if the employee—

“(i) on the date of enactment of the Workers’ Compensation Reform Act of 2012, has attained retirement age; or

“(ii) is an individual who has an exempt disability condition.

“(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for total disability by an employee who is not an employee described in subparagraph (A), the employee shall receive the basic compensation for total disability provided under subsection (a) until the later of—

“(i) the date on which the employee attains retirement age; and

“(ii) the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2012.”

(3) PARTIAL DISABILITY.—Section 8106 is amended—

(A) in subsection (a), by striking “If” and inserting “IN GENERAL.—Subject to subsection (b), if”;

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

“(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for partial disability for an employee who has attained retirement age shall be 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability.

“(2) EXCEPTIONS.—

“(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE.—Paragraph (1) shall not apply to a covered claim for partial disability by an employee if, on the date of enactment of the Workers’ Compensation Reform Act of 2012, the employee has attained retirement age.

“(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for partial disability by an employee who is not an employee described in subparagraph (A), the employee shall receive basic compensation for partial disability in accordance with subsection (a) until the later of—

“(i) the date on which the employee attains retirement age; and

“(ii) the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2012.”

SEC. 303. AUGMENTED COMPENSATION FOR DEPENDENTS.

(a) IN GENERAL.—Section 8110 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b) TERMINATION OF AUGMENTED COMPENSATION.—

“(1) IN GENERAL.—Subject to paragraph (2), augmented compensation for dependants under subsection (c) shall not be provided.

“(2) EXCEPTIONS.—

“(A) TOTAL DISABILITY.—For a covered claim for total disability by an employee—

“(i) the employee shall receive augmented compensation under subsection (c) if the employee is an individual who has an exempt disability condition; and

“(ii) the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2012 if the employee is not an employee described in clause (i).

“(B) PARTIAL DISABILITY.—For a covered claim for partial disability by an employee, the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2012.

“(C) PERMANENT DISABILITY COMPENSATED BY A SCHEDULE.—For a claim for a permanent disability described in section 8107(a) by an employee that commenced before the date of enactment of the Workers’ Compensation Reform Act of 2012, the employee shall receive augmented compensation under subsection (c).”

(b) MAXIMUM AND MINIMUM MONTHLY PAYMENTS.—Section 8112 is amended—

(1) in subsection (a)—

(A) by inserting “subsections (b) and (c) and” before “section 8138”; and

(B) by striking “including augmented compensation under section 8110 of this title but”; and

(C) by striking “75 percent” each place it appears and inserting “66⅔ percent”;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

“(b) EXCEPTIONS.—

“(1) COVERED DISABILITY CONDITION.—For a covered claim for total disability by an employee, if the employee is an individual who has an exempt disability condition—

“(A) the monthly rate of compensation for disability that is subject to the maximum and minimum monthly amounts under subsection (a) shall include any augmented compensation under section 8110; and

“(B) subsection (a) shall be applied by substituting ‘75 percent’ for ‘66⅔ percent’ each place it appears.

“(2) PARTIAL DISABILITY.—For a covered claim for partial disability by an employee, until the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2012—

“(A) the monthly rate of compensation for disability that is subject to the maximum and minimum monthly amounts under subsection (a) shall include any augmented compensation under section 8110; and

“(B) subsection (a) shall be applied by substituting ‘75 percent’ for ‘66⅔ percent’ each place it appears.”; and

(4) in subsection (c), as redesignated by paragraph (2), by striking “subsection (a)” and inserting “subsections (a) and (b)”.

(c) DEATH BENEFITS GENERALLY.—Section 8133 is amended—

(1) in subsections (a) and (e), by striking “75 percent” each place it appears and inserting “66⅔ percent (except as provided in subsection (g))”; and

(2) by adding at the end the following:

“(g) If the death occurred before the date of enactment of the Workers’ Compensation Reform Act of 2012, subsections (a) and (e) shall be applied by substituting ‘75 percent’ for ‘66⅔ percent’ each place it appears.”

(d) DEATH BENEFITS FOR CIVIL AIR PATROL VOLUNTEERS.—Section 8141 is amended—

(1) in subsection (b)(2)(B) by striking “75 percent” and inserting “66⅔ percent (except as provided in subsection (c))”; and

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

“(c) If the death occurred before the date of enactment of the Workers’ Compensation Reform Act of 2012, subsection (b)(2)(B) shall be applied by substituting ‘75 percent’ for ‘66⅔ percent’.”

SEC. 304. SCHEDULE COMPENSATION PAYMENTS.

Section 8107 is amended—

(1) in subsection (a), by striking “at the rate of 66⅔ percent of his monthly pay” and inserting “at the rate specified under subsection (d)”; and

(2) by adding at the end the following:

“(d) RATE FOR COMPENSATION.—

“(1) ANNUAL SALARY.—

“(A) IN GENERAL.—Except as provided in paragraph (2), the rate under subsection (a) shall be the rate of 66⅔ percent of the annual salary level established under subparagraph (B), in a lump sum equal to the present value (as calculated under subparagraph (C)) of the amount of compensation payable under the schedule.

“(B) ESTABLISHMENT.—

“(i) IN GENERAL.—The Secretary of Labor shall establish an annual salary for purposes of subparagraph (A) in the amount the Secretary determines will result in the aggregate cost of payments made under this section being equal to what would have been the aggregate cost of payments under this section if the amendments made by section 304(a) of the Workers’ Compensation Reform Act of 2012 had not been enacted.

“(ii) COST OF LIVING ADJUSTMENT.—The annual salary established under clause (i) shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.

“(C) PRESENT VALUE.—The Secretary of Labor shall calculate the present value for purposes of subparagraph (A) using a rate of interest equal to the average market yield for outstanding marketable obligations of the United States with a maturity of 2 years on the first business day of the month in which the compensation is paid or, in the event that such marketable obligations are not being issued on such date, at an equivalent rate selected by the Secretary of Labor, true discount compounded annually.

“(2) CERTAIN INJURIES.—For an injury that occurred before the date of enactment of the Workers’ Compensation Reform Act of 2012, the rate under subsection (a) shall be 66⅔ percent of the employee’s monthly pay.

“(e) SIMULTANEOUS RECEIPT.—

“(1) TOTAL DISABILITY.—An employee who receives compensation for total disability under section 8105 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for total disability after the earlier of—

“(A) the date on which the basic compensation for total disability of the employee becomes 50 percent of the monthly pay of the employee under section 8105(b); or

“(B) the date on which augmented compensation of the employee terminates under section 8110(b)(2)(A)(ii), if the employee receives such compensation.

“(2) PARTIAL DISABILITY.—An employee who receives benefits for partial disability under section 8106 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for partial disability after the earlier of—

“(A) the date on which the basic compensation for partial disability of the employee becomes 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability under section 8106(b); or

“(B) the date on which augmented compensation of the employee terminates under section

8110(b)(2)(B), if the employee receives such compensation.”.

SEC. 305. VOCATIONAL REHABILITATION.

(a) IN GENERAL.—Section 8104 is amended—

(1) in subsection (a)—

(A) by striking “(a) The Secretary of Labor may” and all that follows through “undergo vocational rehabilitation.” and inserting the following:

“(a) IN GENERAL.—

“(1) DIRECTION.—Except as provided in paragraph (2), not earlier than the date that is 6 months after the date on which an individual eligible for wage-loss compensation under section 8105 or 8106 is injured, or by such other date as the Secretary of Labor determines it would be reasonable under the circumstances for the individual to begin vocational rehabilitation, and if vocational rehabilitation may enable the individual to become capable of more gainful employment, the Secretary of Labor shall direct the individual to participate in developing a comprehensive return to work plan and to undergo vocational rehabilitation at a location a reasonable distance from the residence of the individual.”;

(B) by striking “the Secretary of Health, Education, and Welfare in carrying out the purposes of chapter 4 of title 29” and inserting “the Secretary of Education in carrying out the purposes of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.)”;

(C) by striking “under section 32(b)(1) of title 29” and inserting “under section 5 of the Rehabilitation Act of 1973 (29 U.S.C. 704)”;

(D) by adding at the end the following:

“(2) EXCEPTION.—The Secretary of Labor may not direct an individual who has attained retirement age to participate in developing a comprehensive return to work plan or to undergo vocational rehabilitation.”;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

“(b) CONTENTS OF RETURN TO WORK PLAN.—A return to work plan developed under subsection (a)—

“(1) shall—

“(A) set forth specific measures designed to increase the wage-earning capacity of an individual;

“(B) take into account the prior training and education of the individual and the training, educational, and employment opportunities reasonably available to the individual; and

“(C) provide that any employment undertaken by the individual under the return to work plan be at a location a reasonable distance from the residence of the individual;

“(2) may provide that the Secretary will pay out of amounts in the Employees’ Compensation Fund reasonable expenses of vocational rehabilitation (which may include tuition, books, training fees, supplies, equipment, and child or dependent care) during the course of the plan; and

“(3) may not be for a period of more than 2 years, unless the Secretary finds good cause to grant an extension, which may be for not more than 2 years.”;

(4) in subsection (c), as so redesignated—

(A) by inserting “COMPENSATION.—” before “Notwithstanding”; and

(B) by striking “, other than employment undertaken pursuant to such rehabilitation”; and

(5) by adding at the end the following:

“(d) ASSISTED REEMPLOYMENT AGREEMENTS.—

“(1) IN GENERAL.—The Secretary may enter into an assisted reemployment agreement with an agency or instrumentality of any branch of the Federal Government or a State or local government or a private employer that employs an individual eligible for wage-loss compensation under section 8105 or 8106 to enable the individual to return to productive employment.

“(2) CONTENTS.—An assisted reemployment agreement under paragraph (1)—

“(A) may provide that the Secretary will use amounts in the Employees’ Compensation Fund to reimburse an employer in an amount equal to not more than 100 percent of the compensation the individual would otherwise receive under section 8105 or 8106; and

“(B) may not be for a period of more than 3 years.

“(e) LIST.—To facilitate the hiring of individuals eligible for wage-loss compensation under section 8105 or 8106, the Secretary shall provide a list of such individuals to the Office of Personnel Management, which the Office of Personnel Management shall provide to all agencies and instrumentalities of the Federal Government.”.

(b) EMPLOYEES’ COMPENSATION FUND.—Section 8147 is amended by adding at the end:

“(d) Notwithstanding subsection (b), any benefits or other payments paid to or on behalf of an employee under this subchapter or any extension or application thereof for a recurrence of injury, consequential injury, aggravation of injury, or increase in percentage of impairment to a member for which compensation is provided under the schedule under section 8107 suffered in a permanent position with an agency or instrumentality of the United States while the employment with the agency or instrumentality is covered under an assisted reemployment agreement entered into under section 8104(d) shall not be included in total cost of benefits and other payments in the statement provided to the agency or instrumentality under subsection (b) if the injury was originally incurred in a position not covered by an assisted reemployment agreement.”.

(c) TERMINATION OF VOCATIONAL REHABILITATION REQUIREMENT AFTER RETIREMENT AGE.—Section 8113(b) is amended by adding at the end the following: “An individual who has attained retirement age may not be required to undergo vocational rehabilitation.”.

(d) MANDATORY BENEFIT REDUCTION FOR NONCOMPLIANCE.—Section 8113(b) is amended by striking “may reduce” and inserting “shall reduce”.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subchapter III of chapter 15 of title 31, United States Code, is amended by adding at the end the following:

“§1538. Authorization for assisted reemployment

“Funds may be transferred from the Employees’ Compensation Fund established under section 8147 of title 5 to the applicable appropriations account for an agency or instrumentality of any branch of the Federal Government for the purposes of reimbursing the agency or instrumentality in accordance with an assisted reemployment agreement entered into under section 8104 of title 5.”.

(2) TABLE OF SECTIONS.—The table of sections for chapter 15 of title 31, United States Code, is amended by inserting after the item relating to section 1537 the following:

“1538. Authorization for assisted reemployment.”.

SEC. 306. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Chapter 81 is amended by inserting after section 8106 the following:

“§8106a. Reporting requirements

“(a) DEFINITION.—In this section, the term ‘employee receiving compensation’ means an employee who—

“(1) is paid compensation under section 8105 or 8106; and

“(2) has not attained retirement age.

“(b) AUTHORITY.—The Secretary of Labor shall require an employee receiving compensation to report the earnings of the employee receiving compensation from employment or self-employment, by affidavit or otherwise, in the manner and at the times the Secretary specifies.

“(c) CONTENTS.—An employee receiving compensation shall include in a report required

under subsection (a) the value of housing, board, lodging, and other advantages which are part of the earnings of the employee receiving compensation in employment or self-employment and the value of which can be estimated.

“(d) FAILURE TO REPORT AND FALSE REPORTS.—

“(1) IN GENERAL.—An employee receiving compensation who fails to make an affidavit or other report required under subsection (b) or who knowingly omits or understates any part of the earnings of the employee in such an affidavit or other report shall forfeit the right to compensation with respect to any period for which the report was required.

“(2) FORFEITED COMPENSATION.—Compensation forfeited under this subsection, if already paid to the employee receiving compensation, shall be recovered by a deduction from the compensation payable to the employee or otherwise recovered under section 8129, unless recovery is waived under that section.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 81 is amended by inserting after the item relating to section 8106 the following:

“8106a. Reporting requirements.”.

SEC. 307. DISABILITY MANAGEMENT REVIEW; INDEPENDENT MEDICAL EXAMINATIONS.

Section 8123 is amended by adding at the end the following:

“(e) DISABILITY MANAGEMENT REVIEW.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘covered employee’ means an employee who is in continuous receipt of compensation for total disability under section 8105 for a period of not less than 6 months; and

“(B) the term ‘disability management review process’ means the disability management review process established under paragraph (2)(A).

“(2) ESTABLISHMENT.—The Secretary of Labor shall—

“(A) establish a disability management review process for the purpose of certifying and monitoring the disability status and extent of injury of each covered employee; and

“(B) promulgate regulations for the administration of the disability management review process.

“(3) PHYSICAL EXAMINATIONS REQUIRED.—Under the disability management review process, the Secretary of Labor shall periodically require covered employees to submit to physical examinations under subsection (a) by physicians selected by the Secretary. A physician conducting a physical examination of a covered employee shall submit to the Secretary a report regarding the nature and extent of the injury to and disability of the covered employee.

“(4) FREQUENCY.—

“(A) IN GENERAL.—The regulations promulgated under paragraph (2)(B) shall specify the process and criteria for determining when and how frequently a physical examination should be conducted for a covered employee.

“(B) MINIMUM FREQUENCY.—

“(i) INITIAL.—An initial physical examination shall be conducted not more than a brief period after the date on which a covered employee has been in continuous receipt of compensation for total disability under section 8015 for 6 months.

“(ii) SUBSEQUENT EXAMINATIONS.—After the initial physical examination, physical examinations of a covered employee shall be conducted not less than once every 3 years.

“(5) EMPLOYING AGENCY OR INSTRUMENTALITY REQUESTS.—

“(A) IN GENERAL.—The agency or instrumentality employing an employee who has made a claim for compensation for total disability under section 8105 may at any time submit a request for the Secretary of Labor to promptly require the employee to submit to a physical examination under this subsection.

“(B) REQUESTING OFFICER.—A request under subparagraph (A) shall be made on behalf of an agency or instrumentality by—

“(i) the head of the agency or instrumentality;

“(ii) the Chief Human Capital Officer of the agency or instrumentality; or

“(iii) if the agency or instrumentality does not have a Chief Human Capital Officer, an officer with responsibilities similar to those of a Chief Human Capital Officer designated by the head of the agency or instrumentality to make requests under this paragraph.

“(C) INFORMATION.—A request under subparagraph (A) shall be in writing and accompanied by—

“(i) a certification by the officer making the request that the officer has reviewed the relevant material in the employee's file;

“(ii) an explanation of why the officer has determined, based on the materials in the file and other information known to the officer, that requiring a physical examination of the employee under this subsection is necessary; and

“(iii) copies of the materials relating to the employee that are relevant to the officer's determination and request, unless the agency or instrumentality has a reasonable basis for not providing the materials.

“(D) EXAMINATION.—If the Secretary of Labor receives a request under this paragraph before an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall promptly require the physical examination of the employee. A physical examination under this subparagraph shall satisfy the requirement under paragraph (4)(B)(i) that an initial physical examination be conducted.

“(E) AFTER INITIAL EXAMINATION.—

“(i) IN GENERAL.—If the Secretary of Labor receives a request under this paragraph after an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall—

“(I) review the request and the information, explanation, and other materials submitted with the request; and

“(II) determine whether to require the physical examination of the employee who is the subject of the request.

“(ii) NOT GRANTED.—If the Secretary determines not to grant a request described in clause (i), the Secretary shall promptly notify the officer who made the request and provide an explanation of the reasons why the request was denied.”.

SEC. 308. WAITING PERIOD.

(a) IN GENERAL.—Section 8117 is amended—

(1) in the section heading, by striking “Time of accrual of right” and inserting “Waiting period”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “An employee” and all that follows through “is not entitled” and inserting “IN GENERAL.—An employee is not entitled to continuation of pay within the meaning of section 8118 for the first 3 days of temporary disability or, if section 8118 does not apply, is not entitled”;

(B) in paragraph (1), by adding “or” at the end;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2); and

(3) in subsection (b)—

(A) by striking “A Postal Service” the first place it appears and all that follows through “A Postal Service” the second place it appears and inserting “USE OF LEAVE.—An”;

(B) by striking “that 3-day period” and inserting “the first 3 days of temporary disability”;

(C) by striking “or is followed by permanent disability”.

(b) CONTINUATION OF PAY.—Section 8118 is amended—

(1) in the section heading, by striking “; election to use annual or sick leave”;

(2) in subsection (b)(1), by striking “section 8117(b)” and inserting “section 8117”;

(3) by striking subsection (c); and

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 81 is amended by striking the items relating to sections 8117 and 8118 and inserting the following:

“8117. Waiting period.

“8118. Continuation of pay.”.

SEC. 309. ELECTION OF BENEFITS.

(a) IN GENERAL.—Section 8116 is amended by adding at the end the following:

“(e) RETIREMENT BENEFITS.—

“(1) IN GENERAL.—An individual entitled to compensation benefits payable under this subchapter and under chapter 83 or 84 or any other retirement system for employees of the Government, for the same period, shall elect which benefits the individual will receive.

“(2) ELECTION.—

“(A) DEADLINE.—An individual shall make an election under paragraph (1) in accordance with such deadlines as the Secretary of Labor shall establish, which shall be a reasonable period after the individual has received notice of a final determination that the individual is entitled to compensation benefits payable under this subchapter.

“(B) REVOCABILITY.—An election under paragraph (1) shall be revocable, notwithstanding any other provision of law, except for any period during which an individual—

“(i) was qualified for benefits payable under both this subchapter and under a retirement system described in paragraph (1); and

“(ii) was paid benefits under the retirement system after having been notified of eligibility for benefits under this subchapter.

“(3) INFORMED CHOICE.—The Secretary of Labor shall provide information, and shall ensure that information is provided, to an individual described in paragraph (1) about the benefits available to the individual under this subchapter or under chapter 83 or 84 or any other retirement system referred to in paragraph (1) the individual may elect to receive.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Sections 8337(f)(3) and 8464a(a)(3) are each amended by striking “Paragraphs” and inserting “Except as provided under chapter 81, paragraphs”.

SEC. 310. SANCTION FOR NONCOOPERATION WITH FIELD NURSES.

Section 8123, as amended by section 307, is amended by adding at the end the following:

“(f) FIELD NURSES.—

“(1) DEFINITION.—In this subsection, the term ‘field nurse’ means a registered nurse that assists the Secretary in the medical management of disability claims under this subchapter and provides claimants with assistance in coordinating medical care.

“(2) AUTHORIZATION.—The Secretary may use field nurses to coordinate medical services and vocational rehabilitation programs for injured employees under this subchapter. If an employee refuses to cooperate with a field nurse or obstructs a field nurse in the performance of duties under this subchapter, the right to compensation under this subchapter shall be suspended until the refusal or obstruction stops.”.

SEC. 311. SUBROGATION OF CONTINUATION OF PAY.

(a) IN GENERAL.—Section 8131 is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting “continuation of pay or” before “compensation”;

(2) in subsection (b), by inserting “continuation of pay or” before “compensation”;

(3) in subsection (c)—

(A) by inserting “continuation of pay or” before “compensation already paid”;

(B) by inserting “continuation of pay or” before “compensation payable”.

(b) ADJUSTMENT AFTER RECOVERY FROM A THIRD PERSON.—Section 8132 is amended—

(1) in the first sentence—

(A) by inserting “continuation of pay or” before “compensation is payable”;

(B) by inserting “continuation of pay or” before “compensation from the United States”;

(C) by striking “by him or in his behalf” and inserting “by the beneficiary or on behalf of the beneficiary”;

(D) by inserting “continuation of pay and” before “compensation paid by the United States”;

(E) by striking “compensation payable to him” and inserting “continuation of pay or compensation payable to the beneficiary”;

(2) in the second sentence, by striking “his designee” and inserting “the designee of the beneficiary”;

(3) in the fourth sentence, by striking “If compensation” and all that follows through “payable to him by the United States” and inserting “If continuation of pay or compensation has not been paid to the beneficiary, the money or property shall be credited against continuation of pay or compensation payable to the beneficiary by the United States”.

SEC. 312. INTEGRITY AND COMPLIANCE.

(a) IN GENERAL.—Subchapter I of chapter 81 is amended by adding at the end the following:

“§8153. Integrity and Compliance Program

“(a) DEFINITIONS.—In this section—

“(1) the term ‘FECA program’ means the Federal Employees Compensation Program administered under this subchapter;

“(2) the term ‘Integrity and Compliance Program’ means the Integrity and Compliance Program established under subsection (b);

“(3) the term ‘provider’ means a provider of medical or other services under the FECA program; and

“(4) the term ‘Secretary’ means the Secretary of Labor.

“(b) INTEGRITY AND COMPLIANCE PROGRAM.—Not later than 270 days after the date of enactment of this section, the Secretary shall establish an Integrity and Compliance Program for the purpose of preventing, identifying, and recovering improper payments (including improper payments obtained by fraud) for the FECA program, which shall include—

“(1) procedures for identifying potentially improper payments (including improper payments obtained by fraud) before payment is made to claimants and providers, including, where appropriate, predictive analytics;

“(2) reviews after payment is made to identify potentially improper payments (including improper payments obtained by fraud) to claimants and providers;

“(3) on-going screening and verification procedures to ensure the continued eligibility of medical providers to provide services under the FECA program, including licensure, Federal disbarment, and the existence of relevant criminal convictions;

“(4) provision of appropriate information, education, and training to claimants and providers on requirements to ensure the integrity of the FECA program, including payments under the FECA program;

“(5) appropriate controls and audits to ensure that providers adopt internal controls and procedures for compliance with requirements under the FECA program;

“(6) procedures to ensure—

“(A) initial and continuing eligibility of claimants for compensation, benefits, or services under the FECA program; and

“(B) ongoing verification of databases of information relating to claimants to ensure accuracy and completeness; and

“(7) appropriately sharing and accessing data and information with other agencies and instrumentalities of the United States, including the United States Postal Service.

“(c) INTERAGENCY COOPERATION ON ANTI-FRAUD EFFORTS.—

“(1) IN GENERAL.—In administering the FECA program, including the Integrity and Compliance Program, the Secretary shall cooperate

with other agencies and instrumentalities of the United States (including the United States Postal Service) and the Inspectors General of such agencies and instrumentalities to prevent, identify, and recover improper payments (including improper payments obtained by fraud) under the FECA program.

“(2) TASK FORCE.—

“(A) IN GENERAL.—There is established a task force, which shall be known as the FECA Integrity and Compliance Task Force (in this paragraph referred to as the ‘Task Force’).

“(B) MEMBERSHIP.—The members of the Task Force shall be—

“(i) the Secretary, who shall serve as the Chairperson of the Task Force;

“(ii) the Postmaster General, who shall serve as the Vice Chairperson of the Task Force;

“(iii) the Attorney General;

“(iv) the Director of the Office of Management and Budget;

“(v) the Inspector General of the Department of Labor;

“(vi) the Inspector General of the United States Postal Service;

“(vii) the Inspectors General of other appropriate agencies and instrumentalities of the United States that employ a significant number of individuals receiving compensation, benefits, or services under the FECA program, as determined by the Chairperson and Vice Chairperson of the Task Force; and

“(viii) other appropriate Federal officials, as determined by the Chairperson and Vice Chairperson of the Task Force.

“(C) DUTIES.—The Task Force shall—

“(i) set forth, in writing, a description of the respective roles and responsibilities in preventing, identifying, recovering, and prosecuting fraud under, and otherwise ensuring integrity and compliance of, the FECA program of—

“(I) the Secretary (including subordinate officials such as the Director of the Office of Workers’ Compensation Programs);

“(II) the Inspector General of the Department of Labor;

“(III) the Inspectors General of agencies and instrumentalities of the United States that employ claimants under the FECA program;

“(IV) the Attorney General; and

“(V) any other relevant officials;

“(ii) develop procedures for sharing information of possible fraud under the FECA program or other intentional misstatements by claimants or providers under the FECA program, including procedures addressing—

“(I) notification of appropriate officials of the Department of Labor of potential fraud or intentional misstatements, including provision of supporting information;

“(II) timely and appropriate response by officials of the Department of Labor to notifications described in subclause (I);

“(III) the inclusion of information and evidence relating to fraud and other intentional misstatements in criminal, civil, and administrative proceedings relating to the provision of compensation, benefits, or medical services (including payments to providers) under the FECA program;

“(IV) the coordination of criminal investigations with the administration of the FECA program; and

“(V) the protection of information relating to an investigation of possible fraud under the FECA program from potential disclosure, including requirements that enable investigative files to be appropriately separated from case management files;

“(iii) not later than 1 year after the date of enactment of this section, submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on Education and the Workforce of the House of Representatives a report that includes the description and procedures required under clauses (i) and (ii).

“(d) IMPROVEMENTS TO ACCESS OF FEDERAL DATABASES.—

“(1) IN GENERAL.—The Secretary, the Postmaster General, the Inspector General of the United States Postal Service, and the Inspector General of the Department of Labor shall have access to and make use of the agency databases described in this subsection in order to improve compliance with the requirements under and the integrity of the FECA program.

“(2) SOCIAL SECURITY EARNINGS INFORMATION.—

“(A) IN GENERAL.—Notwithstanding section 552a or any other provision of Federal or State law, upon written request, the Commissioner of Social Security shall make available to the Secretary, the Inspector General of the Department of Labor, the Postmaster General, and the Inspector General of the United States Postal Service the Social Security earnings information of a living or deceased employee required by the Secretary to carry out this subchapter.

“(B) PROCEDURES.—The Secretary shall establish procedures for correlating the identity and status of recipients of compensation, benefits, or services under this subchapter with Social Security earnings information described in subparagraph (A).

“(3) OFFICE OF PERSONNEL MANAGEMENT FEDERAL RETIREE DATABASE.—Notwithstanding section 552a or any other provision of Federal or State law, upon written request, the Director of the Office of Personnel Management shall make available to the Secretary, the Inspector General of the Department of Labor, the Postmaster General, and the Inspector General of the United States Postal Service the information in the databases of Federal employees and retirees maintained by the Director.

“(4) DEPARTMENT OF VETERANS AFFAIRS BENEFICIARIES DATABASE.—Notwithstanding section 552a or any other provision of Federal or State law, upon written request, the Secretary of Veterans Affairs shall make available to the Secretary, the Inspector General of the Department of Labor, the Postmaster General, and the Inspector General of the United States Postal Service the information in the database of disabled individuals maintained by the Secretary of Veterans Affairs.

“(5) NATIONAL DIRECTORY OF NEW HIRES.—Notwithstanding section 552a, section 453(j) of the Social Security Act (42 U.S.C. 653(j)), or any other provision of Federal or State law, upon written request, the Secretary of Health and Human Services shall make available to the Secretary, the Inspector General of the Department of Labor, the Postmaster General, the Inspector General of the United States Postal Service, and the Comptroller General of the United States the information in the National Directory of New Hires. The Comptroller General may obtain information from the National Directory of New Hires under this paragraph for any audit, evaluation, or investigation, including any audit, evaluation, or investigation relating to program integrity.

“(6) PROVISION.—Information requested under this subsection shall be provided—

“(A) in a timely manner;

“(B) at a reasonable cost to the Secretary, the Inspector General of the Department of Labor, the Postmaster General, the Inspector General of the United States Postal Service, or the Comptroller General of the United States; and

“(C) in the manner, frequency, and form reasonably specified by the officer making the request, which, upon request, shall include electronic form.

“(7) ASSESSMENT OF DATA COST-EFFECTIVENESS.—

“(A) IN GENERAL.—The Secretary shall consider and assess procedures for correlating the identity and status of recipients of compensation, benefits, or services under this subchapter with information relating to employees, retirees, and individuals described in paragraphs (3), (4), and (5).

“(B) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on Education and the Workforce of the House of Representatives a report on the cost-effectiveness of the use of the databases described in paragraphs (3), (4), and (5) for program compliance and integrity. The report required under this subparagraph may be included as part of the report required under subsection (f).

“(8) UNITED STATES POSTAL SERVICE FECA ENROLLEE DATABASE.—Not later than 180 days after the date of enactment of this section, in order to track, verify, and communicate with the Secretary and other relevant entities, the Postmaster General shall establish an electronic database of information relating to employees of the United States Postal Service who have applied for or are receiving compensation, benefits, or services under this subchapter.

“(e) GENERAL PROTOCOLS AND SECURITY.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—In order to ensure strong information security and privacy standards, the Secretary, the Postmaster General, the Inspector General of the Department of Labor, and the Inspector General of the United States Postal Service shall establish protocols for the secure transfer and storage of any information provided to an individual or entity under this section.

“(B) CONSIDERATIONS.—In establishing protocols under subparagraph (A), the Secretary, the Postmaster General, the Inspector General of the Department of Labor, and the Inspector General of the United States Postal Service shall consider any recommendations submitted to the Secretary by the Inspector General of the Department of Health and Human Services with respect to the secure transfer and storage of information, and to comply with privacy laws and best practices.

“(C) FRAUD CASE PROTECTION.—The Secretary, the Postmaster General, the Inspector General of the Department of Labor, and the Inspector General of the United States Postal Service shall establish protocols and procedures to enable information and materials relating to an active investigation of possible fraud relating to the FECA program to be appropriately kept separate from the files for employees relating to the provision of compensation, benefits, or services under the FECA program.

“(2) COMPLIANCE.—The Secretary, the Postmaster General, the Inspector General of the Department of Labor, and the Inspector General of the United States Postal Service shall ensure that any information provided to an individual or entity under this section is provided in accordance with protocols established under paragraph (1).

“(f) REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter for 5 years, the Secretary shall submit a report on the activities of the Secretary under this section, including implementation of the Integrity and Compliance Program, to—

“(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(2) the Committee on Oversight and Government Reform and the Committee on Education and the Workforce of the House of Representatives.

“(g) GAO REVIEW.—The Comptroller General of the United States shall—

“(1) conduct periodic reviews of the Integrity and Compliance Program; and

“(2) submit reports on the results of the reviews under paragraph (1) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on Education and the Workforce of the House of Representatives not later than—

“(A) 2 years after the date of enactment of this section; and

“(B) 3 years after submission of the report under subparagraph (A).”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 81 is amended by inserting after the item relating to section 8152 the following:

“8153. Integrity and Compliance Program.”.

SEC. 313. AMOUNT OF COMPENSATION.

(a) **INJURIES TO FACE, HEAD, AND NECK.**—Section 8107(c)(21) is amended—

(1) by striking “not to exceed \$3,500” and inserting “in proportion to the severity of the disfigurement, not to exceed \$50,000.”; and

(2) by adding at the end the following: “The maximum amount of compensation under this paragraph shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.”.

(b) **FUNERAL EXPENSES.**—Section 8134(a) is amended—

(1) by striking “\$800” and inserting “\$6,000”; and

(2) by adding at the end the following: “The maximum amount of compensation under this subsection shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.”.

(c) **APPLICATION.**—The amendments made by this section shall apply to injuries or deaths, respectively, occurring on or after the date of enactment of this Act.

SEC. 314. TECHNICAL AND CONFORMING AMENDMENTS.

Chapter 81 is amended—

(1) in section 8101(I)(D), by inserting “for an injury that occurred before the effective date of section 204(e) of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93-198; 87 Stat. 783; 5 U.S.C. 8101 note)” before the semicolon;

(2) in section 8139, by inserting “under this subchapter” after “Compensation awarded”;

(3) in section 8148(a), by striking “section 8106” and inserting “section 8106a”;

SEC. 315. REGULATIONS.

(a) **IN GENERAL.**—As soon as possible after the date of enactment of this Act, the Secretary of Labor shall promulgate regulations (which may include interim final regulations) to carry out this title.

(b) **CONTENTS.**—The regulations promulgated under subsection (a) shall include, for purposes of the amendments made by sections 302 and 303, clarification of—

(1) what is a claim; and

(2) what is the date on which a period of disability, for which a claim is made, commences.

TITLE IV—OTHER MATTERS

SEC. 401. PROFITABILITY PLAN.

(a) **PLAN REQUIRED.**—Not later than 90 days after the date of enactment of this Act, the Postal Service shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Comptroller General of the United States, and the Commission a plan describing, in detail, the actions the Postal Service will take to—

(1) become profitable by fiscal year 2015; and

(2) achieve long-term financial solvency.

(b) **CONSIDERATIONS.**—The plan required under subsection (a) shall take into consideration—

(1) the legal authority of the Postal Service;

(2) the changes in the legal authority and responsibilities of the Postal Service under this Act;

(3) any cost savings that the Postal Service anticipates will be achieved through negotiations with employees of the Postal Service; and

(4) projected changes in mail volume.

(c) **UPDATES.**—The Postal Service shall update the plan required under subsection (a) not less frequently than quarterly, until the last quarter of fiscal year 2015.

SEC. 402. POSTAL RATES.

(a) **COMMISSION STUDY.**—

(1) **IN GENERAL.**—Not earlier than 2 years after the date of enactment of this Act, the Commission shall commence a study to determine—

(A) whether and to what extent any market-dominant classes, products, or types of mail services do not bear the direct and indirect costs attributable to those classes, products, or types of mail service; and

(B) the impact of any excess mail processing, transportation, or delivery capacity of the Postal Service on the direct and indirect costs attributable to any class, product, or type of mail service that bears less than 100 percent of the costs attributable to the class, product, or type of mail service, as determined under subparagraph (A).

(2) **REQUIREMENTS.**—The Commission shall conduct the study under paragraph (1) in a manner that protects confidential and proprietary business information.

(3) **HEARING.**—Before completing the study under paragraph (1), the Commission shall hold a public hearing, on the record, in order to better inform the conclusions of the study. The Postal Service, postal customers, and other interested persons may participate in the hearing under this paragraph.

(4) **COMPLETION.**—Not later than 6 months after the date on which the Commission commences the study under subsection (a), the Commission shall complete the study.

(b) **ANNUAL UPDATES REQUIRED.**—Not later than 1 year after the date of completion of the study under subsection (a), and annually thereafter, the Commission shall—

(1) determine whether any class of mail bears less than 100 percent of the direct and indirect costs attributable to the class, product, or type of mail service, in the same manner as under subsection (a)(1)(A);

(2) for any class of mail for which the Commission makes a determination under paragraph (1), update the study under subsection (a); and

(3) include the study updated under paragraph (2) in the annual written determination of the Commission under section 3653 of title 39, United States Code.

(c) **POSTAL RATES.**—

(1) **DEFINITION.**—In this subsection, the term “loss-making”, as used with respect to a class of mail, means a class of mail that bears less than 100 percent of the costs attributable to the class of mail, according to the most recent annual determination of the Commission under subsection (a)(1) or (b)(1), adjusted to account for the quantitative effect of excess mail processing, transportation, or delivery capacity of the Postal Service on the costs attributable to the class of mail.

(2) **IN GENERAL.**—Not later than 1 year after the date on which the study under subsection (a) is completed, and annually thereafter, the Postal Service shall establish postal rates for each loss-making class of mail.

(3) **CONSIDERATIONS.**—The Postal Service may establish postal rates under paragraph (2) in a manner that ensures, to the extent practicable, that a class of mail described in paragraph (2) is not loss-making by—

(A) using the authority to increase rates under section 3622(d)(1)(A) of title 39, United States Code;

(B) exhausting any unused rate adjustment authority, as defined in section 3622(d)(2)(C) of title 39, United States Code, subject to paragraph (4); and

(C) maximizing incentives to reduce costs and increase efficiency with regard to the proc-

essing, transportation, and delivery of such mail by the Postal Service.

(4) **UNUSED RATE ADJUSTMENT AUTHORITY.**—Section 3622(d)(2)(C) of title 39, United States Code, shall be applied by annually increasing by 2 percentage points any unused rate adjustment authority for a class of mail that bears less than 90 percent of the costs attributable to the class of mail, according to the most recent annual determination of the Commission under subsection (a)(1) or (b)(1), adjusted to account for the quantitative effect of excess mail processing, transportation, or delivery capacity of the Postal Service on the costs attributable to the class of mail.

SEC. 403. COOPERATION WITH STATE AND LOCAL GOVERNMENTS; INTRA-SERVICE AGREEMENTS.

(a) **COOPERATION WITH STATE AND LOCAL GOVERNMENTS.**—Section 411 of title 39, United States Code, is amended, in the first sentence, by striking “and the Government Printing Office” inserting “, the Government Printing Office, and agencies and other units of State and local governments”.

(b) **INTRA-SERVICE AGREEMENTS.**—Section 411 of title 39, United States Code, as amended by subsection (a), is amended—

(1) in the section heading, by adding at the end the following: “**and within the Postal Service**”;

(2) in the second sentence, by striking “section” and inserting “subsection”;

(3) by striking “Executive agencies” and inserting the following:

“(a) **COOPERATION WITH STATE AND LOCAL GOVERNMENTS.**—Executive agencies”; and

(4) by adding at the end the following:

“(b) **COOPERATION WITHIN THE POSTAL SERVICE.**—The Office of the Inspector General and other components of the Postal Service may enter into agreements to furnish to each other property, both real and personal, and personal and nonpersonal services. The furnishing of property and services under this subsection shall be under such terms and conditions, including reimbursability, as the Inspector General and the head of the component concerned shall deem appropriate.”.

(c) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 4 of title 39, United States Code, is amended by striking the item relating to section 411 and inserting the following:

“411. Cooperation with other Government agencies and within the Postal Service.”.

SEC. 404. SHIPPING OF WINE AND BEER.

(a) **MAILABILITY.**—

(1) **NONMAILABLE ARTICLES.**—Section 1716(f) of title 18, United States Code, is amended by striking “mails” and inserting “mails, except to the extent that the mailing is allowable under section 3001(p) of title 39”.

(2) **APPLICATION OF LAWS.**—Section 1161 of title 18, United States Code, is amended, by inserting “, and, with respect to the mailing of wine or malt beverages (as those terms are defined in section 117 of the Federal Alcohol Administration Act (27 U.S.C. 211)), in conformity with section 3001(p) of title 39” after “Register”.

(b) **REGULATIONS.**—Section 3001 of title 39, United States Code, is amended by adding at the end the following:

“(p)(1) In this subsection, the terms ‘wine’ and ‘malt beverage’ have the same meanings as in section 117 of the Federal Alcohol Administration Act (27 U.S.C. 211).”.

(2) Wine or malt beverages shall be considered mailable if mailed—

“(A) by a licensed winery or brewery, in accordance with applicable regulations under paragraph (3); and

“(B) in accordance with the laws of—

“(i) the State, territory, or district of the United States where the sender or duly authorized agent initiates the mailing; and

“(ii) the State, territory, or district of the United States where the addressee or duly authorized agent takes delivery.

“(3) The Postal Service shall prescribe such regulations as may be necessary to carry out this subsection, including regulations providing that—

“(A) the mailing shall be by a means established by the Postal Service to ensure direct delivery to the addressee or a duly authorized agent;

“(B) the addressee (and any duly authorized agent) shall be an individual at least 21 years of age;

“(C) the individual who takes delivery, whether the addressee or a duly authorized agent, shall present a valid, government-issued photo identification at the time of delivery;

“(D) the wine or malt beverages may not be for resale or other commercial purpose; and

“(E) the winery or brewery involved shall—

“(i) certify in writing to the satisfaction of the Postal Service, through a registration process administered by the Postal Service, that the mailing is not in violation of any provision of this subsection or regulation prescribed under this subsection; and

“(ii) provide any other information or affirmation that the Postal Service may require, including with respect to the prepayment of State alcohol beverage taxes.

“(4) For purposes of this subsection—

“(A) a winery shall be considered to be licensed if it holds an appropriate basic permit issued—

“(i) under the Federal Alcohol Administration Act; and

“(ii) under the law of the State in which the winery is located; and

“(B) a brewery shall be considered to be licensed if—

“(i) it possesses a notice of registration and bond approved by the Alcohol and Tobacco Tax and Trade Bureau of the Department of the Treasury; and

“(ii) it is licensed to manufacture and sell malt beverages in the State in which the brewery is located.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the earlier of—

(1) the date on which the Postal Service issues regulations under section 3001(p) of title 39, United States Code, as amended by this section; and

(2) 120 days after the date of enactment of this Act.

SEC. 405. ANNUAL REPORT ON UNITED STATES MAILING INDUSTRY.

(a) **IN GENERAL.**—Chapter 24 of title 39, United States Code, is amended by adding at the end the following:

“§2403. Annual report on the fiscal stability of the United States mailing industry

“(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Postal Regulatory Commission shall submit a report on the fiscal stability of the United States mailing industry with respect to the preceding fiscal year to—

“(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(2) the Committee on Oversight and Government Reform of the House of Representatives.

“(b) **ASSISTANCE.**—The United States Postal Service and any Federal agency involved in oversight or data collection regarding industry sectors relevant to the report under subsection (a) shall provide any assistance to the Postal Regulatory Commission that the Postal Regulatory Commission determines is necessary in the preparation of a report under subsection (a).”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 24 of title 39, United States Code, is amended by adding at the end the following:

“2403. Annual report on the fiscal stability of the United States mailing industry.”.

SEC. 406. USE OF NEGOTIATED SERVICE AGREEMENTS.

Section 3622 of title 39, United States Code, is amended—

(1) in subsection (c)(10)(A)—

(A) in the matter preceding clause (i), by striking “either” and inserting “will”;

(B) in clause (i), by striking “or” at the end;

(C) in clause (ii), by striking “and” at the end

and inserting “or”; and

(D) by adding at the end the following:

“(iii) preserve mail volume and revenue; and”;

and

(2) by adding at the end the following:

“(g) **COORDINATION.**—The Postal Service and the Postal Regulatory Commission shall coordinate actions to identify methods to increase the use of negotiated service agreements for market-dominant products by the Postal Service consistent with subsection (c)(10).”.

SEC. 407. CONTRACT DISPUTES.

Section 7101(8) of title 41, United States Code, is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(E) the United States Postal Service and the Postal Regulatory Commission.”.

SEC. 408. CONTRACTING PROVISIONS.

(a) **IN GENERAL.**—Part 1 of title 39, United States Code, is amended by adding at the end the following:

“CHAPTER 7—CONTRACTING PROVISIONS

“Sec.

“701. Definitions.

“702. Advocate for competition.

“703. Delegation of contracting authority.

“704. Posting of noncompetitive purchase requests for noncompetitive contracts.

“705. Review of ethical issues.

“706. Ethical restrictions on participation in certain contracting activity.

“707. Congressional oversight authority.

“§701. Definitions

“In this chapter—

“(1) the term ‘contracting officer’ means an employee of a covered postal entity who has authority to enter into a postal contract;

“(2) the term ‘covered postal entity’ means—

“(A) the Postal Service; or

“(B) the Postal Regulatory Commission;

“(3) the term ‘head of a covered postal entity’ means—

“(A) in the case of the Postal Service, the Postmaster General; or

“(B) in the case of the Postal Regulatory Commission, the Chairman of the Postal Regulatory Commission;

“(4) the term ‘postal contract’ means any contract (including any agreement or memorandum of understanding) entered into by a covered postal entity for the procurement of goods or services; and

“(5) the term ‘senior procurement executive’ means the senior procurement executive of a covered postal entity.

“§702. Advocate for competition

“(a) **ESTABLISHMENT AND DESIGNATION.**—

“(1) **ESTABLISHMENT.**—There is established in each covered postal entity an advocate for competition.

“(2) **DESIGNATION.**—The head of each covered postal entity shall designate for the covered postal entity 1 or more officers or employees (other than the senior procurement executive) to serve as the advocate for competition.

“(b) **RESPONSIBILITIES.**—The advocate for competition of each covered postal entity shall—

“(1) be responsible for promoting competition to the maximum extent practicable consistent

with obtaining best value by promoting the acquisition of commercial items and challenging barriers to competition;

“(2) review the procurement activities of the covered postal entity; and

“(3) prepare and transmit to the head of each covered postal entity, the senior procurement executive of each covered postal entity, the Board of Governors, and Congress, an annual report describing—

“(A) the activities of the advocate under this section;

“(B) initiatives required to promote competition;

“(C) barriers to competition that remain; and

“(D) the number of waivers made by each covered postal entity under section 704(c).

“§703. Delegation of contracting authority

“(a) **IN GENERAL.**—

“(1) **POLICY.**—Not later than 60 days after the date of enactment of the 21st Century Postal Service Act of 2012, the head of each covered postal entity shall issue a policy on contracting officer delegations of authority for the covered postal entity.

“(2) **CONTENTS.**—The policy issued under paragraph (1) shall require that—

“(A) notwithstanding any delegation of authority with respect to postal contracts, the ultimate responsibility and accountability for the award and administration of postal contracts resides with the senior procurement executive; and

“(B) a contracting officer shall maintain an awareness of and engagement in the activities being performed on postal contracts of which that officer has cognizance, notwithstanding any delegation of authority that may have been executed.

“(b) **POSTING OF DELEGATIONS.**—

“(1) **IN GENERAL.**—The head of each covered postal entity shall make any delegation of authority for postal contracts outside the functional contracting unit readily available and accessible on the website of the covered postal entity.

“(2) **EFFECTIVE DATE.**—This paragraph shall apply to any delegation of authority made on or after 30 days after the date of enactment of the 21st Century Postal Service Act of 2012.

“§704. Posting of noncompetitive purchase requests for noncompetitive contracts

“(a) **POSTING REQUIRED.**—

“(1) **POSTAL REGULATORY COMMISSION.**—The Postal Regulatory Commission shall make the noncompetitive purchase request for any noncompetitive award, including the rationale supporting the noncompetitive award, publicly available on the website of the Postal Regulatory Commission—

“(A) not later than 14 days after the date of the award of the noncompetitive contract; or

“(B) not later than 30 days after the date of the award of the noncompetitive contract, if the basis for the award was a compelling business interest.

“(2) **POSTAL SERVICE.**—The Postal Service shall make the noncompetitive purchase request for any noncompetitive award of a postal contract valued at \$250,000 or more, including the rationale supporting the noncompetitive award, publicly available on the website of the Postal Service—

“(A) not later than 14 days after the date of the award; or

“(B) not later than 30 days after the date of the award, if the basis for the award was a compelling business interest.

“(3) **ADJUSTMENTS TO THE POSTING THRESHOLD**

FOR THE POSTAL SERVICE.—

“(A) **REVIEW AND DETERMINATION.**—Not later than January 31 of each year, the Postal Service shall—

“(i) review the \$250,000 threshold established under paragraph (2); and

“(ii) based on any change in the Consumer Price Index for all-urban consumers of the Department of Labor, determine whether an adjustment to the threshold shall be made.

“(B) AMOUNT OF ADJUSTMENTS.—An adjustment under subparagraph (A) shall be made in increments of \$5,000. If the Postal Service determines that a change in the Consumer Price Index for a year would require an adjustment in an amount that is less than \$5,000, the Postal Service may not make an adjustment to the threshold for the year.

“(4) EFFECTIVE DATE.—This subsection shall apply to any noncompetitive contract awarded on or after the date that is 90 days after the date of enactment of the 21st Century Postal Service Act of 2012.

“(b) PUBLIC AVAILABILITY.—

“(1) IN GENERAL.—Subject to paragraph (2), the information required to be made publicly available by a covered postal entity under subsection (a) shall be readily accessible on the website of the covered postal entity.

“(2) PROTECTION OF PROPRIETARY INFORMATION.—A covered postal entity shall—

“(A) carefully screen any description of the rationale supporting a noncompetitive award required to be made publicly available under subsection (a) to determine whether the description includes proprietary data (including any reference or citation to the proprietary data) or security-related information; and

“(B) remove any proprietary data or security-related information before making publicly available a description of the rationale supporting a noncompetitive award.

“(c) WAIVERS.—

“(1) WAIVER PERMITTED.—If a covered postal entity determines that making a noncompetitive purchase request publicly available would risk placing the Postal Service at a competitive disadvantage relative to a private sector competitor, the senior procurement executive, in consultation with the advocate for competition of the covered postal entity, may waive the requirements under subsection (a).

“(2) FORM AND CONTENT OF WAIVER.—

“(A) FORM.—A waiver under paragraph (1) shall be in the form of a written determination placed in the file of the contract to which the noncompetitive purchase agreement relates.

“(B) CONTENT.—A waiver under paragraph (1) shall include—

“(i) a description of the risk associated with making the noncompetitive purchase request publicly available; and

“(ii) a statement that redaction of sensitive information in the noncompetitive purchase request would not be sufficient to protect the Postal Service from being placed at a competitive disadvantage relative to a private sector competitor.

“(3) DELEGATION OF WAIVER AUTHORITY.—A covered postal entity may not delegate the authority to approve a waiver under paragraph (1) to any employee having less authority than the senior procurement executive.

“§ 705. Review of ethical issues

“If a contracting officer identifies any ethical issues relating to a proposed contract and submits those issues and that proposed contract to the designated ethics official for the covered postal entity before the awarding of that contract, that ethics official shall—

“(1) review the proposed contract; and

“(2) advise the contracting officer on the appropriate resolution of ethical issues.

“§ 706. Ethical restrictions on participation in certain contracting activity

“(a) DEFINITIONS.—In this section—

“(1) the term ‘covered employee’ means—

“(A) a contracting officer; or

“(B) any employee of a covered postal entity whose decisionmaking affects a postal contract as determined by regulations prescribed by the head of a covered postal entity;

“(2) the term ‘covered relationship’ means a covered relationship described in section 2635.502(b)(1) of title 5, Code of Federal Regulations, or any successor thereto; and

“(3) the term ‘final conviction’ means a conviction, whether entered on a verdict or plea, in-

cluding a plea of *nolo contendere*, for which a sentence has been imposed.

“(b) IN GENERAL.—

“(1) REGULATIONS.—The head of each covered postal entity shall prescribe regulations that—

“(A) require a covered employee to include in the file of any noncompetitive purchase request for a noncompetitive postal contract a written certification that—

“(i) discloses any covered relationship of the covered employee; and

“(ii) the covered employee will not take any action with respect to the noncompetitive purchase request that affects the financial interests of a friend, relative, or person with whom the covered employee is affiliated in a nongovernmental capacity, or otherwise gives rise to an appearance of the use of public office for private gain, as described in section 2635.702 of title 5, Code of Federal Regulations, or any successor thereto;

“(B) require a contracting officer to consult with the ethics counsel for the covered postal entity regarding any disclosure made by a covered employee under subparagraph (A)(i), to determine whether participation by the covered employee in the noncompetitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the ‘Standards of Ethical Conduct for Employees of the Executive Branch’);

“(C) require the ethics counsel for a covered postal entity to review any disclosure made by a contracting officer under subparagraph (A)(i) to determine whether participation by the contracting officer in the noncompetitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the ‘Standards of Ethical Conduct for Employees of the Executive Branch’), or any successor thereto;

“(D) under subsections (d) and (e) of section 2635.50 of title 5, Code of Federal Regulations, or any successor thereto, require the ethics counsel for a covered postal entity to—

“(i) authorize a covered employee that makes a disclosure under subparagraph (A)(i) to participate in the noncompetitive postal contract; or

“(ii) disqualify a covered employee that makes a disclosure under subparagraph (A)(i) from participating in the noncompetitive postal contract;

“(E) require a contractor to timely disclose to the contracting officer in a bid, solicitation, award, or performance of a postal contract any conflict of interest with a covered employee; and

“(F) include authority for the head of the covered postal entity to grant a waiver or otherwise mitigate any organizational or personal conflict of interest, if the head of the covered postal entity determines that the waiver or mitigation is in the best interests of the Postal Service.

“(2) POSTING OF WAIVERS.—Not later than 30 days after the head of a covered postal entity grants a waiver described in paragraph (1)(F), the head of the covered postal entity shall make the waiver publicly available on the website of the covered postal entity.

“(c) CONTRACT VOIDANCE AND RECOVERY.—

“(1) UNLAWFUL CONDUCT.—In any case in which there is a final conviction for a violation of any provision of chapter 11 of title 18 relating to a postal contract, the head of a covered postal entity may—

“(A) void that contract; and

“(B) recover the amounts expended and property transferred by the covered postal entity under that contract.

“(2) OBTAINING OR DISCLOSING PROCUREMENT INFORMATION.—

“(A) IN GENERAL.—In any case where a contractor under a postal contract fails to timely disclose a conflict of interest to the appropriate contracting officer as required under the regulations promulgated under subsection (b)(1)(D), the head of a covered postal entity may—

“(i) void that contract; and

“(ii) recover the amounts expended and property transferred by the covered postal entity under that contract.

“(B) CONVICTION OR ADMINISTRATIVE DETERMINATION.—A case described under subparagraph (A) is any case in which—

“(i) there is a final conviction for an offense punishable under section 27(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(e)); or

“(ii) the head of a covered postal entity determines, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting an offense punishable under section 27(e) of that Act.

“§ 707. Congressional oversight authority

“The Postal Service may not enter into any contract that restricts the ability of Congress to exercise oversight authority.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 39, United States Code, is amended by adding at the end the following:

“7. Contracting Provisions 701”.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, relevance is a fair standard. A lot of amendments can be offered. Very few couldn't be offered unless it were something dealing with foreign policy on the Postal Service bill. A lot of people want to offer amendments dealing with situations all over the world. That is why we struggled, for example, to get the Iran sanctions bill moving. A standard of relevance merely asks that we stay on the subject—a subject this morning to which 74 Senators agreed to proceed to.

I regret my friend has objected to this request. But I hope my friend from Kentucky will go home and explain to the people who are dependent on those small post offices around the State of Kentucky and those processing centers that this bill has not been resolved because of him.

If we do nothing, there will be the wide-range closing of post offices. We have more than 30,000 post offices in America. Many of them will be closed. We have hundreds and hundreds of processing centers. They will be closed. The Postal Service, as we have known it, is a fleeting moment in the eyes of Americans when they cannot get their medicine they want, they cannot get the mail they want. The volume is down a lot. But that is what this bill is about: to address some of the problems we have with what we need to have happen as a new Postal Service.

The chairman of the committee, Senator LIEBERMAN, has worked extremely hard. Senator COLLINS has spent lots and lots of time on this issue. Of course, TOM CARPER, who has a tremendous interest in this, has been working on this issue for a long time.

It is a shame we have had this objection. It leaves me with absolutely no alternative but to fill the amendment tree and make sure we stick on the subject of postal reform. I remain hopeful we will be able to work together to get an agreement for consideration of amendments related to this most important task: saving the Postal Service.

COMMITTEE-REPORTED SUBSTITUTE AMENDMENT
WITHDRAWN

Mr. President, I have been authorized by the chairman of the Senate Homeland Security and Governmental Affairs Committee to withdraw the committee-reported substitute amendment.

The PRESIDING OFFICER (Mr. FRANKEN). The amendment is withdrawn.

AMENDMENT NO. 2000

(Purpose: In the nature of a substitute)

Mr. REID. Mr. President, on behalf of Senators LIEBERMAN, COLLINS, and others, I call up amendment No. 2000, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LIEBERMAN, for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts, proposes an amendment numbered 2000.

(The amendment is printed in the RECORD of Monday, April 16, 2012, under "Text of Amendments.")

Mr. REID. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2013 TO AMENDMENT NO. 2000

Mr. REID. Mr. President, I have a first-degree perfecting amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2013 to amendment No. 2000.

The amendment is as follows:

At the end, add the following new section:

SEC. ____

This Act shall become effective 7 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2014 TO AMENDMENT NO. 2013

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2014 to amendment No. 2013.

The amendment is as follows:

In the amendment, strike "7 days" and insert "6 days".

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative 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 Lieberman-Collins substitute amendment No. 2000 to S. 1789, the 21st Century Postal Service Act.

Harry Reid, Joseph I. Lieberman, Sherrod Brown, Debbie Stabenow, Thomas R. Carper, Bernard Sanders, Jeanne Shaheen, Bill Nelson, Christopher A. Coons, Sheldon Whitehouse, Kirsten E. Gillibrand, Charles E. Schumer, Jack Reed, John F. Kerry, Daniel K. Inouye, Richard Blumenthal.

AMENDMENT NO. 2015

Mr. REID. Mr. President, I have an amendment at the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2015 to the language proposed to be stricken (by amendment No. 2000).

The amendment is as follows:

At the end, add the following new section:

SEC. ____

This Act shall become effective 5 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2016 TO AMENDMENT NO. 2015

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2016 to amendment No. 2015.

The amendment is as follows:

In the amendment, strike "5 days" and insert "4 days".

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative 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 S. 1789, the 21st Century Postal Service Act.

Harry Reid, Joseph I. Lieberman, Sherrod Brown, Debbie Stabenow, Thomas R. Carper, Bernard Sanders, Jeanne Shaheen, Bill Nelson, Christopher A. Coons, Sheldon Whitehouse, Kirsten E. Gillibrand, Charles E. Schumer, Jack Reed, John F. Kerry, Daniel K. Inouye, Richard Blumenthal.

Mr. REID. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. The yeas and nays are not necessary.

Mr. REID. Mr. President, I got ahead of myself. Reading was one of my better subjects, but I skipped a line.

MOTION TO RECOMMIT WITH AMENDMENT NO. 2017

Mr. President, I have a motion to recommit the bill with instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to recommit the bill, S. 1789, to the Committee on Homeland Security and Governmental Affairs with instructions to report back forthwith with an amendment numbered 2017.

The amendment is as follows:

At the end, add the following new section:

SEC. ____

This Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2018

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2018 to the instructions (amendment No. 2017) of the motion to recommit S. 1789.

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 days".

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2019 TO AMENDMENT NO. 2018

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2019 to amendment No. 2018.

The amendment is as follows:

In the amendment, strike "2 days" and insert "1 day".

Mr. REID. Mr. President, I have another matter of business, but I wish to say to all Senators here, not just the Senator from Kentucky who objected to a reasonable manner to proceed on this measure—all States are going to be dramatically impacted by virtue of his objection. Post offices in Nevada will be closed and in Minnesota, Massachusetts, Tennessee, unnecessarily.

We need to be able to work through this. I do not know how anyone could object to a standard as we have had, as I have proposed: relevant amendments. It is too bad. Eight million people depend on the Postal Service. That is 8 million people who work as a result of the Postal Service. Mr. President, 500,000 people work for the Postal Service directly. So we have an obligation to do something about this legislation.

Even though my friend, who is one of the leaders of the tea party movement around the country, has thrown a monkey wrench into what we are doing on a postal bill—moving to some foreign relations matter—it is too bad. It cheapens what we are trying to do, and it is unfortunate for millions of people in America.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 312, S. 1925, a bill to reauthorize the Violence Against Women Act.

The PRESIDING OFFICER. The motion is pending.

Mr. LEVIN. Mr. President, will the Senator from Vermont yield for 2 minutes?

Mr. SANDERS. Yes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, what we have just witnessed is an example of why the Senate is too often tied into knots. We have a bill that is critical to every one of our States that is pending, the postal reform bill. The leader tried to move this bill forward by saying: Let's stick to amendments relevant to the bill, which is a pretty broad standard, a lot broader than a germaneness standard. Then there is an objection to that because there is another matter which the Senator from Kentucky rightfully has an interest in. We all have an interest in various matters around here, many of which are \$2 billion or more in terms of cost. But that amendment by the Senator from Kentucky is not relevant to this bill, and unless, he says, he gets his way and has a 15-minute debate on a \$2 billion subject, he is going to object to us addressing a subject which involves every one of our States.

This is why we have so many difficulties, at times at least, moving forward in the Senate. Because any one of us at any time can object to moving legislation that is relevant and amendments that are relevant in order to get his or her way on a totally unrelated amendment.

Mr. PAUL. Mr. President, since I have been referred to, may I interject with a question?

Mr. LEVIN. I asked to be yielded 2 minutes. That would be up to the Senator from Vermont.

Mr. PAUL. Could I interject with a—

Mr. LEVIN. I just wish to simply say that then what happens is that then the majority leader is forced to fill the tree. That creates problems on the other side because the tree is filled. But that is in response to an unwillingness on the part of the Senator to let us proceed on a bill which is important to every one of us with relevant amendments. So we have a response from that Senator to the determination of the majority leader to move forward with a bill that affects all of us.

Objecting to a UC, the majority leader is forced to fill the tree, and we are off and running.

So for 2 days around here—for 2 days around here now—we are going to go through the same thing we go through almost every single week. We will have amendments which will be sought to be offered. We have to set aside amendments. We get to a cloture vote. We end up with a far more restrictive standard than if we were allowed to proceed with relevant amendments. We end up with a germaneness standard, a lot narrower than the relevance standard which was proposed by the majority leader.

This was a self-defeating action, I believe, in objecting to a unanimous consent proposal which would allow us to proceed with relevant amendments. It does not accomplish the aim of the Senator from Kentucky because we are not going to get to that subject, and all it does is restrict the rest of us who are trying to offer relevant amendments in the next few days. It is a real example of what the problem is around this Senate.

Mr. PAUL. Will the Senator yield for a question? Since I am being characterized, I would think I would be allowed a response.

Mr. REID. Mr. President, regular order. Under the order that was entered, the Senator from Vermont is to be recognized.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Thank you, Mr. President.

The Senator from Tennessee has requested 2 or 3 minutes to make a point, and I am happy to yield some of my time, after which I would get the floor back.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN of Massachusetts. Mr. President, I object in order to ask a question as well.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont?

Mr. BROWN of Massachusetts. Yes.

The PRESIDING OFFICER. That the Senator from Tennessee be recognized and then that the Senator—

Mr. BROWN of Massachusetts. I wish to ask a question, Mr. President.

Mr. REID. Regular order, Mr. President.

Mr. SANDERS. I apologize to the Senator from Tennessee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont?

Mr. BROWN of Massachusetts. Yes.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont has the floor.

Mr. SANDERS. I do apologize to my friend from Tennessee.

POSTAL SERVICE REFORM

I want to just continue and talk about what the managers' amendment does. I went over a number of criteria by which it strengthens our ability to protect rural post offices, and that is

something I think many of us from rural America want to see happen. We understand how important rural post offices are to the heart and soul of small communities.

The Lieberman-Collins bill took us a good way forward. This amendment goes further.

I should say that while I think the managers' amendment is a step forward in almost every instance, I believe that through the amendment process we can strengthen the bill even further. I intend to be working with many of my colleagues to do just that.

So we talked a little bit about strengthening the ability of rural post offices to continue to exist.

Second issue: The managers' amendment protects regional overnight delivery standards. The managers' amendment requires that the Postal Service retain a modified overnight delivery standard for 3 years, ensuring that communities across the country continue to receive overnight delivery of first-class mail—a very significant step forward for small businesses and for people throughout our country.

A maximum delivery standard of 3 days would also be maintained for first-class mail sent anywhere in the continental United States. Originally, the Postmaster General had suggested maybe we could lengthen the time from 3 days to 5 days. We keep it at 3 days.

The retention of—and this is important for every Member of the Senate concerned about the employment situation—the retention of a modified overnight delivery standard would result in at least 100 mail processing facilities remaining open that are now scheduled to be closed.

No. 3, the managers' amendment makes it harder to eliminate 6-day delivery. The substitute amendment would prohibit the Postal Service from implementing any plan to eliminate Saturday delivery for at least 2 years. After 2 years, Saturday delivery could only be eliminated if the Postal Service has first attempted to increase revenue and cut costs through other means and the GAO and the Postal Regulatory Commission conclude that eliminating Saturday delivery is necessary for the long-term solvency of the Postal Service.

Fourth, and very important—something I and many other Members feel strongly about—the Postal Service needs a new business model. Let me—and I know the Presiding Officer, the Senator from Minnesota, has been very interested in all these postal issues. Right now, if one walks into a post office and they say to a postal clerk: Hi. I would like to give you \$2 to notarize this letter, the postal clerk would say: It is against the law for me to do that. I can't take your \$2.

Mr. SANDERS. Postal Clerk, can you make 10 copies of this letter?

Nope; it is against the law for me to do that.

Rural Postal Clerk, I would like a fishing license or a hunting license. Can you help me with that?

I cannot do that. It is against the law.

I want to mail this box of wine and beer.

I cannot do that. It is against the law.

So what we want to do is take away many of the restrictions that have been imposed on the Postal Service by Congress and give them the flexibility to be more entrepreneurial to bring in more revenue. In addition to that, this managers' amendment creates a blue ribbon entrepreneurial commission. What that is about is that today we have, as the majority leader indicated, some 32,000 post offices in America. Today letter carriers are delivering mail to about 150 million doors in America. That is a huge infrastructure.

If we have some pretty smart entrepreneurial types telling us what we can do in addition to what we are doing now—what the letter carriers can do, what the post offices could do, what the Postal Service can do in terms of new products and services—can we bring in more revenue? I think we can. That is what the commission is going to be looking at.

Let me say a few words about the financial condition of the Postal Service. No one debates first-class mail is down. A lot of people now use e-mail and the Internet rather than first-class mail. There is no debate about that. But what many people, including many Members of Congress, do not fully understand is the major crisis. The major financial crisis facing the Postal Service is the fact that they have an onerous burden of having to provide \$5.5 billion every single year in future retiree health benefits—\$5.5 billion every year—which was imposed upon them in 2006.

According to the inspector general of the Postal Service, the \$44 billion in that account right now is all that it needs because when that \$44 billion accrues interest over a 20-year or so period, it will have enough money to pay out all of the future retiree health benefits that it has to do. Furthermore, there is, in general, no disagreement that the Postal Service has overpaid into the Federal Employees Retirement System by about \$11 billion and to the Civil Service Retirement Service about \$2 billion. In other words, the Postal Service is owed about \$13 billion.

So to conclude, let me say this: The Postal Service performs an enormously important function for millions of individuals and for our economy as a whole. As the majority leader indicated, there are some 8 million jobs in a variety of industries dependent upon a strong Postal Service.

I believe if the Senate is prepared to be bold, to do the right thing, we can save jobs. We do not need to lay off or to downsize the Postal Service by over 200,000 workers. We do not need to shut

down over 3,000 rural post offices. We do not need to shut down half of the processing plants in America and slow down mail delivery service leading to an eventual death cycle for the Postal Service.

So the task before us is a huge one. To tell you the truth—and I speak as an Independent, the longest serving Independent in congressional history—this is not a Democratic issue; this is not a Republican issue. Republicans and Democrats have rural post offices. All know how important they are. All want to save jobs in the middle of a recession. All want the Postal Service to be strong.

So I would hope we can work together. We had a good vote a few hours ago—74 votes. I would hope we could work together to save the Postal Service, make it strong, and make sure it is there for our kids and our grandchildren.

At this point, if the Senator from Tennessee would like some time, I am happy to yield to him 3 minutes.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from Vermont. This is a body that operates by unanimous consent, which is a hard thing to get accustomed to until you have ever been a part of it. That means any one of us can stop the Senate from opening or having a prayer or saying the Pledge of Allegiance or going to a bill.

What I am about to say, I do not want in any way to diminish the rights of any Senator, such as the Senator from Kentucky, to have an opportunity to object to a unanimous consent request. But when everyone has a lot of rights, unless we have some agreement, it is hard to get much done.

I have been sometimes critical of the majority leader, but I have also tried to support and praise him for things he has done when I can because I know that either being the Democratic or the Republican leader is not an easy job. So I want to commend the majority leader for offering to accept all relevant amendments, which is a broad category, and this bill seems particularly appropriate for that because we have competing visions for what to do about the post office.

It has gone through committee, the regular order, and the bill is bipartisan. There are not a lot of partisan differences. There are a lot of differences, and they need to be worked out. We have probably 2 weeks to do it. So this is a ripe situation for that if we can get consent to do it.

I am disappointed the majority leader felt he had to go on and offer cloture to move on because he already had control of the situation with the right to fill the tree. So I would hope we could respect the right of the Senator from Kentucky and that of other Senators to offer unanimous consent—to object to unanimous consent agreements but see if we cannot find some way to move ahead with an agreement on relevant amendments.

That means the majority leader does not pick the amendments; we all get to offer them if they are relevant. The majority leader has a difficult job. So I hope as he reflects on this matter he will consider that it is much easier to get an agreement for relevant amendments in our caucus—I do not know what it is like in the Democratic caucus—if we are able to talk it through a little bit and secure consent for that before it is offered.

That would be the job of Senator MCCONNELL, the Republican leader. So here we are. We were on the postal bill for 5 full minutes, and now we are off on a wrong track. We can move back very easily. The majority leader has the ability to control any amendment through his filling the tree and does not need the cloture amendment. Hopefully, the Senators on this side will carefully consider the offer of all relevant amendments. That would give us a chance to offer many amendments.

It is the right of any Senator to object. But as one Senator, I appreciate the gesture, and I hope the majority leader will give Senator MCCONNELL an opportunity, if he wants it—I am just speaking for myself—if he wants it, to work through our caucus and see if we can get a relevant amendment agreement.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. BROWN of Massachusetts. Mr. President, I would yield to the Senator from Michigan for 15 seconds.

Mr. LEVIN. Mr. President, I wish to thank the Senator from Tennessee for his constructive comments. He and I have spoken about trying to work on a relevant standard at the beginning of a bill as a way of moving a bill forward with the greatest possible leniency, without getting into totally nonrelevant subjects.

I thought his comments were constructive. I wanted to thank him for it. I hope we can continue to work together on this relevance course, which is perhaps the best way to get us out of the kind of knots that we are frequently tied in. I want to thank my friend from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I concur with the Senator from Tennessee. Listen, we need to step back and move back a little bit. This is a bill of which I am a cosponsor. I work very hard. I note in the majority leader's comments he referenced Senators CARPER, LIEBERMAN, and COLLINS. But I spent an equal amount of time working on this bill and I am a cosponsor. I care very deeply about our postal workers and the security and the viability of the post office itself.

I am hopeful also that the majority leader will step back because before we left we had 2 great weeks of working on relevant issues. We had the insider trading bill, which passed 96 to 3. The leader allowed us to have a couple of days to get our Members in order, not 4 hours.

We should have the ability, when we have amendments or issues that involve our Members—they should have the right to bring them forward in any form they want, and we should have the ability to get together with them before we move on to another totally different, very important issue, such as the Violence Against Women Act, of which I am also a cosponsor. So I do not care which one we go to.

But this one is relevant. It is time sensitive. It needs to be addressed right away. I have been honored to work with Senator CARPER once again and Senator LIEBERMAN once again and Senator COLLINS once again, working on something that can be very important and will be very important for our country.

We are here today because the post office is clearly at a crossroads. They are in deep trouble. For more than two centuries it has played a key role in both our economy and our communities, and for decades communities large and small and citizens far and wide have come to depend on the regular and dependable mail service 6 days a week for a reasonable price.

It is plain and simple that in the past a steady volume of mail has provided that adequate revenue. But things have changed. Yet in the face of the technological changes and difficult economic conditions, first-class mail volume, as we know, has dropped by over one-quarter in the last 5 years. It is forecasted to do the same thing over the next 5 years, and the business model that proved successful for generations is now sinking the Postal Service in a pool of red ink.

As we all know, they have lost over \$13 billion—billion dollars—in the last 2 years. They are almost on the verge of bankruptcy. As we know, the workforce is too big, costs are too high, and operations are being maintained that are unequal to the revenue that is actually coming in. We need to stop that right away. The number of delivery addresses increases every day, and the Postal Service's liability to its employees grows each and every day. The longer we wait, the more difficult it becomes. We are up against a deadline. We do need to work together in a bipartisan, bicameral manner.

This is not about Democrats and Republicans or Independents. It is about us as a body showing once again—trying to reestablish that trust with the American people—that, my goodness, the Senate can do things together, as we did with the crowdfunding jobs bill, as we did with the Arlington Cemetery bill, as we have done with the 3-percent withholding, and as we have done most recently with the insider trading. We can do these things. This is a no-brainer.

Everybody here agrees we need to save the post office, and we all have some very real concerns: rural concerns, city concerns, everybody has concerns. We should have the ability to have these aired, and we need to do it right now.

I would once again encourage the majority leader to step back from the path he has chosen to move on to another bill because one Member had a deep concern about what is happening in Egypt, as many of us do. Would it hurt to give him his 15 minutes and then move on? I just do not get it. It is such a disservice to the American people.

We need to put the Postal Service on the path to solvency right away—right away. The bill that has been brought here has been worked on between our four offices probably 300 or 400 hours easy. Throw in the office hours for all our staff, it is probably upwards of 1,000 hours we have been working on this bill.

This is something I speak to our constituents of, working with Congressman LYNCH in Massachusetts and others, to try to make sure we can have a plan, a good base, a good starting point. We may not agree on everything. But I will tell you, we all agree we need to save the U.S. Postal Service. We need to give them the tools and the resources to do their job and be viable and competitive into the new century. We all agree on that.

So we have a little hiccup, then we are going to move on to another bill. Once again, it is just as important, and I am happy to move on to it. I am a cosponsor. But come on. We deserve to give the American people better. We should be doing better. We need to recognize and address right away the serious financial condition of the post office and provide it with the flexibility to cut costs but do so in a way that is responsible to its employees and considerate of the customers who are continuing to use their service, to grant them the ability to find ways to increase revenue and innovate without competing with private industry or giving them an unfair advantage over private industry. That is a good thing.

We also want to make sure rates do not rise abruptly. That is also a good thing. We need to ensure that the Postal Service maintains a certain standard of service so it will have business and individuals who want to continue to use that service.

It is a delicate balancing act, with little disagreement on that. There is also little disagreement that the current size in both workforce and postal operations is neither sustainable nor required for the long term. We must reduce costs and we need to have greater efficiencies, and they must be found if the Postal Service is to survive and thrive in the future. The Postal Service still plays a significant role in our economy; we all know it. There is a standard they have to hit, and we all demand it.

I fear that if we don't pass this bill, the Postal Service will continue to advocate for a more aggressive approach. We are up against a deadline. If we fail to address this, the Postmaster General will have the ability to do things that I think will not be in the best in-

terests of everybody in this Chamber and the American citizens. We can provide different tools that he would be able to use, and we would be able to have input on that.

In Massachusetts, the Postal Service has made plans to close four main processing facilities and dozens of post offices. Yet there has been a lack of detailed explanation provided to government leaders—me and others—and employees or the surrounding communities to fully justify these changes as both necessary and prudent. We can do better and should do better.

Eliminating the overnight delivery standard or days of delivery will be transformational shifts in service. We don't know whether those are appropriate. Little is known about the combined impact these major changes will have on the postal customers or future revenues.

Mr. President, as we know, volume declines means decreased revenue for some and driving costs up and getting those costs under control are driving users away at alarming rates. These plans require a thoughtful consideration of alternative solutions, public input, and cautious implementation. We have, in fact, done that with our bill. We have sat down, as I said, for more hours than I can tell you trying to work through every issue. We have met with the players ad nauseam to try to make sure we address each and every consideration, including Members of this Chamber. There are Members on the other side who have their own ideas how to fix this. We have amendments here, also, and people want to address their issues.

Since when do we bring up a bill and do it in a day—especially something like this, which is so massive and affects so many people and an entire industry. We are going to do it in a day or 2 days. Even when we did insider trading, we did it in 4 or 5 days. This bill, I figure, is a good 6 to 8 days of hard-core debating, letting people come up with ideas for trying to rescue this important industry.

I and others in this Chamber want the postal employees to be treated fairly. We recognize their dedication and their service in this bill. We have over 100,000 employees eligible for retirement today. Rather than advocating for layoff authority, our bill provides a means for the Postal Service to increase attrition rates through buyouts and separation incentives to leave the post office voluntarily and with dignity. That is deeply important to me.

Additional provisions in the bill include long-overdue improvements to the Federal Workers' Compensation Program, a more affordable schedule of prefunding the retiree health benefit trust fund, and encouraging eligible retirees to join the Medicare rolls.

There are no doubt difficult times for the Postal Service, and some very tough choices are going to be made. So far in this legislative session, the Senate has shown that there are issues, as

I said in my presentation, on which we can find bipartisan solutions. In closing, I am confident this is one of them, and I look forward to having our bill heard and we get back on track, have the leader step back and allow us to come up with an agreement of relevant amendments and do the people's business.

I am grateful for the leadership Senators LIEBERMAN, COLLINS, and CARPER have shown on this issue over the years. I look forward to working on this bill with them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. MCCAIN. Mr. President, before the Senator speaks, I ask unanimous consent that I be allowed to follow the remarks of the Senator from Rhode Island.

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

The Senator from Rhode Island.

STUDENT LOAN AFFORDABILITY ACT

Mr. REED. Mr. President, we are engaged in a very important debate while the clock is ticking on literally the future of the postal service.

I want to alert my colleagues to another issue that is rapidly approaching. On July 1, if we do not act, the interest rate on subsidized student loans will be doubling from 3.4 percent to 6.8 percent, impacting more than 7 million students, including more than 36,000 in Rhode Island.

I have introduced legislation—the Student Loan Affordability Act—to stop the doubling of student loan interest rates as of July 1 of this year. Many of my colleagues have already joined me, including Senators BEGICH, SHERROD BROWN, DURBIN, FRANKEN, TIM JOHNSON, KLOBUCHAR, LEAHY, MURRAY, SANDERS, SCHUMER, STABENOW, WHITEHOUSE, and WYDEN, as cosponsors of the legislation. I thank them and urge all of my colleagues to join us in supporting this legislation.

If we don't act, the average borrower will have to pay approximately \$2,800 more in interest on their loans. Students who take out the maximum \$23,000 in subsidized student loans could owe approximately \$5,000 more over the 10-year repayment period. Students and families simply cannot absorb these costs in this tough economy and in the face of rising tuition and dwindling State support for higher education.

This particular measure will hit middle-income families very hard because they are the ones who rely significantly on these subsidized student loans. The subsidized student loan program is a need-based financial aid program. To get the low rate and the in-school interest subsidy, students must demonstrate economic need. Nearly 60 percent of the dependent students who qualify for these loans come from families with incomes of less than \$60,000. That is literally the middle class and the working poor of this country.

This is an issue of fairness. At a time, ironically, of historically low in-

terest rates, when the Federal Reserve has set the target interest rate for Federal funds between 0 and .25 percent—the Fed is lending money to banks at near zero percent. We, at the same time, are asking middle-income families to pay twice as much, 6.8 percent—a huge discrepancy—in the loans they pay for education.

We also recognize—all of us—that the key to our future is an educated America. It seems that given the interest rate environment, where banks can get money overnight at near zero percent interest and we are telling students they have to pay 6.8, not 3.4, it doesn't make sense. It is in our national interest to ensure that students not only get educated but don't leave school with a mountain of debt.

We need more students graduating from our colleges, universities, and professional schools because that will power our economy in the future. We won't be globally competitive if we don't do this.

In 1980 the gap between the lifetime earnings of a college graduate and high school graduate was 40 percent. In 2010 it was 74 percent. By 2025 it is projected to be 96 percent. The message is clear: If you cannot get postsecondary education, you are virtually going to be condemned to being far behind in terms of income and ability to support your family. Researchers have found that since at least the 1980s, we haven't been producing a sufficient number of college-educated workers to meet the demand of industry. If you go to businesses throughout Rhode Island and the Nation, they will tell you they have jobs for which they cannot find the people with the high-level skills needed to fill them. So every available criterion argues strenuously for this legislation.

In Rhode Island, we have 41 percent of our working adults who have college degrees. By 2018 it is estimated that 61 percent of the jobs there will require some postsecondary education. We have a 20-percent gap that has already opened in the next 4 years, and we have to fill it. The wrong way to fill it is to make college more expensive.

I recently had a roundtable with all of the presidents of my universities and colleges in Rhode Island. They said that keeping this interest rate relatively low is absolutely critical. They are all worried about the fact that by July 1, unless we act, we will see a doubling of this interest rate.

Frankly, this is an issue that has had bipartisan support. In 2007, on a very strong, bipartisan basis, we enacted the College Cost Reduction and Access Act, cutting the interest rate from 6.8 to 3.4 percent. In the Senate, the legislation passed on a 79-to-12 vote, with more than two-thirds of Republican Senators—34 out of 49—supporting it. President George W. Bush signed it into law.

We have to revive, before July 1, that bipartisan spirit that motivated the initial legislation so that we can avoid

doubling the interest rate college students will pay for these loans. It is a matter of major priorities for us—not just for a short time but for the future of the country. We have 75 days. The clock is ticking. We have to move. If we don't, millions of middle-class students and families will be denied the opportunity to effectively get a higher education.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

POSTAL SERVICE REFORM

Mr. MCCAIN. Mr. President, I rise to comment on our failure to move forward with debate and discussion and amendments on this very important bill. The sponsors of the legislation and I may have very different proposals to address this compelling issue, but neither the sponsors nor I believe we should not have debate, discussion, and amendment.

Unfortunately, again, because of a requirement by Members that their amendment be voted on, apparently, the majority leader will now move on, fill the tree, amendments will not be allowed, and we will move on to other legislation. This affects 500-some-thousand American employees. We are talking about tens of billions of dollars. We are talking about an urgent need to restructure and reform the postal system in America. So now, because of demands of Senators to have votes on nongermane amendments, we will now move on to other legislation. I wonder when we will address the issue. May 15 is a very critical date in this whole scenario.

I would like to talk a bit about my proposal, and that basically is modeled after the bill that is pending in the other body, the House of Representatives.

Yesterday the Washington Post editorial said, "The time for real postal reform is now." It begins:

For anyone who still does not quite grasp the technologically obsolescent U.S. Postal Service's calamitous financial situation, here are a few facts from Thursday's Government Accountability Office report.

Before I go through that, I will quote from a Washington Post article from November 18. It specifically refers to the pending legislation. It says:

The 21st Century Postal Service Act of 2011, proposed by Senators Joseph I. Lieberman and Susan Collins and passed last week by the Senate Committee on Homeland Security and Governmental Affairs, is not a bill to save the U.S. Postal Service. It is a bill to postpone saving the Postal Service.

The service's announcement that it lost \$5.1 billion in the most recent fiscal year was billed as good news, which suggests how dire its situation is. The only reason the loss was not greater is that Congress postponed the USPS's payment of \$5.5 billion to prefund retiree health benefits. According to the Government Accountability Office, even \$50 billion would not be enough to repay all of the Postal Service's debt and address current and future operating deficits that are caused by its inability to cut costs quickly enough to match declining mail volume and revenue.

The Collins-Lieberman bill, which transfers \$7 billion from the Federal Employee

Retirement System to the USPS—to be used for offering buyouts to its workers and paying down debts—can stave off collapse for a short time at best.

I point out that this is the Washington Post's view and the GAO's view, not necessarily that of this Senator.

Nor do the other measures in the bill offer much hope. The bill extends the payment schedule for the Postal Service to prefund its employee retirement benefits from 10 to 40 years. Yes, the funding requirement is onerous, but if the USPS cannot afford to pay for these benefits now, what makes it likely they will be able to pay later when mail volumes most likely will have plummeted further?

The article goes on to talk about one of the favorite tactics around here—more studies.

The bill also requires two more years of studies to determine whether a switch to five-day delivery would be viable.

I have to repeat that for my colleagues. We need to study for 2 years as to whether we need to reduce mail delivery from 6 days to 5 days. Isn't that marvelous. Isn't that marvelous—2 years to study. What it is is delaying what is absolutely necessary; that is, to have 5-day-a-week delivery.

One of my colleagues said it might keep someone from getting a newspaper in the mail. We are talking about \$50 billion short, and we can't even reduce the number of days which has been recommended by the Postmaster General himself, so we are going to have 2 years to study whether we should switch to 5-day-a-week and whether that would be viable.

Continuing to quote from the Washington Post article:

These studies would be performed by a regulatory body that has already completed a laborious inquiry into the subject, a process that required almost a year.

So it will actually take 3 years.

This seems a pointless delay, especially given that a majority of Americans support the switch to five-day delivery.

We are sympathetic to Congress's wish to avoid killing jobs. And the bill does include provisions we have supported—such as requiring arbitrators to take the Postal Service's financial situation into account during collective bargaining and demanding a plan for providing mail services at retail outlets.

But this plan hits the snooze button on many of the postal service's underlying problems. Eighty percent of the USPS's budget goes towards its workforce; many of its workers are protected by no-layoff clauses.

Our Postal Service has no-layoff clauses in its contracts. I wonder if most Americans know that.

Seven billion dollars' worth of buyouts may help to shrink the workforce, but this so-called overpayment will come from taxpayers' pockets, and it is a hefty price to pay for further delay.

There is an alternative—a bill proposed by Representative Darrell Issa, (Republican-California) that would create a supervisory body to oversee the Postal Service's finances and, if necessary, negotiate new labor contracts. The bill, which just emerged from committee, is not perfect, but it offers a serious solution that does not leave taxpayers on the hook.

I wish to read from the April 14 Washington Post editorial, which I think sums up the situation.

For better or worse, our children's children will marvel at the fact that anyone ever used to send the paper thing called "a letter." They'll be amazed to learn that we unnecessarily spent billions of dollars propping up a huge, inefficient system for moving these things around. But what would really astound future generations is that we borrowed that money and left it to them to pay it back.

There is no better description of what this bill is all about. My friends, I will be glad to go into a number of details, but it is very clear Congress and the Postal Service cannot make decisions, so what we need is the only thing we found that worked to reduce our bases in America, which was a BRAC. So what we need is a BRAC-like commission to identify those post offices and other facilities that need to be closed.

I wish to go back to what the article said about future generations. My friends, we now communicate with these. We communicate by e-mail and we communicate by tweeting and we communicate electronically in the ways we used to do with pen and paper or a typewriter. That is a fact. So we have seen a dramatic reduction in regular mail. We have seen it go down in a very dramatic fashion, which will accelerate over time. Listen, when guys my age are doing this, everybody is doing it. The fact is, everybody will be doing it, and they will not have to put a 30- or 40- or 50-cent or 60-cent stamp on a letter in order to get a message to their friends, families, business associates, et cetera.

Instead of doing as some did when the Pony Express was replaced by the railroad—trying to prop up a failing industry—let's find a graceful exit and, at the same time, preserve those functions of the Postal Service that will be around for a long time. There are functions that could stay around for a long time. But this is a dramatically changed world. We now have instant communications. We have instant news cycles, and we have today a proliferation, thank God, of information and knowledge that was unknown in previous years or in history. There are upsides and downsides to that, but the Postal Service delivering letters does not play any role in the future of information being shared and made available to citizens all over the world.

First-class mail makes up more than half of postal revenues. It is down by more than 25 percent since 2001. In the last 11 years, it is down 25 percent, and I promise that will accelerate. It continues on a downward spiral with no sign of recovery. This, combined with unsustainable 80-percent labor costs and labor contracts that contain no-layoff clauses, points to the hard reality the Postal Service is broken.

By the way, that is also the conclusion of the Government Accountability Office, which just recently issued a report entitled "Challenges Related to Restructuring the Postal Service's Retail Network." Let me quote from that report.

In 2011, the American Postal Workers Union . . . and USPS management negotiated a 4-year agreement that limits transferring employees of an installation or craft to no more than 50 miles away.

How in the world did they negotiate an agreement that they would not transfer anybody farther than 50 miles away?

If USPS management cannot place employees within 50 miles, the parties are to jointly determine what steps may be taken, which includes putting postal employees on "stand by" which occurs when workers are idled but paid their full salary due to reassignments and reorganization efforts.

I am not making that up. If someone is a postal service worker and they want to be reassigned more than 50 miles away, they cannot do it. And if they can't do it, they put employees on stand-by, and they are idled but paid their full salary due to reassignments and reorganization efforts. My friends, it helps us to understand why 80 percent of their costs are in personnel.

The GAO, in its report, makes an argument basically for a BRAC. They call it the Commission on Postal Reorganization. Quoting the GAO once again:

The proposed Commission on Postal Reorganization could broaden the current focus on individual facility closures—which are often contentious, time consuming and inefficient—to a broader network-wide restructuring, similar to the BRAC approach. In other restructuring efforts where this approach has been used, expert panels have successfully informed and permitted difficult restructuring decisions, helping to provide consensus on intractable decisions. As previously noted, the 2003 report of the President's Commission on the USPS also recommended such an approach relating to the consolidation and rationalization of USPS's mail processing and distribution infrastructure. We also reported in 2010 that Congress may want to consider this approach to assist in restructuring organizations that are facing key financial challenges.

GAO has testified that USPS cannot continue providing services at current levels without dramatic changes in its cost structure. Optimizing the USPS's mail processing network would help USPS by bringing down costs related to excess and inefficient resources.

Continuing to read from the GAO report:

Lack of flexibility to consolidate its workforce: USPS stated it must be able to reduce the size of its workforce in order to ensure its costs are less than revenue. Action in this area is important since USPS's workforce accounts for about 80 percent of its costs.

We are faced with a very difficult decision, and the amendment and substitute I have has a number of provisions. I see my friend from Connecticut is on the floor, and I know he wants to discuss this issue as well, but the fact is we are looking at a Postal Service that once upon a time was so important to the United States of America it was even mentioned in the Constitution. Since those days, and in the intervening years, the Postal Service performed an incredibly outstanding job in delivering mail and communications to our citizens all over America—

in all settings, in all parts of our country—and they deserve great credit for doing so. But now we face a technological change.

As I understand it, a huge portion of their mail now is made up of so-called junk mail, which is advertising mail. Americans in greater and greater numbers are making use of this new technology, as I pointed out, and it is time we understood that and we stopped this incredible hemorrhaging of money. According to the Postal Service itself, by 2020, they are expecting to face up to a \$238 billion shortfall. They are expecting a \$238 billion shortfall in just the next 8 years—\$238 billion. The Postal Service has reached its borrowing limit of \$15 billion. Even with dramatic cost savings of \$12 billion and workforce reduction of 110,000 postal employees in the past 4 years, the Postal Service is still losing money. In fact, the Postal Service has said it could lose as much as \$18 billion annually by 2015 if not given the necessary flexibility it needs to cut costs and transform.

What does the legislation before us do? It delays by 2 years for a study—a study—to figure out whether we should go from 6 days a week to 5 days a week. I wonder how long it would take some smart people to figure out whether we should go from a 5-day delivery versus 6 days. According to the sponsors of the bill, it takes them 2 years, after they have already studied it for 1 year. Remarkable. Remarkable.

What we need—and this is, unfortunately, testimony to the lack of political courage of Members of Congress and members of the administration—a BRAC process. We need a BRAC process, where we can appoint a number of men and women who are knowledgeable and who are willing to make these decisions for us and then those decisions would be made and it would come back for an up-or-down vote in the Congress of the United States.

I point out again, this bill before us locks in the current service standards for 3 years. It will make it impossible to go forward with the vast bulk of the Postal Service's planned network consolidation for at least 3 years. It puts in place significant new steps, including public notice and comment, before a processing plant can be closed. It gives appeal rights to the PRC for processing plant closures and gives binding authority to this PRC to keep a plant open to protect service standards.

The bill adds a number of new regulations designed to make it more difficult to close post offices. It includes a post office closure moratorium until retail service standards are created. It gives the PRC the ability to enforce a "retail service standard" which would enable the PRC to not only require appealed post offices stay open but even require new post offices to be open if a complaint is lodged.

It continues the 2-year delay before USPS can go to 5-day delivery, as I mentioned, and it removes a provision in the reported text that required arbi-

trators to take into account pay comparability in any decision. It replaces it with vague language that says "nothing in this section may be construed to limit the relevant factors that the arbitration board may take into consideration."

If that isn't vague language I don't know what is. Let me repeat it. They want the board to do nothing in this section of the legislation that could be construed to limit the relevant factors that the arbitration board may take into consideration. That is pretty good guidance, isn't it?

I could go on and on, but in summary I would just go back to the Washington Post's final paragraph of their article and repeat—and this is what this is all about, my friends.

For better or worse, our children's children will marvel at the fact that anyone ever used to send the paper thing called "a letter." They'll be amazed to learn that we unnecessarily spent billions of dollars propping up a huge, inefficient system for moving these things around. But what would really astound future generations is that we borrowed that money and left it to them to pay it back.

I thank the sponsors of this bill for the great effort they made. I think we have open and honest disagreements that deserve debate and discussion and amendments. They deserve amendments and they deserve honest debate. We are talking about the future of the Postal Service in America and we are talking about literally, over time, hundreds of billions of dollars of taxpayers' money.

I hope the majority leader will reconsider and allow amendments to be proposed. I hope my colleagues will not insist on a vote on a nonrelevant amendment as a condition to moving forward with legislation. That is not right either.

I have said time after time, because I have been around here for a long time, we should have people sit down, both majority and Republican leaders, and say, okay, how many amendments do you want? Which amendments do you want voted on? Give them a reasonable handful, which we did not that long ago, and then you have those votes and move forward.

This is important legislation. The Senator from Connecticut will point out that May 15 is a critical day. This issue cannot be strung out forever.

I hope we can sit down with the majority and Republican leader and come up with some amendments that would be allowed and then move forward. I don't know if my amendment will be agreed to, but I think it deserves a vote. I think it deserves debate and consideration.

Again, I thank the sponsors, three of the four of whom are on the floor, for their hard work. I look forward to the opportunity to have honest and open debate and discussion on this very important legislation. I know they and their staffs have put in hundreds and hundreds of hours of work on this legislation to bring it to the floor.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Madam President, I agree with the statements of the Senator from Arizona about the majority leader and allowing us to actually work on relevant amendments that are important to each and every person in this Chamber, to make sure we can address those very real issues, to move not only this issue forward but to try to attempt to rescue the Post Office.

I also agree with him in his commenting on some of the deals that were cut by the Postmaster General in dealing with contracting. We actually have spoken about this many times. I asked the Postmaster General personally what was the thought process associated with entering into a contract? Did you want us to be the bad guys? What was the thought process there? Our hands are somewhat tied in dealing with some of these legislative issues.

There is nobody I respect more than the Senator who just walked out of this Chamber but I have to respectfully disagree. During our many long hours of deliberation between staff and cosponsors we wrestled with many things that were brought up in his presentation. With all due respect, I read many other articles that comment we are moving boldly to try to rescue the Post Office, taking into consideration everybody—not only the union workers but obviously the Postmaster General, the citizens—i.e., the users of the Postal Service, and everybody in this Chamber.

The impending financial crisis at the Post Office I can tell you is foremost in our minds. It was the only consideration we had, was trying to make the Post Office viable for future generations to use. That is the only consideration we had. The fact that we are here today, and I guess are not going to be able to move forward on this, is mind-boggling. But any legitimate reform of the Postal Service has to recognize we need to cut costs and streamline an organization that is too big, especially in light of the future mail volumes and the decreasing of future mail volumes. Our bill recognizes this, but where it differs from the approach of the Senator from Arizona is in our recognition of the full impact that major service changes will have on postal customers and future revenues.

The Saturday delivery service of the Post Office is one of the strongest benefits it has. When you are competing with the other entities delivering mail or delivering packages and the like, that is the leg up that the Postal Service has. We want to deliver that.

As a matter of fact, I want to address two other things. It is not the taxpayers who are paying this money. It is the ratepayers who have already paid into the system and have in fact overpaid into the Postal Service in some of their retirement issues, the retirement

program that we have. We are merely giving them that money back to allow them to get their financial house in order in order to offer some buyouts, to get these 100,000 people retired so we can reduce the cost of the Postal Service.

Once we make these changes, the Senator from Arizona also referenced that it is going to take a 2-year study? No, it is not a 2-year study to see if we are going to cut down Saturday service. They want to cut it right off. If we do all these other changes, the consideration we did in a joint and bipartisan manner was to determine whether, in fact, if we had done these, do we still need to cut the Saturday service? Which, by the way, is the benefit the Postal Service has over everybody else. Are we going to contribute to that downward spiral or are we actually going to work together and give them the little bit of flexibility, to say we have done all these changes, we don't need to cut Saturday delivery?

We still do it. We may need to streamline it. We may need to do curbside instead of going to the door. We may need to do clusters, shift it in some rural areas. But we have cut retirees. We have cut, consolidated—we have done everything. That is what the 2-year study is: If it doesn't work, we will do it. But to cut off your nose to spite your face makes no sense to me.

As the Postal Regulatory Commission has pointed out time and time again, the assumptions on customer and revenue impact as a result of these proposals have been weak at best and nonexistent at worst. We need to make sure when and if we give the Postmaster General the ability to do these certain things, he is going to do them. There are no two ways about it. He needs to draw a line in the sand and, more importantly, get everybody in the same room. I cannot imagine that our postal employees, whatever union they are from, want to have the Post Office go bankrupt and go out of business. I can't imagine there are people listening who don't want to get their cards from their grandchildren, get their checks, magazines, these things they are accustomed to.

I am listening to the Senator and I am signing letters I am going to be putting in the mail. How ironic is that. I am sitting here signing letters and the Senator, for whom I have great respect, says we communicate by this cell phone—yes, but the personal touch and that feeling of how you feel I think is best expressed right here. That is why I take the time and effort to respond, not only to my constituents, to my family and friends. Call me old fashioned. I think there is something worth saving here and that is what I am working on.

Let me say, by the way, about the Senator from Connecticut, what a legacy he is going to leave. We just did the insider trading bill. Without Senator COLLINS' and Senator LIEBERMAN's help that never would have come to

fruition, had they not actually had the guts to move that forward. What a legacy to leave.

Then to actually have another legacy, to save the United States Post Office? They may actually name it after the Senator. I will make that effort, the Joe Lieberman Post Office. That will be great.

Mr. LIEBERMAN. In Massachusetts? Mr. BROWN of Massachusetts. And I will put it in Massachusetts. How about that?

You need to have a sense of humor around here. Trust me, sometimes you have to laugh at some of the things that happen here.

But in all seriousness, we need to take these drastic steps in order to provide for the economic viability of the Postal Service. In our bill, S. 1789, we will have a better way. The likelihood of the House bill passing is, I am understanding, quite remote. But there is a good likelihood that we can actually get this out first if the majority leader lets us move forward and get it out the door and put the pressure on the House to join with us in a bicameral way.

I want to say I was honored to be part of this effort to rescue the Post Office, as I have been honored to work on everything in our committee. We are going to miss the Senator very much. I said that before and I am not kidding. I know Senator COLLINS feels the same way. To do these two major pieces of legislation, I am excited to see what else we can do before the Senator leaves.

With that in mind, I will yield the floor and note I am excited to continue to work on this very important initiative. I encourage the majority leader to allow us to move forward and get this done and then we will move on to the Violence Against Women Act. As I said before, I am a cosponsor of both. As I said before, I am a cosponsor of both, so flip a coin—either way I win. It is "heads" on both sides. This is time sensitive. But it is until May 15, if I am not mistaken, in order for us to do it and have some control over these cuts; otherwise, you could see Draconian cuts, willy-nilly, with no input from us at all and no protection for our constituents.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, first I thank my friend, the Senator from Massachusetts, for his kind words about me. It has been a pleasure to work with him. He has been a great and devoted member on our committee. He introduced, along with Senator GILLIBRAND, the two bills that became the anti-insider trading bill and worked as a ranking member on the subcommittee that Senator CARPER chairs that has been working, focused on saving the United States Postal Service.

I appreciate his kind words and the stated intention, to name a post office for me. I hope he names one that is not then closed shortly thereafter. I also

thank him for doing his part personally for the Post Office by continuing to write letters and sign them.

If we all personally—I am using e-mail as much as anyone else. I am going to wander a bit here in preparing for this my last year in the Senate and how you wind things down. They actually keep our e-mails on disks. They can be stored in libraries, as you would normal memos. We do reserve the right to edit somewhat. We are privileged in that way. But so much of the communication that goes on between people on e-mail is effectively lost in the ether of cyberspace.

When you think about the richness of history, how much of history comes from letters that were written or typed over time, I think—though the trend here is clear, more and more will be done on the Internet, on e-mail—I think people are going to still want to write and receive letters. That is just one of the reasons why the Post Office should stay what it is—not what it is now but remain a viable institution which is not only important for the slightly sentimental reasons I have mentioned but because millions of jobs in our society and our country depend on the Postal Service. Although e-mail and the Internet are changing the reality of communications in our world, there are some things, in addition to mail, that will always best be done through the services of the U.S. Postal Service and not through the Internet. Some of that is the catalogs and magazines we get through the mail, but some of it is the packages, medicine, products that people buy over the Internet, that have to be delivered. Most of that is actually delivered, the last mile, by the United States Postal Service.

I thank my friend from Massachusetts for responding to Senator MCCAIN's statement. It described where we are simplistically on this. I know there are some people who believe the bipartisan bill that came out of our committee—Senator COLLINS, Senator CARPER, Senator BROWN, and I—does too much. It is too tough on the Post Office. So they are concerned about it.

Senator MCCAIN is on the other side. He doesn't think—and I am sure there are others—that we have gone far enough quickly enough. I think we found the right spot. I think this is a balanced, middle-way proposal. But make no mistake about it, the substitute bill that has been filed is not a status quo bill. It authorizes and facilitates exactly the kind of significant change in the U.S. Postal Service that the reality of its declining business demands we propose. So in most of the cases, with the exception of the 6- to 5-day delivery, which I will come back to, to change the 6- to 5-day delivery requires legislative authorization. I hope somebody puts an amendment in that would authorize the Post Office to go immediately from 6- to 5-day delivery because I wish to see what the sentiment is in the Senate. My guess is—

for the reasons that the Senator from Massachusetts stated very eloquently—people are not ready for that precipitous change from 6 to 5 days; that if we do some of the things Senator McCAIN is proposing, it would make such rapid and dramatic changes in the Postal Service that it will have the contrary effect to what people intend and it will diminish its services so rapidly that it will accelerate its downfall by decreasing its revenues.

This perhaps is not the right parallel, but I remember years ago when I was in the State Senate in Connecticut we had a real problem with the publicly supported bus transportation running a deficit, and one of the inevitable proposals was to raise the cost of the bus fare. Well, of course, one of the logical and sensible reactions to that—which happened—is that fewer people rode the bus because it cost more and it got into more trouble, and that is exactly the kind of downward cycle that the sensible change we are facilitating in this bill will make possible. Post offices and mail processing facilities will be closed under this bill. A lot of employees will leave the Post Office. This will all be done according to standards and in a methodical way that I think ultimately will not only save a lot of money for the Post Office—and I expect we will have an official estimate in the next day or two on that savings derived from our bill from the U.S. Post Office—but it will do so in a way that doesn't break people away from the Postal Service and put it into a more rapid spiral downward.

As a matter of process, I want to say in response to my friend from Arizona, Senator McCAIN—first, I want to say that I appreciate what he said about the amendment from the Senator from Kentucky, it is not relevant to this bill. I am sure there will be another occasion that his proposal to terminate financial assistance to Egypt will be relevant and should be brought up, but it should not be brought up on this bill because it is not relevant and it is exactly those kinds of irrelevant amendments that often get the Senate into a gridlock situation which means we won't get our job done, and makes the public even more dissatisfied with us. So I thank Senator McCAIN for speaking to that.

Senator McCAIN has introduced an amendment, which I oppose, but it is relevant and it ought to be debated. I know the majority leader is very open to working out a process by which amendments from both caucuses will be introduced and introduced in a timely way. There are several colleagues on the Democratic side who have amendments they want to offer as well. So I hope Senator COLLINS, Senator REID, Senator MCCONNELL, and I can work together to begin to reach a bipartisan agreement where we can take up amendments that are relevant—Senator McCAIN's is one of them—and we can debate them and get something done here. Too often the public is so

frustrated and angry with us because we leave problems unsolved because we get stuck in partisan, ideological, or procedural gridlock. This is a real problem.

The Post Office lost more than \$13 billion in the last 2 years. It would have been \$5 billion more if we had not waived a payment responsibility the Post Office had to the retirees' health benefit plan. It cannot go on this way. And if we don't act, it is not as if nothing will happen; something will happen. The Post Office will continue to spiral downward and the Postmaster will inevitably have to impose dramatic cuts in services and personnel. So I think it is our responsibility to create a set of rules and procedures here that acknowledges the need for change in the Postal Service, create a process—well, actually authorizes the Post Office to do some things it has not been able to do until now to raise more money—and create a process for changing the business model of the U.S. Postal Service so it can survive in a very different age, the age of e-mail, and also flourish because so many people in our country depend on it for doing so.

Madam President, 563 million pieces of mail get delivered by the U.S. Postal Service every day, so this is not some kind of irrelevant and antiquated relic somewhere. This is a beating, functioning, critically important element of our life, our commerce, and our culture, and a lot of people depend on it, so we have a responsibility to change it and to keep it alive.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, at a later time I am going to speak in strong opposition to the substitute offered by the Senator from Arizona, but I must say that he has every right to offer that substitute. We should fully debate it, and then we should vote on it. I am puzzled by the procedural steps that have been taken this afternoon to curtail the debate and amendment process on this bill without our even trying to get an agreement on the number of amendments, perhaps limiting them to relevant amendments, which I think would have been a fair way to proceed. So as much as I am opposed to the substance of Senator McCAIN's substitute and believe it is ill-advised, I do believe we should have a full debate on it and a vote on it. That is what we are here for.

There are many different views on how we should save the Postal Service, but surely all of us ought to recognize that we simply cannot allow the Postal Service to fail. It is the linchpin of a trillion dollar mailing industry that employs 8.7 million Americans. It is absolutely vital. It also is an American institution with roots going to our Constitution, and we worked very hard in a bipartisan way on our Homeland Security and Governmental Affairs Committee to come up with a very

good bill that would put the Postal Service back on the right track.

It would allow it to compassionately downsize its workforce, which it needs to do. As painful as that is, we would do it in a compassionate way by giving authority for buyouts and retirement incentives similar to those used by the private sector. The Postmaster General has said he believes he could reduce the number of employees by 100,000 without layoffs but by giving these incentives, particularly since more than 33 percent of the Postal Service employees are already eligible for retirement.

Senator McCAIN has a different view on how we should go about that. He has a different view on Saturday delivery, on rural post offices, on overnight delivery of mail, all of which I think are important. Our bill does not prevent the closure of every single post office, nor does it dictate that a certain number remain open or closed, for that matter. What we did is we set standards. That is the way it should be. We have the Postal Regulatory Commission set standards for access to postal services, and those standards are supposed to include consideration of such factors as distance to the next post office, geography, public transportation, and weather factors. That is far better than a one-size-fits-all approach that the Senator from Arizona would have or the approach used by the Postmaster General to target 3,200 post offices without even looking at whether there are alternative and far less expensive ways to deliver the services. And there are.

For example, a rural post office could be colocated in a pharmacy or a grocery store. It could still exist but run different hours, perhaps be opened from 7 to 9 in the morning and 5 to 7 at night. I wager that a lot of my constituents would appreciate that. That would be on their way to work in the morning and on their way home at night. It could colocate with a State office or local office, move into a town hall, or have a Federal agency move in with the post office. It could offer services that are available generally at State and local offices. There are so many creative ways we can preserve postal services in rural areas and yet reduce costs, and I believe the Postal Service needs to be far more creative in its approach.

But I do not support the approach Senator McCAIN has laid out. One of his proposals would create a new bureaucracy—I thought we were against creating new bureaucracies around here—such as a new control board that would be over the board of governors and would have these dictatorial powers over the Postal Service. That is a proposal that I don't think makes sense.

Our approach is to have a commission that would examine the governance of the Postal Service, but perhaps what we should do, if there is something wrong with the structure of the board of governors—it was substantially revised in 2006—is then we should

revamp the board of governors, not create this new superbureaucracy on top of it.

I agree with the comments of the Senator from Massachusetts on Saturday delivery. The provision that Senator MCCAIN has to move directly to 5-day delivery and his negative comments on the fact that we would prohibit that from happening for 2 years misunderstands the intent of our bill. It is not to say that might never happen; it is to say that reducing service should be the last resort, not the first option. The Postal Service has an advantage that it delivers 6 days a week.

Now if, in fact, after all the costs and waste and excess have been wrung out of the system and the Postal Service is still not solvent after 2 years, then we may have to move to 5-day delivery. But to give up that advantage immediately, I can tell you what is going to happen: The volume of mail will decline further. And if the volume of mail declines further after having a 26-percent decline over the past 5 years, what is going to happen? Revenues will plummet once again. So we need to be very careful about cutting service because it leads to mailers leaving the system. And once the big mailers, in particular, leave the Postal Service, they are not coming back, and the Postal Service will sink further and further into a death spiral.

My approach is to try to keep and grow the customers for the Postal Service. I think moving to Saturday delivery would drive more mail away and would hurt service and thus decrease the volume. So I do not think that is a good approach. But the reason for our 2-year delay is not an endless study, as has been described by the Senator from Arizona. It is to allow time for the retirement incentives to go into effect, the downsizing of the workforce to go into effect, the workers comp reforms to go into effect, the new arbitration provisions to go into effect, the administrative efficiencies that we mandate to go into effect—countless provisions of the bill to go into effect. I believe if they are aggressively and well implemented by the Postal Service leaders—if they are—there will be no need to eliminate Saturday delivery. That is the reason for the provision in our bill. But we recognize that maybe that will not happen. Maybe the provisions will not be aggressively and well implemented, and the Postal Service will find that it needs to take that extra step. But, surely, our first approach ought to be to implement cuts without hurting service.

Let me give an example of that from my own State. In Hampden, ME, it is one of the two postal processing centers for the entire State of Maine. The other one is in Scarborough, ME, in southern Maine. The Hampden facility is absolutely essential for processing mail from the broad reaches of northern Maine, eastern Maine, and parts of western Maine.

Under the Postal Service's proposal, the Hampden facility would be closed. That virtually eliminates the possibility of overnight delivery for roughly two-thirds of the State of Maine by geography. It means a letter mailed from my hometown of Caribou, in northern Maine, to Presque Isle, just 10 or 11 miles away, would have to make a 600-mile roundtrip to Scarborough, ME, in order to be processed and delivered. I can't imagine how many days that is going to take, particularly in the winter, and this is all ground transportation.

So that is the kind of ill-conceived decision our bill is intended to prevent because it is the kind of decision that is going to cause postal customers to take their business elsewhere. In proof of that, I received an e-mail from a small business owner in Bangor, ME, which is the town right next to Hampden, who told me he had already received a notice from his payroll company saying if the Hampden facility closes, then they recommend that he move to electronic payroll or they will hand deliver the checks from their payroll. So that, again, is lost business for the Postal Service.

Could things be done at the Hampden facility to save money? Absolutely. If the facility's size is too big compared to the volume of mail it is now processing, reduce the footprint. Rent out part of the facility. A major mailer would love to be right in the same building as the postal processing center. It could easily be reconfigured to accomplish that. So the Postal Service can do a lot to reduce its costs without doing away with overnight delivery, with Saturday delivery, and with the treatment of first-class mail in the way that we have been accustomed.

Coming from New Hampshire, I know the Presiding Officer has a special appreciation for this: The steps that will be taken if we do not act will leave rural America behind. Not every part of my State has access to broadband. We talk all the time about how people can go on the Internet. Well, they can't in parts of my State. We are making progress in that area, but there are many rural areas in Maine that do not have access to broadband. So they do not have alternatives.

Weekly and daily newspapers would be at a terrible disadvantage if overnight delivery is no longer available for two-thirds of the State of Maine. Think about that. Think what it means for bill paying for those small businesses sending out bills to their customers.

Think about what it means to elderly individuals who are receiving prescription drugs through the mail—very common in my State, which is one of the States with the oldest population in the Nation. A lot of our elderly in Maine are, particularly in the winter months, essentially homebound and they rely on getting those pharmaceuticals through the mail. So if we do away with Saturday delivery, close the

processing plants, no more overnight delivery, Monday holidays as well—I have talked to the Postmaster General, and he has conceded to me that even a first-class package or letter mailed on a Thursday would not arrive until a Tuesday. That is a long time when a person is waiting for vital medication.

So our approach, our fundamental premise, is to recognize that the Postal Service must become leaner, more streamlined, more efficient. It must downsize to respond to declining volume, but it must be smart in how it does so. It must do so in a way that does not alienate more of its customers because if it loses more of its customers, volume will decline and revenues will decline. It is that simple, and that is why this bill has been so carefully crafted.

This is not the bill I alone would have proposed, and I think that is true of all four of the sponsors of this bill. But we did what we are supposed to do in the Senate. We worked together. We had countless meetings, at times—I think the Senator from Connecticut will agree—endless meetings, to hammer out these provisions, to strike compromises.

We consulted widely with our colleagues—with GAO, with the Postal Service, with large mailers and small mailers, with the greeting card industry, with the newspaper industry, with magazine publishers, with anyone who had a stake—with the postal unions—and we got their suggestions and we crafted the bill to the best of our ability. We worked hard on it. I think it is a good bill.

I am very disappointed and indeed puzzled why we can't now proceed with debate on amendments on this bill and why we have a cloture motion on this bill already filed. That makes no sense to me. We are acting in good faith. We are open for business right now. We could be taking up amendments right now. I hope the leader will reconsider and allow us to do this bill in the usual way. I would pledge to him—and he knows I am sincere in this—to work with him to try to come up with amendments and see if we can go back and forth, side to side, and start working through them. We are here. We are open for business. We are ready to go.

This bill matters. Our economy is still very fragile. If the Postal Service stops delivering mail this fall, it will be a crushing blow to this economy. If it stops delivering mail in certain areas or the mail is very slow, it will also hurt this economy.

We cannot leave rural America behind. The mandate of the Postal Service is universal service. That means whether a person lives in the far reaches of Alaska or at the bottom of the Grand Canyon in Arizona or on an island off the coast of Maine; all are supposed to be able to have access to the Postal Service. It is one of the things that unites us as a country.

So I urge my colleagues to come together in good faith and work through

what I believe is a very important bill with a vital mission; that is, to save the U.S. Postal Service.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I wish to thank my dear friend and colleague from Maine, not my ranking member but really sort of cochair partner of our committee, for her excellent statement. I share her frustration about the procedural moment we are at in the Senate. I hope and I believe this is temporary. I believe Senator REID's intention is to do exactly what Senator COLLINS has said she would like to see happen, which is that we negotiate an agreement, hopefully—it would have to be adopted by consent, but it would have to be amendment by amendment, where we would go back and forth and consider amendments from each side of the aisle.

I know Senator REID has filled the tree. It is not as if there are not amendments that the Senate Democratic caucus wants to offer to the bill. There are. There are several of them. I know there are several on the Republican side. We worked very hard on this bill, as Senator COLLINS has said. The meetings did seem endless. I would say sometimes they seemed excessively endless. But, nonetheless, we reached across the aisle and compromised.

This is not a perfect piece of work. It is an important subject, so it deserves to be considered, debated, and amendments need to be offered. I am confident in saying that is exactly the direction in which the majority leader wants to go, and the sooner the better.

Having said that, and seeing no one else on the Senate floor, 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. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CARPER. Madam President, we are debating this bill today because the Postal Service is facing, as many of us know, a dire financial crisis that literally threatens its very survival. This is a crisis that has been building for some time. It is one that only Congress can fix at this point, and one that we absolutely must fix now, literally in a matter of weeks.

Since the Postal Service was first established in 1971 in its current form, we have taken it for granted that our mail would arrive and that important business and personal correspondence would reach its destination. In addition, businesses, large and small, have come to rely on the mail to reach new customers and to communicate effectively with existing customers.

The Postal Service has a presence in virtually every community of any size in our country, large and small. It sup-

ports a trillion-dollar mailing industry that creates and sustains millions of private sector jobs—I am told as many as 8 million private sector jobs today. Unfortunately, a number of those jobs are at great risk today. They are at risk because those of us in Congress have, to date, proven unwilling or unable to come to consensus around a package of reforms that can update the Postal Service's network and business model to reflect the reality it faces today—if you will, to right-size the enterprise, much as the auto industry has right-sized its enterprise in the last 3 or 4 years. That lack of action on our part comes despite ample warnings about the severity of the problem and about the consequences of not appropriately and effectively solving that problem.

Nearly 2 years ago, former Postmaster General Potter announced—I think with the help of three major consulting companies—that the Postal Service would run up cumulative losses of more than 230 billion extra dollars by 2020 if we did nothing.

There are several reasons for these losses, including the diversion of first class mail to electronic forms of communication and legislative hurdles Congress has imposed on reform efforts.

Mr. Potter and his successor Pat Donahoe have done a tremendous job, I believe, in trying to chip away at these losses, with the help of their employees, with the help of several of their unions, with the help of a number of their customers, and I think from time to time with help from those of us who serve in the Congress and in the last administration and the current administration.

Over the past decade, the Postal Service has reduced the size of its postal workforce by roughly a third—not by firing people, not by laying people off, but through attrition. They have closed scores of mail processing facilities across America with no noticeable impact on service. People still drop letters and packages in the mail, and they might be delivered the next day or the next day or within at least 3 days—pretty amazing when you think about it. The approval rating for Congress is not very high, but the customer satisfaction of the American people with respect to the Postal Service is still at about 85 percent—pretty good compared to how we are doing here in our Nation's Capital.

The Postal Service has introduced some new products such as the flat rate boxes: If it fits, it ships. They have formed productive partnerships with companies such as UPS and FedEx. UPS and FedEx do not want to deliver every package, every parcel to every mailbox or address across America. The Postal Service does that 6 days a week. The Postal Service has a nice partnership with FedEx and UPS in order to make money for the Postal Service and to provide good customer service in that partnership. But despite

that, losses at the Postal Service continue to mount.

Last year, the Postal Service suffered an operating loss of more than \$5 billion. It will see a similar loss this year, even if it finds some way to avoid making the retiree health prefunding payments due in the coming months. Then the losses accelerate to \$6.5 billion in 2013; to \$10 billion in 2014; to more than \$12 billion in 2015; and to more than \$15 billion alone in 2016.

But these losses are only theoretical. I say that because the Postal Service is close to exhausting its \$15 billion line of credit with the Treasury and by this time next year will be well on its way to running completely out of cash. If that were to occur, the Postal Service's ability to continue operating will be in jeopardy.

Postmaster General Donahoe has said repeatedly that he and his team will do everything they can do to keep the mail moving even as the Postal Service's finances deteriorate. I believe him. But make no mistake: If the Postal Service is not permitted in the very near future to begin making the adjustments needed in response to the likely permanent declines in mail volume—especially first class mail—we have witnessed in recent years, the Postal Service will drown in red ink. The ripple effect of losing the Postal Service and the still very valuable services it provides would deliver a body blow to our economy at the very time our economy is recovering.

We are on the brink of this impending disaster in part because we are expecting the Postal Service of 2012 to try and be successful with a business model created in the 1970s. Let's remember, in 1970, when I was a naval flight officer on my first tour in Southeast Asia, there was no e-mail. There was the mail. The happiest day of the week was when the mail came—letters, cards, packages, magazines, newspapers, you name it. That was the day of the week to live for. The last time I was over in Afghanistan—and Senator LIEBERMAN and Senator COLLINS have been there any number of times—the last time I was there, they still get mail, our guys and gals still get mail, but do you know what they have? They have Skype, they have telephones, they have these little phones like we carry around. They have the Internet; they have Facebook; they have Twitter. They have all that stuff. As a result, they do not use the mail as we did in our generation.

Today, Americans live and work online. We shop and transact more and more business online. These trends are likely to accelerate. If any of our colleagues doubt that, then they should ask our pages—these pages who are sitting right down here—how often they sit down and write a letter or send a greeting card. Our colleagues should ask members of their own staff how often they pay their bills through the mail. We should look at our own mail. In fact, when I asked my staff to do

this, I said: Go back and look at 2001—my first year as a Senator—go back and see, if you look at the number of e-mails we got then and the number of letters we got then, what was the ratio? For roughly every 15 letters we got in 2001, we got 1 e-mail. I said: Go back and look at 2011. They did. As it turned out, for every 1 letter we received last year, we received about a dozen e-mails. Think of that.

The Federal Government itself is even contributing to this trend, and I think in a pretty big way. It was announced within the last week or so that the Social Security Administration, starting next year, will send virtually all of its 73 million payments—I think that is each month—to Social Security recipients processed online through direct deposit, not mailed out. That is us.

So even as the American people adjust to new communications technologies, many of us here in Congress expect the Postal Service to continue as if nothing has changed. But in these changing times, these challenging times, we need to recognize that difficult choices need to be made. It is not efficient or affordable to maintain a mail processing and delivery network built for the peak mail volumes of years ago.

That said, many of my colleagues have legitimate concerns about the severity and speed of the Postal Service's streamlining efforts. To address those concerns, the managers' amendment that Senators LIEBERMAN, COLLINS, BROWN, and I have put forward includes a number of safeguards crafted to ensure that the changes that will occur in the coming months and years are implemented in responsible ways—ways that are consistent with what I can describe as the Golden Rule: that we would treat others the way we would want to be treated. That includes customers of the Postal Service, employees of the Postal Service, and taxpayers of this country.

We also seek to provide assurances in our managers' amendment that those who still rely largely on the Postal Service, including rural customers without access to broadband, will continue to have access to the services they know and need in the years to come.

We also take steps in this bill with this managers' amendment to ensure that this effort to save the Postal Service is not all about closing facilities and cutting services. Recognizing that questionable policy decisions made over the years regarding the Postal Service's pension and health care obligations are part of the Postal Service's financial problems, we call for, in this managers' amendment, refunding the more than \$10 billion the Postal Service has overpaid into the Federal Employees Retirement System. A portion of that refund—that \$10 billion to \$12 billion, whatever it turns out to be—would be used to encourage at least some of the 125,000 postal employees at

or near retirement age today to retire now or within the next year or 2, saving the Postal Service billions of dollars annually.

Let me back up for a moment. If you go back a decade or so ago, there were roughly 900,000 men and women who worked for the Postal Service, for us in the Postal Service. Today, there are 550,000 people who are employees of the Postal Service. Out of that roughly 550,000 people, 125,000 are eligible to retire. They are eligible to retire, and they have not chosen to do so, despite the fact they are eligible.

One of the things the Postmaster General wants to do—and I believe our managers, those of us who are cosponsors, coauthors of this bill and the managers' amendment, want to do—is to encourage those folks to retire. Eighty percent of the Postal Service's costs are personnel costs. To the extent we can continue to right-size this enterprise, enable it to right-size itself, given the market share from 550,000, 500,000 down to maybe 450,000 in the next year or two—an enterprise where 80 percent of the cost is personnel—that helps get this enterprise back to a place where it is not bleeding money every day of every week of every month of this year.

Today the Postal Service will lose—get this—\$23 million. Today. And today, if you look at the amount of money the Postal Service owes to the Treasury on its line of credit, it is roughly \$13 billion—maybe more than that for the line of credit that only goes up to \$15 billion.

There is some controversy that flowed out of the 2006 legislation signed by former President Bush. He insisted at the time that in order to sign that legislation, we in the Congress would have to agree to I think maybe the most conservative approach to prefunding retiree health benefits of any government agency or any business with which I have ever been associated. I used to be treasurer of my State government, and we began prefunding health benefits for retirees several years ago—actually, right at the end of my second term as Governor—but nothing like this. We instituted that requirement in order to get President Bush to sign on to the bill at a time when the Postal Service was in good shape. That was a very popular year, if you will, for the Postal Service, before the roof fell in and the economy went to heck in a hand basket. But the Postal Service was in pretty good shape, very good shape, so the taxpayers would not be saddled with those obligations in the event the Postal Service could not meet them in the years to come.

President Bush's people said: Look, we will sign this bill. The Postal Service will not always be making money—as they were in 2006—and 10 or 15 years down the line when they are not doing so well, we want to make sure that a large part of the health care benefits for retirees have been satisfied or paid for.

That is not an entirely bad idea. We did not know that we were going to enter the worst recession since the Great Depression in 2008. We did not know we were going to lose 2.5 million jobs in the second half of 2008 and we did not know we were going to lose 2.5 million jobs in the first half of 2009, but we did. It put us in the tank and it put the Postal Service in the tank far quicker than anybody had a reasonable right to imagine.

But, in retrospect, the payment schedule put into place back then proved to be too aggressive once the bottom fell out of our economy in 2008. Our managers' amendment scraps the schedule adopted in 2006 and replaces it with a more realistic one that is based on what the Postal Service actually owes. And that change, coupled with some others, including one that would better coordinate postal retirees' Medicare and Federal employee health benefits, would cut the Postal Service retiree health costs by more than half—not ignore them but cut them in half and put them on a more realistic time schedule.

Finally, our managers' amendment pushes the Postal Service to redouble its efforts to innovate, to redouble its efforts to develop new products that can grow revenue going forward. There are some who would argue that—let me dwell on that for just a moment. Frankly, somewhere down the line—I don't if it will be a year from now or 5 years from now or 10 years from now—a light will go on in somebody's head, and they will say: You know, the Postal Service goes to every door in America five or six times a week. They are in every community in America. Why did we not think of a particular idea to enable them to create a new source of revenue or new sources of revenue?

I would like to mention some that are actually working. Flat rate boxes—if it fits, it ships. That is a great product. There is the partnership the Postal Service has with FedEx and UPS, delivered by the Postal Service the last mile or 2 or 3 or 4 or 5 miles where FedEx or UPS does not want to go in many cases. That is a good way to make money, especially if more people buy things, order things for themselves, for their families, for their loved ones over the Internet and have them shipped. The Postal Service can have a big piece of that business.

There are other ideas as well. Fed-Ex and UPS get to deliver wine and beer. The Postal Service does not. We changed that in this legislation. There are ideas dealing with electronic mail boxes. We will hear more about those in the days to come. Other countries with postal services actually have used that as a way to provide a good service for their people and for their businesses, and I think there is maybe an argument that we should allow the Postal Service here to do that too.

Even further down the road and kind of out there in ideas, as the Presiding Officer knows in neighboring Pennsylvania—they do not have a coastline,

but they are close to ours and to New Jersey—5, 6 years from now, we are going to have windmill farms off the coast of the United States, the east coast from North Carolina, Virginia, all the way up to Maine. They are going to be harvesting the wind, turning that wind into electricity. Do you know what. The wind does not always blow, but there are times that it blows a lot more, and we are going to generate more electricity than we can actually use on a particular day at a particular hour. What are we going to do with that electricity? Well, we are going to store it. And where are we going to store it? One of the places to store it is in the batteries of fleets of vehicles. Who has one of the biggest fleets in America? The Postal Service. A lot of the vehicles in their fleet are like 25, even 30 years old. We have all of these new vehicles coming to the market that are far more energy efficient to replace those old and in some cases dilapidated fleet vehicles in the Postal Service. The new vehicles, with their batteries, can literally be a place to receive the electricity generated on a windy day in the Atlantic, out in the Outer Continental Shelf, to store that electricity and, when needed, put it back out on the grid, the electric grid, to provide energy as needed across the Northeast and mid-Atlantic part of our Nation. That is an idea that is sort of out there, but we need to be thinking boldly, and the Postal Service needs to be doing that.

I think one of the better pieces of our amendment—and this came from some of the more progressive members of the Democratic Party here in the Senate and kind of joined up with some of the more conservative folks on the Republican side—but the idea is that the Postal Service needs to be more entrepreneurial. They need to be more innovative.

When they come up with good ideas for making money, including the idea we talked about at lunch in the caucus we had today—how about vote by mail? In two States today—Oregon and Washington—they vote by mail. And what does that do to voter turnout? I think we were told by Senator CANTWELL that in her State last year—2 years ago in the election, they had 72-percent voter turnout. This year they are expecting 84 percent voter turnout. I mean, this is a country in which we are lucky to have 50 percent of the people who are eligible actually turn out to vote. And we can see what vote by mail can do in those two States. They could be laboratories of democracy for our Nation, encourage voter turnout, maybe do it in a more cost-effective way and—get this—provide new sources of revenue, a great source of revenue for the Postal Service. That is the sort of thing we need to kind in mind.

I don't think there is any one silver bullet, but I like to say there are a lot of silver BBs, and some of them are pretty big, and those might be among them. There are ideas we have not even thought of yet that we ought to do.

Let me just say—and I am getting fairly close to the end—that I don't mean to suggest that what the managers' amendment—the underlying bill was reported out of committee by about a 9-to-1 vote. The managers' amendment, crafted by Senators LIEBERMAN, COLLINS, BROWN, and myself, is not perfect. Very few things associated with my name have ever been perfect. But I will say this. One of my core values—some of you have heard me say this maybe too many times—if it is not perfect, make it better. If it is not perfect, make it better. And we have the opportunity to take what we believe is a managers' amendment which is an improvement over the original bill—we have the opportunity to make it better. I do not think in this case, they are not just Republican ideas, they are not just Democratic ideas, they are not liberal ideas, they are not conservative ideas, they are just better ideas. And my hope is that Members will have the opportunity in the days this week, in the days to come, to come to this floor and to offer their better ideas.

I would plead with our colleagues, don't just come to the floor and offer amendments that have absolutely nothing to do with the Postal Service. Please come to the floor to offer amendments that can help make this bill better with respect to ensuring that we have a Postal Service that is viable and solvent in the 21st century, that can meet our communications needs for individuals, for families, and for businesses.

We are not going through a fire drill here; this is an emergency. This is an emergency. It is a huge challenge, but it is also an opportunity to get it right this time and hopefully, with a growing economy, to maybe have a little bit of the wind to our backs.

We have to pass a bill. My hope is we can pass a bill with bipartisan support that is good underlying public policy so that when we end up in 2016, the Postal Service won't be running daily losses of \$22 million a day as they are today, that the Postal Service will have had an opportunity to use this refund they are owed by the Federal Employees Retirement System—\$12 billion—to pay down much of their debt, maybe use a little bit of that money to help incentivize some of the 125,000 Postal Service employees who are eligible to retire to go ahead and retire.

We can do this in a way—I know a bunch of our colleagues are concerned. We hear it—Senator LIEBERMAN and I, Senators COLLINS and BROWN—from our colleagues already. They are concerned about rural post offices. Believe it or not, we have some of those in Delaware. We have some of those in Connecticut and certainly in Maine, even some in Massachusetts. I think we have actually come up with a pretty good approach. And we appreciate very much the input of people such as JON TESTER from Montana and JERRY MORAN from Kansas, those Senators—one a Democrat, one a Republican—to

try to give us a better idea on how to move forward on the post offices.

Let me just close with this. There are 33,000 post offices in America, in communities across the country. A year or so ago, the Postal Service—the Postmaster General met with us and our committee, and he said: We have 3,700 of those post offices under review that we think maybe should be closed—3,700.

There were at the time about 500 mail-processing centers across the country that the post office had for processing mail, and he said: We would like to close about 300 of them. We would like to change the standards for delivery for mail from 1 to 3 days to maybe 2 to 3 days.

Some were afraid it was going to slip from 2 to 3, to 2 to 4, even worse.

Where we have ended in this managers' amendment—I would say to folks, my colleagues who are concerned about the impact that will have on their rural post offices or their mail-processing centers, here is where we have ended. The Postal Service has pretty much backed off and said: We are not that much interested in closing 3,700 post offices or 2,700 or 1,700 post offices.

What they really would like to do is this, and I think it is a smarter, actually more cost-effective approach, more humane approach, and that is to say to communities across America: We have a post office—or maybe the postmaster is making \$50,000, \$60,000, \$70,000 a year and the post office is selling like \$15,000 or \$20,000 worth of stamps. Rather than close that post office, provide that community with a menu of options. The menu of options would be to maybe keep the post office open; say to the postmaster there who is eligible to retire: We would like to incentivize you to retire. Here is a \$25,000 bonus if you will go ahead and retire. You can retire, receive your pension, be eligible for benefits as a postal retiree, and come back and work on a part-time basis and run that post office for 2 hours a day, 4 hours a day, 6 hours a day, whatever the community feels meets their needs, morning or afternoon, midafternoon, evening. And that retired postmaster can—that money they collect, they keep. They do not have to reduce their pension. That is just extra money they can make for continuing to provide the service. We still have the post office there. The flag still flies in front of it. That is one option.

Another option might be, if the folks in the community want it, to put that post office in a supermarket. One of the supermarkets that are close to my house in Delaware—they have a supermarket, they have a pharmacy, and they have a bank. It turns out that one of our major national chains of pharmacies, Walgreens—I was up visiting their headquarters, their offices up in Chicago—I do not know if Chairman LIEBERMAN has been there, but the pharmacy of the future—they took me

to a couple of them—has a beautiful pharmacy. Part of it is a post office. So you can see in places across the country whether it might make sense to consolidate the post office in like a Walgreens or some other kind of pharmacy or convenience store. It might make sense to—say you have a small town and they have like a townhall, that kind of thing. How about consolidating those buildings together with the post office?

We have even heard of an idea like creating kind of an Internet cafe in places where they do not have broadband and see if we can't have in rural post offices—where folks who live in that community, in that area, do not have broadband access, maybe have it at the post office. There are all kinds of ideas out there.

You know, on the mail-processing side, instead of closing 500 mail-processing centers across the country, the Postmaster General has come to us. We worked to maintain—not to go from 1- to 3-day service—from that to a 2- to 3-day service or 2- to 4-day service, but to maintain kind of like a 1- to 3-day service—1 with an asterisk: The 1-day service would be overnight service, next-day service in communities like if they are in the same metropolitan area.

They were still getting next-day service. Outside of that metropolitan area, they might. But in most cases it would be 2-day service, and in no case would it be worse than 3-day service. By going to the modified service standard delivery, the Postal Service would have to close 500 mail processing centers. It probably would be able to close 150 and be able to offer incentives to employees to retire and they could migrate to other jobs within the Postal Service. But I think it maybe would be a smarter way to move this large, old, but still germane, relevant Postal Service into the 21st century.

I will close with this: This is not the time to kick the can down the road. I have no interest in doing that. I know Senator LIEBERMAN and Senator BROWN and Senator COLLINS have no interest in doing that. This is the time to fix the problem. I would like to think we are smart enough in the Senate to fix this; that we are smart enough to work with the House, with our staffs, a lot of good people—the folks at the Postal Service who work there, the unions, the customers, and a lot of people in businesses all over the country together working on this. I think we are smart enough to figure out how to solve this. We need to do that.

Last thought: During the recess I mentioned to my colleagues and the Presiding Officer and Senator LIEBERMAN during our caucus lunch, I said: I don't know what you guys did over the Easter recess, but I covered Delaware. I love to do it. I go back there every night, but it is a great joy to reconnect with everybody. I also spent some time on the phone and meeting with folks in businesses in Delaware and outside of

Delaware who usually rely on the Postal Service.

Nationwide there are 7 million to 8 million people whose jobs are integrated or part of or facilitated by our Postal Service—7 to 8 million jobs. We are coming out of the worst recession since before I was born—before we were born. We need to get out of it. One of the best ways to do that is to provide certainty and predictability for a lot of businesses. One way to do that is to pass postal reform legislation that finishes the job we started 5, 6 years ago. We can do that. We need to do that. I am encouraged that we will do that.

I thank the chairman of the committee, whom I love working with—I think we all do—for giving me a chance to work with him on this issue and for providing the great leadership he always does. Also, I say to SUSAN COLLINS who has just left the floor, it is a real privilege to work with her.

Finally, we are blessed with wonderful staffs, wonderful people, as Senator LIEBERMAN knows, John Kilvington and others who are part of my staff, and Michael and the team who are part of Senator LIEBERMAN's staff, and Kate who works with Senator COLLINS. They have done great, hard work. We are privileged to be able to work with them.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend, the Senator from Delaware, for his excellent statement on the bill and where we are in regard to the U.S. Postal Service. I thank him for what he has done over the last several years to try to save the U.S. Postal Service in a changing environment and to lead the change.

No one in the Senate—I believe no one in the Congress—has worked harder over the last decade to reform the U.S. Postal Service than Senator TOM CARPER. There is a way in which he has engaged in the kinds of problems that others try to get far away from. He sees an institution like the U.S. Postal Service and how important it is, he is challenged by it, and he goes at it with all of his considerable capabilities and persistence until he gets it right. I cannot thank him enough for doing that.

This is not the kind of issue on which one gains a lot of political advantage. Again, it is a test of our government, a test of our capacity to maintain public services that people depend upon in a changing world. We all know—and he has been a leader—that e-mail is affecting the volume of mail. The post office has to change to stay not only viable but strong. I think we are going to do it in this Congress, and nobody will deserve more credit for that than Senator TOM CARPER. I am glad I had the chance to spontaneously offer that much deserved gratitude and praise to Senator CARPER.

I say to my colleagues and staff who may be watching or listening—to pick up a theme of Senator CARPER and try

to bring it home—there are some amendments on both sides that ought to be aired out. I believe Senator REID wants to do that and wants to create a process where relevant amendments from both sides—not without limit but a good number of them—get to be debated on the Senate floor.

It is my understanding that both caucuses now are hotlining a request to Senate offices that if Senators have an amendment they want to introduce on this postal reform bill, to let their respective cloakrooms know so that we can see what the universe is and then we can see if we can work on an agreement where we alternate submitting amendments and begin to get into the substance of the bill and move it to a point where we can actually adopt something.

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. BROWN of Ohio. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

WELCOMING JOHN CROWN

Mr. BROWN of Ohio. Mr. President, I am joined on the floor today for his first time on the Senate floor with John Crown, who works on our veterans affairs issues. He came from the Veterans Committee and joined our staff in the last couple of weeks. John Crown is a marine, did two tours of duty in Iraq, and we honor him for his service. He, it seems, wants to dedicate his life to serving people who also served their country, people of all ages and both genders and all ideologies and who served their country anytime in the last several decades. I wanted to announce his first visit to the Senate floor today.

DOOLITTLE TOKYO RAIDERS

Mr. President, 70 years ago this week, on April 18, 1942, 80 brave American airmen volunteered for an extremely hazardous mission. The Presiding Officer, the senior Senator from Pennsylvania, knows I like to come to the Senate floor and talk about history and honor people who have played such an important role in our history. I want to talk about these men. They were known as the Doolittle Tokyo Raiders. They accepted their mission without knowing what it entailed. Their mission followed the attack on Pearl Harbor. Pearl Harbor happened, obviously, the December before. It was our Nation's first offensive against Japanese soil in the Second World War, planned and led by Lt. Col. Jimmy Doolittle.

The mission was risky from the outset. It was the first time the Army Air

Corps and Navy collaborated on a tactical mission, flying 16 B-25 Mitchell bombers from the deck of the USS *Hornet*, a feat never attempted before. The morning of the raid, the USS *Hornet* encountered Japanese ships 170 miles from the prearranged launch point. Fearing that the mission might be compromised, the Raiders proceeded to launch 170 miles earlier than anticipated. By departing 650 miles from their intended target, these men accepted the risk they might not have enough fuel to make it beyond the Japanese lines to occupied China. Accepting this choice meant the raiders would almost certainly have to crash land or bail out, either above Japanese-occupied China or even over the home islands in Japan. Any survivors, they knew, would certainly be subjected to imprisonment or torture or death.

After reaching their targets, 15 of the bombers continued to China while the 16th, dangerously low on fuel, headed to Russia. The total distance traveled by the Raiders averaged 2,250 nautical miles over 13 hours, making it the longest combat mission ever flown in a B-25 bomber during the war.

Of the 80 Raiders who were launched that day, 8 were captured. Of these eight prisoners, three were executed, one died of disease, and four of these prisoners returned home after the end of the war. Of the original 80 Raiders, 5 are still with us today and they are celebrating this week the 70th anniversary in Dayton, OH, honoring their fellow Raiders who are no longer with them. As they gather this week, I am proud to submit this resolution with my colleagues from both parties and from each State where these men reside. It is my pleasure to have Senator HUTCHISON from Texas, Senator MURRAY from Washington State, Senator ALEXANDER from Tennessee, Senator TESTER from Montana, and Senator BAUCUS, also from Montana, and Senator NELSON as my cosponsors. It is my sincere privilege especially to have Senators INOUE and LAUTENBERG, both veterans of the war, as cosponsors, too.

As the Raiders gather this week, these five men will also honor other heroes—this is what is perhaps even as interesting as the first part—the Chinese citizens who cared for, protected, and enabled them to survive in a foreign land, a very foreign land to these American men. A Chinese delegation is coming to Dayton for the reunion. Among the delegation is a man whose father helped carry injured Raiders to safety and even nursed one Raider to health. I would be certain they could not talk to each other in a common language. They had never seen anybody like the other one. Yet one, a Chinese, helped this American airman.

It is only fitting we recognize this week's anniversary and commend the 5 living members and the 75 deceased members of the Doolittle Tokyo Raiders for their heroism on that day. It is fitting to remember the compassion shown to the Raiders by the Chinese villagers they encountered.

The Senate resolution is our humble attempt to show our gratitude. The valor, skill, and courage shown by the Raiders proved invaluable to the eventual defeat of Japan during the Second World War. Today, these men, with their Chinese friends, remind us that quiet decency and uncommon valor in the face of sure danger, however rare, are traits that know no limit.

THE AUTO INDUSTRY

Mr. President, the last 2 weeks most Members of the Senate were back in their States talking—I hope listening more than talking and learning more than perhaps talking—and learning about issues and problems they were seeing and hearing in their State. I was in Ohio, from Ashtabula to Parma to Zanesville, to meet with Ohioans to discuss ways to get our economy back on track.

Too many Ohioans are struggling as too many people in Pennsylvania are struggling. Many are still looking for work. Others have seen their wages cut or their hours reduced, but from Chillicothe to Toledo, from Portsmouth to Mansfield, there are signs of recovery as our manufacturers, especially auto suppliers, but much more than that, and some of the small businesses supplying these companies, are beginning to show real signs of growth.

Few places are more symbolic of this than a company called American Manufacturing, located in Toledo. Three years ago the auto industry, as we know, was on the verge of collapse, threatening to take down with it thousands of auto parts suppliers. American Manufacturing got down to four employees. They had had 125. They supplied container crates, metal container crates, for the auto industry. It had once been 125, down to 4 employees.

President Bush tried but was blocked, mostly by Republicans in the Senate, his own party members, to do a bridge loan and assistance for the auto industry. President Obama, with a strong Democratic majority, over the opposition of many Republicans—although some Republicans in my part of the country, the industrial areas around Ohio, including Ohio, were supportive—was able to rescue this industry. We knew that rescuing the auto industry was way more than about helping Chrysler and General Motors. We knew it mattered, not just for those large companies and their workers, it mattered for Johnson Controls, it mattered for Magnam, it mattered for small companies such as American Manufacturing in Toledo, companies that depended on the auto industry.

In fact, estimates are that 800,000 people in Ohio are in the auto industry one way or the other; directly or indirectly they work for auto companies. Forty-eight of these 800,000-plus jobs were depending on Congress moving forward in early 2009, doing the right thing. The decision was not popular. There were all kinds of naysayers. There is no question now that it was a success. A number of people—from

Governor Romney to lots of people around the country and lots of conservative politicians in Washington—said we can structure it. But let the companies go into bankruptcy and then let them put the financing together to come out of bankruptcy. The only problem was that nobody—from Bain Capital to First National Bank—was willing to loan money to these two behemoths, Chrysler and GM, because they were in such a terrible situation and had such terrible problems.

So what happened? The government loaned the money. Much of that money is paid back and things are better. But let's not forget that in January of 2009, when President Obama took office, we were losing 800,000 jobs a month. Our economy was in freefall, and this was the time the auto industry was going down. To stop the bleeding, one of the things we did was unlock the frozen credit market for small businesses and manufacturers through the Small Business Administration. Through these SBA loans, we saw a new local bank that had only been around for a handful of years in Toledo, OH, step up, invest capital in American Manufacturing, which is in Toledo, and this company is now about to hire its 100th person. This company is successful now because of the auto rescue, and it is successful because of the Small Business Administration coming out of the Recovery Act and having enough money to guarantee loans not with a Wall Street bank but a local community bank to get this company on its feet.

Even with all of this we are seeing that the auto rescue is working, and we know two terrific examples of how it is working in my State. The Chevy Cruze is assembled in Youngstown, OH. My 28-year-old daughter drives a Chevy Cruze. The Chevy Cruze probably would not exist today if it were not for the auto rescue, and here is what it means to Ohio: The engine is made in Defiance, OH; the bumper is made in Northwood, OH; the transmission is made in Toledo, OH; the sound system is made in Springboro, OH; the steel comes out of Middletown, which is in Butler County, OH; the aluminum comes out of Cleveland, OH; the stamping is done in Parma, OH; and the assembly is done in Lordstown, OH.

Look at the Jeep Wrangler. The Jeep Wrangler was assembled in Toledo prior to the auto rescue, but only 50 percent of the parts for the Jeep Wrangler were made in the United States. Today there are more people working at Wrangler, producing more cars—still assembled in Ohio—yet instead of 50 percent, 75 percent of the parts now come from companies in the United States made by workers in the United States.

What we are now seeing as the auto industry begins to grow and the auto rescue was so clearly the right thing to do—thank God the Senate and the House didn't listen to the naysayers. In spite of that, we are still seeing huge trade deficits with China in auto parts.

Ten years ago our trade deficit with China and auto parts was a \$1 billion. That meant we bought about \$1 billion in car parts from China more than we sold to China. That was 10 years ago. Today that number has grown to almost \$10 billion.

The first President George Bush said a \$1 billion trade deficit, meaning we bought \$1 billion more than we sold to another country, translated to about 13,000 jobs. Do the math. Today the bilateral trade deficit between the United States and China on auto parts alone is \$10 billion.

We are seeing it in other things. We see it in auto, we see it in solar, and we see that China uses unfair subsidies. They subsidize water, they subsidize energy, they subsidize land, they subsidize credit, and on top of that they have a currency advantage because they manipulate the currency.

Sitting idly by is not an option. My colleagues on both sides of the aisle understand that. That is why my China currency manipulation bill—the biggest bipartisan bill to pass the Senate in 2011 by more than 70 votes—costs the taxpayers nothing, but it levels the playing field so China cannot manipulate its currency and cheat in international trade. As I said, that legislation passed with 70 votes.

A recently released report shows that if this Congress—meaning the House of Representatives down the hall—would pass this and send it to the President's desk, and if the President signs it, that by addressing the China currency manipulation it could support the creation of 2.2 million American jobs without adding a dime to the deficit. In fact, it would be the opposite.

If we take 2 million people who are now unemployed and put them in manufacturing jobs making \$15, \$20, \$25 an hour, we would clearly see the deficit shrink. More people would be back on the payroll paying taxes and contributing to their communities.

It is time to take bold action. It is time to stand up on China currency. I appreciate the support of my colleagues in the Senate on the China currency bill. Time is running out in the House. I am hopeful the House of Representatives passes this bill too. It is time we put American workers and American manufacturing companies first.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

TRIBUTE TO KENNETH HALL

Ms. LANDRIEU. Mr. President, I come to the floor today to mark and celebrate the career of a Louisiana native who is a very dear friend of mine

and someone who is admired by literally thousands if not millions of people in Texas and around the world. That gentleman is Dr. Kenneth Hall.

Next week Dr. Hall will retire after almost two decades of leadership at Buckner International, which is one of the world's outstanding nonprofit organizations formed many years ago in Texas. Dr. Hall served as only the fifth president in over 120 years. After his retirement as president in 2010, he has continued to serve as CEO of this fine organization.

Buckner, as it is known, is a global Christian ministry that does extraordinary work with vulnerable children and families throughout Texas and other places in the United States and recently expanded internationally. They helped run self-sufficiency programs, education, job readiness training, and afterschool programs for vulnerable children. Remarkably, I have seen their work both in downtown Dallas, TX, as well as out in remote villages in Ethiopia, and the quality and expertise is identical and it is heartwarming.

The causes of vulnerable children both here and overseas is something, of course, that is extremely close to my heart. I spent a good bit of time in the Senate working with my colleagues on issues that advance their welfare, and it has been my privilege and honor to know Dr. Hall over the past several years.

He was born in Louisiana, earned his BA from the University of Texas at Tyler. He earned a master of divinity and doctor of ministry degrees from Southwest Baptist Theological Cemetery in Fort Worth.

Before his career started at Buckner, he served as pastor of four churches in Texas. He has been married for many years and has a beautiful family—his wife Linda and their two married children and their grandchildren.

I want to say a brief word about Buckner itself. It was founded over 135 years ago when a Baptist minister, R.C. Buckner, started an orphanage with an initial donation of \$27. As the story goes, he literally took off his hat, put a dollar in it, and passed it around to the ministers present, and with \$27 started the first orphanage west of the Mississippi to help the children who were coming on those orphan trains across our Nation. They took them off of those trains and gave them homes and families.

The organization has grown since then, but under Dr. Hall's leadership Buckner expanded to include more than \$200 million in capital improvements and an endowment of more than \$200 million. As I said, he worked to expand Buckner's reach overseas.

I had the pleasure of traveling with him to Ethiopia recently, and I witnessed firsthand the incredible work and his personal passion for helping families become more self-sufficient, maintaining children in their birth

family groups, and helping to literally transform communities with this special Buckner touch.

So it has been said before: To be who you are and become what you are capable of is the only goal worth living. It is my hope that Dr. Hall will continue to achieve his goal in this life. We will miss him, his selfless service, and his dedication. We honor him today in the Senate for over two decades of service to one of the Nation's best nonprofit faith-based organizations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

SURFACE TRANSPORTATION ACT

Mr. WHITEHOUSE. Mr. President, I am delighted to follow my colleague from Louisiana because I am rising this evening to talk about a bill she has put an enormous amount of effort into, and she has had a very significant role in the success of the bill that I am going to talk about. We have a bill in Congress that is perhaps the most significant jobs bill that will be able to pass in this session. It is described as producing 2.9 million jobs—nearly 3 million jobs.

Rhode Island is a relatively small State, but it means 9,000 jobs in the State of Rhode Island. We have about 60,000 people out of work right now in Rhode Island; 9,000 would take a significant number of those folks and enable them to get to work.

It is a serious jobs bill. It also went through a completely impeccable process in the Senate. It passed out of the Environment and Public Works Committee with the strong support of our chairman, BARBARA BOXER, and the equally strong support of her ranking member, Senator INHOFE of Oklahoma. They come from quite different political persuasions, but they were together on this bill and it passed unanimously out of the Environment and Public Works Committee.

It came to the floor. We had a completely open process on the floor. It spent 5 weeks on this floor being discussed, debated, and amended. It was quite thoroughly amended. There were more than 40 amendments that were either voted on or accepted while it was on the floor. So from a process point of view, it was exactly what everybody hopes for in a piece of legislation. It passed out of the Senate with 74 Senators voting for it; a 75th who would have voted for it but had to be away in his home State. So the final tally, in effect, would be 75 to 22—a landslide, bipartisan vote; a jobs bill that passed with an impeccable legislative process and produced a landslide bipartisan bill.

What is that bill? It is the highway bill. It is a bill we have been working on now in Congress since the days of the Federal highway system under President Eisenhower. It is not complicated, everybody understands it, and 3 million jobs depend on its passage.

Unfortunately, it is snarled up, for reasons that are hard to explain, over

in the House of Representatives. The Speaker has not called up this bipartisan, very well regarded Senate bill. It has support outside this institution from everybody from the U.S. Chamber of Commerce to the Laborers' International Union. It has environmental support. This is a bill that is not being held up in the House because there is an important interest that was overlooked or that is an adversary to it. It is being held up for, I don't know, I would say Washington insider reasons having to do with the politics of the House of Representatives. So when there are 3 million jobs at stake, that is a real shame.

It started to be noticed by, for instance, the ratings agencies. Standard & Poor's just published on April 2 a report entitled "Increasingly Unpredictable Federal Funding Could Stall U.S. Transportation Infrastructure Projects." When we stall U.S. transportation infrastructure projects, we kill jobs. That is what is happening.

Here is how they describe it: Currently, the surface transportation bill remains mired in uncertainty. Holdups in funding reauthorizations and/or significant cuts in infrastructure programs are delaying some projects and forcing others to be scaled back.

Delaying some projects means taking away jobs. Forcing others to be scaled back means taking away jobs.

Here is what happened, as they describe it: With the March 31 expiration of the highway trust fund looming, Congress passed on March 29—last minute—yet another extension to fund U.S. highway programs. This latest continuing resolution—the ninth—provides funding through June 30, 2012. As construction season begins in the northern half of the country, this continuing uncertainty in funding could force States to delay projects rather than risk funding changes or political gridlock come July.

That is exactly what is happening in Rhode Island and in many other States. I was home over our recess and met with our very capable director of transportation Michael Lewis, who has served under Republican and Independent administrations. He said: SHELDON, I have a list of all the projects we want to get done this summer, in the summer highway construction season. We can't build highways in the winter in Rhode Island and in much of the country so the work has to be done in the summer construction season. He said: Here is my list if we have to live with this extension. If we don't find out until maybe July 4 what kind of money we actually have to build these projects, he said, I can't take chances. I have to start dropping projects off my list. Every one of the projects that falls off his list represents jobs. Every project that falls off his list is an unemployed Rhode Islander. He estimated there would be 1,000 unemployed Rhode Islanders because of this extension to June 30. So when people say: Oh, we have extended

the highway program until June 30, don't buy it. That is not a neutral act. That is a harmful act. That costs 100,000 jobs just in Rhode Island. So if it is extended further, the problem gets even worse. We cannot tolerate these continued extensions. We have to get action on a long-term authorization.

To go back to the Standard & Poor's report, here is what they said: Once a long-term reauthorization is approved, we believe it will provide an impetus for transportation agencies to reconsider high-priority projects that had been shelved because of lack of funding.

Those high-priority projects that had been shelved because of lack of funding, when they get taken off the shelf and put into the street, that is jobs. That is why this is a 3-million jobs bill, nearly. But they say, if the authorization is extended by even more continuing resolutions, such high-priority projects will remain in limbo.

I intend to come to the floor as often as I can. I know there are other colleagues who want to come to the floor. We want to come every day. We want to set up a daily drumbeat of attention to the fact that a 3-million jobs bill is being held hostage in the House of Representatives by the Republican Speaker for political Washington insider reasons that have nothing to do with the merits. This is a bill that everybody is for. We will continue to urge the Speaker to take up the bipartisan, fully paid for, widely supported, very well legislated Senate MAP-21 highway bill. Three million jobs depend on it. I am here to urge the Speaker to please do his job.

Ms. LANDRIEU. Mr. President, will the Senator yield for a question?

Mr. WHITEHOUSE. Gladly.

Ms. LANDRIEU. Did the Senator have an opportunity today—because I had a group from Louisiana in my office on the same subject, and I appreciate the Senator's leadership. The group was the American Engineering Society that was in Washington today. I don't know if the Senator had an opportunity to meet with such a group, but have other groups come by the Senator's office to express, as this group did, their utter frustration with Congress's inability to get such a basic piece of legislation through? Did they tell the Senator the same thing they told me, which is: Senator, when engineers are not working in America, no one is working. We are the ones who are designing the projects to be built. If we are not designing them, they are not going to be built. If we don't get this Transportation bill passed for a longer period of time, we will not be going back to work.

Is that the Senator's understanding when he meets with groups in his office?

Mr. WHITEHOUSE. Yes, exactly. I have met with the Rhode Island road builders who are concerned about where the work is going to be and how much of it is going to get done. As I

said in my earlier remarks, I met with the State director of transportation. I have met with the mayor of our capital city, which has a very significant highway construction project that needs to get done in that city that would provide an enormous number of jobs in that city at a time when Rhode Island still has over 10 percent unemployment. So we need these jobs.

That project needs to be done. That infrastructure is crumbling. It is a land bridge that goes through the city above other roads. It is I-95. It is our main artery for the entire Northeast, and it is in such poor shape that they have had to put planks across, between the I-beams that hold up the roadway and the planks are there so that the pieces of roadway that are falling in don't land on the cars driving by on the roads underneath. Amtrak, the main rail artery for the Northeast, goes right under the same highway, the same deal. They have the planks up overhead to keep the roadway from falling on the trains below.

So this is an urgent matter. It certainly involves the road construction industry, but it is everybody who wants jobs and economic development that is around this infrastructure. It is the mayors who are concerned about it and, frankly, it is the people who drive over these highways and want to know—these roads are 50 years old. It is time to rebuild. Let's get on with it. This shouldn't be complicated.

Ms. LANDRIEU. As the Senator from Rhode Island said, he had 9,000 jobs at risk in Rhode Island. We have 26,700 jobs at risk in Louisiana. This is a very significant deal and challenge for all our States.

We don't have the trouble of the winter and the summer but, unfortunately, Louisiana does have one of the largest percentages of bridges that are deficient in the Nation. We also, because we have to build on such soft and unsettled lands, need to have repair money readily available so people can evacuate in times of hurricanes and natural disasters. We have been working—and the Senator may be familiar with the area because he has friends and relatives in our State—on the I-49 south and I-49 north but particularly I-49 south that connects New Orleans to Lafayette in a loop around south Louisiana, which is America's energy coast that is so important for not only saving those wetlands and that great industry of fisheries but also supporting oil and gas production. That highway is yet to be built in a nation that depends on the resources we send to the Senator's State and to other parts of the Nation.

So I feel the same as the Senator from Rhode Island. I can't, for the life of me, figure out why the House will not move with more quick action to pass a longer term bill. Maybe if they can get just anything out of the House, we could get to conference and start negotiating some things that might be better than a 3-month short-term authorization which I hear nothing but

complaints about from everyone. I hear complaints from the left, the environmental movement, to the right, the business community. They say: Senator, we can't live with these short-term authorizations. We need 2 years. We need 3 years. We need 5 years. We need something we can build on, count on, budget for, and depend on; otherwise, it is too expensive. It starts and stops projects. We have to lay off a crew and hire them the next day or we can't place our orders in an efficient fashion. The Senator from Rhode Island knows we just raise the cost of all the projects. So why would the House claim to want to be so fiscally conservative but act in such a way that is the opposite, that is making all these projects more expensive?

I think the Senator from Rhode Island is absolutely correct. I will join him on the floor, and I hope our colleagues will come to this floor every night and say it is time to pass this Transportation bill. It is time to help Colorado, New Mexico, Louisiana, and Rhode Island to get people back to work and to fix this crumbling infrastructure.

Nine is enough. The cat has nine lives. This cat has run out of opportunities. This is the ninth short-term authorization. We have to move to a more long-term, sustainable infrastructure plan for America. This is truly an embarrassment, I have to say to my friend.

I wish to thank the Senator from Rhode Island for his leadership, and I will join him in subsequent evenings on the floor to raise this issue and explain to the American public not the inside baseball or the inside politics but to explain what is the most important thing about this, which is we need the jobs and we need them now.

Mr. WHITEHOUSE. Mr. President, I very much appreciate the tenacity of the Senator from Louisiana on this subject. It is a characteristic of hers, but it is always a good thing to be her teammate and have that tenacity deployed on this side. I am delighted she is here. As Senator LANDRIEU said, she has bridges that are deficient. One in five Rhode Island bridges is deemed to be structurally deficient. One in five highways is in mediocre condition. This is work that needs to be done. The American Society of Engineers gives our infrastructure on average a D rating. That is the trouble we are in, and we can't sort this out.

I intend to urge as many of my colleagues as I can to come to the floor, and I hope we get the floor covered by some of our colleagues on a literally daily basis until we get this resolved. We need to point out the places where jobs are falling off around the country because this wasn't done, where people are getting laid off around the country because this isn't getting done. There is a direct link between construction jobs not getting put on the list, funds not getting put out for those jobs and folks not getting employed. In this

economy, we can't afford that, and we certainly can't afford it for internal insidery Washington, DC, reasons.

I thank the Presiding Officer and I yield the floor and 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. Mr. 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. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

RECOGNIZING RENO'S TEMPLE SINAI

Mr. REID. Mr. President, I wish to honor Temple Sinai in Reno, NV, which has stood for 50 years as a place of worship for the Jewish people of northern Nevada. It is comprised of approximately 120 households who come together to form a strong community where the Jewish faith is celebrated. Temple Sinai has been a consistent presence for Reform Judaism in northern Nevada, a place where Jewish teaching, tradition, and spiritual inquiry is nurtured.

The important 50th anniversary, "Shanah Shel Zahav" in Hebrew, or Golden Year, is testament to the resiliency of the Temple Sinai congregation. It traces its humble beginnings to a small group of Reform Jewish residents in Reno offering High Holy Day services, soon expanding to Sabbath Services and Bar/Bat Mitzvah training. Many of these sacred rituals were performed in the private homes of congregation members who realized the importance of building a sanctuary. It is through their sacrifice and determination that this holy place of worship was built.

Temple Sinai has had many homes since its founding 50 years ago. Initially located in the Virginia City Room of the Masonic Temple in downtown Reno, the Temple was forced to find a new location after a devastating fire. Temple Sinai congregants then came together to offer the skills and capital necessary to construct a permanent location. Ground broke in February 1970, and the Temple has continued to grow since then, adding classrooms, a social hall, and a library. As recently as 2008, Temple Sinai expanded the available space and updated the Temple for the 21st century.

I have personally experienced the welcoming warm hospitality of Temple Sinai. I was honored to share in a Shabbat dinner with members of the

Temple, as well as attend Evolution Weekend. In visiting the congregation over the years, I have always been impressed by the rich spiritual life and intellectual openness exhibited there.

I would like to congratulate Temple Sinai for its important role in bringing Reform Judaism to northern Nevada and on its important 50th anniversary. While I cannot be in Reno to share in their celebration, I would be remiss if I did not offer my words of support.

TRIBUTE TO JAN GILBERT

Mr. REID. Mr. President, I wish to honor Ms. Jan Gilbert, who has spent more than 30 years dedicated to the advocacy of income equality, human rights, and women's health. Ms. Gilbert will be retiring from her current position at the Progressive Leadership Alliance of Nevada, PLAN, in May and has been named by the White House as a Champion of Change. Today, I am proud to honor her service and leadership as an advocate for a just and fair Nevada.

Jan Gilbert's work in Nevada began in 1982, serving Nevada's communities through the League of Women Voters of Nevada as president of the Carson City chapter, empowering citizens to become active participants in their government. Jan's commitment to lifting communities prompted her to cofound PLAN, an important organization that offers a cohesive force for social, environmental, and economic justice in Nevada. Jan spearheaded critical reports on civil rights, both in 2009 and 2011; she authored the Legislative Report Card on Racial Equity: Facing Race; and coauthored the 2002 Wider Opportunities for Women's Self Sufficiency Standard for Nevada. She also served as the cofounder of Nevada's Empowered Women's Project, representing low-income women.

Ms. Gilbert has been instrumental in promoting social justice among Nevadans as the chair of the Child Abuse Prevention, Respite and Family Support Subcommittee of the Nevada Department of Health and Human Services. Everyone who works with Jan is touched by her contagious spirit and smile. Throughout the years, her noble efforts have been recognized by a number of distinguished awards, including the Mike O'Callaghan Humanitarian of the Year Award, the Hannah Humanitarian Award, the Public Citizen of the Year Award, and the Women's Role Model Award.

I am pleased to stand today to recognize the indelible mark she has left on Nevada in making it a more just place for all. I congratulate Jan and her family on a well-earned retirement. PLAN is losing a giant, but I am sure her love for service and helping those in need will continue to benefit the Silver State in new ways.

ADDITIONAL STATEMENTS

TRIBUTE TO PIERRON TACKES

• Mr. HELLER. Mr. President, I wish to congratulate Pierron Tackes for being selected as Nevada's Cherry Blossom Princess for the 2012 Centennial Cherry Blossom Festival. Ms. Tackes is an accomplished and ambitious student whose unwavering commitment to the Silver State embodies the very essence of what Nevada's Cherry Blossom Princess should be.

Ms. Tackes is an exemplary constituent, chosen by the Nevada State Society to represent Nevada at the National Conference of State Society's Cherry Blossom Princess Educational and Cultural Exchange Program. Nevada is proud to support one of our own as she joins young women from across the Nation in this educational and leadership forum that celebrates the enduring friendship between the United States and Japan. I am proud to recognize Ms. Tackes for her extensive community involvement, educational performance, and passion for our home State.

I join the citizens of Nevada in congratulating Ms. Tackes on this accomplishment and wish her all the best during this cultural and educational event.●

TRIBUTE TO SUSAN RANDALL

• Mr. JOHNSON of South Dakota. Mr. President, today I wish to celebrate and honor the service of Dr. Susan Randall upon her retirement as executive director of South Dakota Voices for Children.

Dr. Randall's career began in education. She spent 2 years in Centerville, SD, as a high school English and speech teacher. Susan continued her commitment to young people by going on to work in higher education, teaching sociology. She entered the political realm after a successful bid for Sioux Falls city commissioner, a position she held from 1986 to 1988. After her time at city hall, Dr. Randall worked for Turnabout, a community organization serving South Dakota's underprivileged children and families. She furthered her dedication to the youth of South Dakota by volunteering with South Dakota Voices for Children, using her expertise to help them to secure grants. In 1999, Dr. Randall became the executive director of the organization.

Dr. Randall's 13-year tenure as executive director of South Dakota Voices for Children has been marked by many victories. She fought tenaciously to reduce teen smoking, with great success; initiated a campaign in support of Starting Strong, a prekindergarten pilot program for low-income children; and spearheaded an effort to improve conditions for juvenile offenders. Dr. Randall was recognized as a champion for South Dakota youth by the Associated School Boards of South Dakota

with their Bell Award, the highest honor that can be conferred on a non-school board member. Throughout her career Dr. Randall has been a tireless advocate for South Dakota's youth. I greatly value her advocacy and expertise and she has frequently met with me and my staff over the years, keeping me apprised of the most pressing issues facing South Dakota's children.

Dr. Randall and her husband Mark Sanderson plan to start a business growing herbs and flowers on their 80-acre property in Brookings County under the name Deer Creek Farms. I am pleased to hear that in retirement Susan will fulfill this long-held dream.

Dr. Randall has been a determined fighter for the health and well-being of South Dakota's children. I wish Dr. Randall all the best in retirement and the new business venture.●

CONGRATULATING THE FERRIS STATE BULLDOGS

• Mr. LEVIN. Mr. President, we in Michigan love hockey, at all levels, from the Detroit Red Wings of the NHL to early mornings spent at local rinks watching our kids in youth league games. But even in Michigan, at the start of the men's college hockey season last winter, few eyes were on Big Rapids, MI, where Coach Bob Daniels was preparing for his 20th season leading the Ferris State Bulldogs.

In a preseason poll, the Bulldogs were ranked ninth in the 11-team Central Collegiate Hockey Association. Ferris State had made it to the NCAA tournament only once in its history. And even in our home State, hockey teams from the larger schools tend to get more attention than the team in Big Rapids. But the players at Ferris, a campus of fewer than 15,000 students in a town of just over 10,000 residents, were determined to let neither history nor expectations get in their way. They just started winning—eight games in a row to start the season, in fact, on the way to the CCHA regular season championship, two weeks as the No. 1-ranked team in the nation, 23 victories and a berth in the NCAA tournament.

Despite a phenomenal regular season, few picked the Bulldogs to go far in the NCAA tournament. Experts pointed to the fact that the team had no players who had been drafted by the professional teams in the National Hockey League, one of only three teams in the 16-school field without an NHL draftee. Top-rated Boston College, for example, had nine. But by now, exceeding expectation was nothing new. The Bulldogs defeated the University of Denver, and then Cornell, each by a single goal, to reach the Frozen Four in Tampa.

In the national semifinals, Ferris State was locked in a tight match with Union College. The Bulldogs were behind 1-0 late in the second period when senior Aaron Schmitt scored to tie the game, and it remained tied until just under five minutes remained in the third and final period, when junior Kyle Bonis scored the go-ahead goal.

That victory set up a championship match with Boston College, the odds-on favorite for the championship. The Eagles had outscored their opponents in three previous tournament games by a combined 12 goals to 1. Again, few gave Ferris a chance. But there they were, in the waning moments of the third period, down by just a goal and battling to tie the game.

The Bulldogs fell just short. Still, it was a historic season, one that brought immense joy and considerable pride to everyone in Michigan, but especially to Big Rapids and the Ferris State family.

I hope my colleagues will join me in congratulating Coach Daniels, seniors Aaron Schmitt, Chad Billins, Derek Graham, Michael Trebish, Jordie Johnston, Brett Wysopal, Tommy Hill and Taylor Nelson; their teammates, Scott Czarnowczan, Travis White, Jason Binkley, Cory Kane, Travis Ouellette, TJ Schlueter, Nate Milam, Garrett Thompson, Eric Alexander, Andy Huff, Justin Demartino, Matthew Kirzinger, Justin Buzzee, Dom Panetta, Simon Denis, Kyle Bonis, CJ Motte and Rob Granett; coaches Drew Famulak, Mark Kaufman and Dave Cencer; and Ferris State fans everywhere. Thanks to the Bulldogs for a magical season.●

REMEMBERING MARY PHYLIS MACK CALLAN

• Mr. TESTER. Mr. President, today I wish to honor Mary Mack, a veteran of World War II.

Mary was born in Butte, MT and graduated from Girls Central High School before attending Sacred Heart School of Nursing in Spokane, WA.

Sixty-eight years ago, Mary enlisted in the Army as a registered nurse. She was assigned to the 203rd General Field Hospital. Her mission was to provide medical support for troops staged in England as they prepared for the invasion of Nazi-occupied Europe in Operation Overlord on June 6, 1944. One month after the invasion, Mary, along with the 203rd Field Hospital, crossed the English Channel and arrived at Utah Beach in Normandy, France. From there they traveled on foot past scenes of war and destruction to set up a hospital for troops as they continued on into Europe. After the liberation of Paris in late August 1944, the 203rd established the largest general hospital in the European Theater of Operations in the French capital. There they treated over 65,000 patients.

While stationed in Paris, Mary achieved the rank of First Lieutenant. She later served in Africa and the Middle East.

Mary was honorably discharged from the Army on January 7, 1946. Because honors were made known toward the end of the war, many members of the 203rd may not have been aware of their eligibility or received their awards.

After the war, she returned to Montana where she committed herself to raising a family and serving her community.

Mary passed away last month on March 15. I had the honor of presenting Mary's family with a European-African-Middle Eastern Campaign Medal with 3 Bronze Service Stars. This decoration represents the gratitude of the Nation she served and the wish that her family continues to share the memories of this courageous woman.●

REMEMBERING DALE JOHNSON

● Mr. UDALL of Colorado. Mr. President, I would like to honor the life of an extraordinary Coloradan, Dale L. Johnson, who passed away at his Boulder home on February 23, 2012. Known as a legendary mountaineer, businessman, writer, environmentalist, and a dear friend of mine, Dale taught us all to appreciate life, and to take advantage of life's opportunities and challenges especially those on the mountain.

Infamously, one of Dale's early mountain escapades occurred while he was a freshman at the University of Colorado. Unsatisfied that the Colorado School of Mines had an "M" painted into a neighboring mountain and that the University of Colorado had no such "C" painted into the neighboring Flatirons, Dale and his roommates sought to change that.

Under the glow of a full Moon on a mild December night, Dale and his friends, equipped with a 4-inch paint brush and 3 gallons of white paint, ventured up the Third Flatiron and infamously painted a giant white "C" into the ridge. While classmates celebrated the prank, the local authorities did not find the act amusing. Ultimately, the matter was resolved, but the story has never grown old.

For those of us fortunate enough to have known Dale, we know how passionate he was about climbing. In fact, passionate would be an understatement. Dale pioneered seven first ascents, including the Redgarden Wall in Eldorado Canyon, the Second Butte of the North Face of Hallett's Peak, and the South Face of the Matron.

While these achievements would suffice for your typical climber, Dale wasn't satisfied. Through his life, Dale climbed peaks in New Zealand, Peru, Nepal, East Africa, Japan, Italy, and Switzerland. As if his worldly travel and climbing achievements were not enough, Dale famously climbed the Third Flatiron in Boulder, CO in roller skates.

After summiting peaks throughout Colorado and the world, Dale honed in on his inner businessman, inventing Frostline Kits for climbers. With firsthand knowledge of the gear and clothing needs of climbers, Dale developed innovative equipment that was durable, lightweight, and dependable. The kits were an instant success and delivered a product that was previously unavailable to climbers in retail stores.

Throughout his life, Dale also developed an appreciation for flying. He coupled his interest in flight with his love

for the environment by flying over southern Utah's canyons, mesas, ridges, and buttes during the citizens wilderness inventory in the late 1980s to help document Utah's wild lands.

Life is full of challenges and opportunities. Dale taught us all to appreciate each and every day and to always strive for something higher. He impacted the lives of so many, and I feel lucky to have known him and to have called him a friend.●

TRIBUTE TO MRS. GERTRUDE LORIO BEAUFORD

● Mr. VITTER. Mr. President, today I wish to honor Mrs. Gertrude Lorio Beauford on the occasion of her 100th birthday.

Born to Wilfrid A. Lorio and Eulalie L. Fischer on May 28, 1912, at Ingleside Plantation in Lakeland, LA, Mrs. Beauford is the third oldest of five siblings, two brothers and three sisters. She received her education from St. Joseph's Academy in New Roads and was classmates with former United States Congresswoman Lindy Boggs. Mrs. Beauford then went on to St. Mary's Dominican College and married childhood friend Leonard M. Beauford in 1935. Mr. Beauford worked for the United States Army Corps of Engineers, and their family moved to 18 cities in 9 years before finally settling in New Orleans in 1945.

They were married for 48 years, and their family includes 3 children, Gertrude, Wilfrid, and Kathleen, and 1 grandchild, Judith. Sharing a fondness for traveling, Mr. and Mrs. Beauford visited countries across the world including Japan, Canada, and many more across Europe. In fact, they even traveled south to Antarctica and also went north and crossed the Arctic Circle.

Mrs. Beauford has been an active member of the Louisiana Lions Club, the Jefferson Lions Club, Children's Hospital, the League of Women Voters, the Parent-Teacher Association, and the American Association of University Women. She is also an active member of St. Agnes Catholic Church and committed 18 years of her life to educating young people at McDonough #7 where she taught 5th grade.

Five generations later, Ingleside Plantation is still owned and operated by the Lorio family where sugarcane, soybeans, and wheat continue to be grown. Those closest to her know Mrs. Beauford simply as "Gertie," and she's attributed her long life to keeping busy.

I am proud to honor such an extraordinary member of our community on her 100th birthday and wish Mrs. Beauford many more joyous days, months, and years to come.●

MESSAGE FROM THE HOUSE

At 12:33 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the

following bills, in which it requests the concurrence of the Senate:

H.R. 3001. An act to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

H.R. 4040. An act to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

MEASURES REFERRED ON APRIL 16, 2012

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 112. Concurrent resolution establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022; to the Committee on the Budget.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4040. An act to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES DISCHARGED

The following concurrent resolutions were discharged from the Committee on the Budget, pursuant to section 300 of the Congressional Budget Act, and placed on the calendar:

S. Con. Res. 37. Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2013, and setting forth the appropriate budgetary levels for fiscal years 2014 through 2022.

S. Con. Res. 41. Concurrent resolution setting forth the President's budget request for the United States Government for fiscal year 2013, and setting forth the appropriate budgetary levels for fiscal years 2014 through 2022.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5583. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within account 21 2020 Operation and Maintenance, Army (OMA), during fiscal year 2010 and was assigned Army case number 11-03; to the Committee on Appropriations.

EC-5584. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the fiscal year 2008 and fiscal year 2009 Operation and Maintenance Army Reserve, account 21*2080 and was assigned Army case number 11-02; to the Committee on Appropriations.

EC-5585. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to

a violation of the Antideficiency Act that occurred within the Research, Development, Test, and Evaluation Account and the Iraq Freedom Fund account during fiscal years 2006 and 2007 and was assigned Joint Improvised Explosive Device Defeat Organization case number 09-01; to the Committee on Appropriations.

EC-5586. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Operations and Maintenance, Army, account 2020 during fiscal year 2010 and was assigned Army case number 11-09; to the Committee on Appropriations.

EC-5587. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Upland Cotton Base Quality" (RIN0560-A116) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5588. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Swap Dealer and Major Swap Participant Recordkeeping, Reporting, and Duties Rules; Futures Commission Merchant and Introducing Broker Conflicts of Interest Rules; and Chief Compliance Officer Rules for Swap Dealers, Major Swap Participants, and Futures Commission Merchants" (RIN3038-AC96) received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5589. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acibenzolar-S-methyl; Pesticide Tolerances" (FRL No. 9343-3) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5590. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Ethyl-1-hexanol; Exemption from the Requirement of a Tolerance" (FRL No. 9342-5) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5591. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to the obligation and expenditure of funds for the implementation of Cooperative Threat Reduction (CTR) program activities (DCN OSS-2012-0462); to the Committee on Armed Services.

EC-5592. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11-145, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such as a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-5593. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of two (2) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-5594. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Paul S. Stanley, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-5595. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of three (3) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-5596. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the Joint Land Attack Cruise Missile Defense Elevated Netted Sensor System program exceeding the statutory critical growth threshold; to the Committee on Armed Services.

EC-5597. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the C-130 AMP program exceeding the Acquisition Program Baseline values; to the Committee on Armed Services.

EC-5598. A communication from the Deputy Chief Management Officer, Department of Defense, transmitting, pursuant to law, a report relative to the establishment of the Investment Review Board and Investment Management process for Covered Defense Business Systems; to the Committee on Armed Services.

EC-5599. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report relative to a pilot program to provide a skill proficiency bonus to members of a Reserve component participating in critical foreign language or cultural studies; to the Committee on Armed Services.

EC-5600. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the annual report of the National Security Education Program for fiscal year 2011; to the Committee on Armed Services.

EC-5601. A communication from the Acting Under Secretary of Defense (Acquisition, Technology, Logistics), transmitting, pursuant to law, a report relative to the Strategic Materials Protection Board and rare earth elements; to the Committee on Armed Services.

EC-5602. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, the Cooperative Threat Reduction annual report for fiscal year 2013; to the Committee on Armed Services.

EC-5603. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the 2011 Accreditation Report for the Armed Forces Retirement Homes in Washington, DC and Gulfport, MS; to the Committee on Armed Services.

EC-5604. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Iran-Related Multilateral Sanctions Regime Efforts" covering the period August 17, 2011 to February 16, 2012; to the Committee on Armed Services.

EC-5605. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals and accompanying reports relative to the National Defense Authorization Act for Fiscal Year 2013; to the Committee on Armed Services.

EC-5606. A communication from the Assistant Secretary of Defense (Legislative Af-

fairs), transmitting legislative proposals and accompanying reports relative to the National Defense Authorization Act for Fiscal Year 2013; to the Committee on Armed Services.

EC-5607. A communication from the President of the United States, transmitting, pursuant to law, a notice of the continuation of the national emergency with respect to Somalia that was declared in Executive Order 13536 of April 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5608. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Australia; to the Committee on Banking, Housing, and Urban Affairs.

EC-5609. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Brazil, Japan, and Panama; to the Committee on Banking, Housing, and Urban Affairs.

EC-5610. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Brazil and Canada; to the Committee on Banking, Housing, and Urban Affairs.

EC-5611. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Russia; to the Committee on Banking, Housing, and Urban Affairs.

EC-5612. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to various foreign buyers; to the Committee on Banking, Housing, and Urban Affairs.

EC-5613. A communication from the Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to the acquisition of articles, materials, and supplies manufactured outside of the United States; to the Committee on Banking, Housing, and Urban Affairs.

EC-5614. A communication from the Executive Director of the Office of Minority and Women Inclusion, Office of the Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, a report entitled "Office of Minority and Women Inclusion Section 342 Annual Report to Congress March 2012"; to the Committee on Banking, Housing, and Urban Affairs.

EC-5615. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Exemptions for Security-Based Swaps Issued by Certain Clearing Agencies" (RIN3235-AL16) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-5616. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-5617. A communication from the Assistant Secretary of Land and Minerals Management, Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting, pursuant to law, the report of

a rule entitled "Production Measurement Documents Incorporated by Reference" (RIN1014-AA01) received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2012; to the Committee on Energy and Natural Resources.

EC-5618. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Electric Reliability Organization Proposal for Protection and Control Reliability Standard" (Docket No. RM11-16-000) received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2012; to the Committee on Energy and Natural Resources.

EC-5619. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to New Source Review Rules" (FRL No. 9616-7) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2012; to the Committee on Environment and Public Works.

EC-5620. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Colorado; Procedural Rules; Conflicts of Interest" (FRL No. 9640-3) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2012; to the Committee on Environment and Public Works.

EC-5621. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Leisure Properties LLC/D/B/A Crownline Boats; Adjusted Standard" (FRL No. 9648-6) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2012; to the Committee on Environment and Public Works.

EC-5622. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances" (FRL No. 9333-3) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2012; to the Committee on Environment and Public Works.

EC-5623. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Availability of Electric Power Sources" (Regulatory Guide 1.93, Revision 1) received in the Office of the President of the Senate on March 29, 2012; to the Committee on Environment and Public Works.

EC-5624. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Administrative Guide for Verifying Compliance with Packaging Requirements for Shipping and Receiving of Radioactive Material" (Regulatory Guide 7.7, Revision 1) received in the Office of the President of the Senate on March 29, 2012; to the Committee on Environment and Public Works.

EC-5625. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regu-

latory Commission, transmitting, pursuant to law, the report of a rule entitled "Water Sources for Long-Term Recirculation Cooling Following a Loss-of-Coolant Accident" (Regulatory Guide 1.82, Revision 4) received in the Office of the President of the Senate on March 29, 2012; to the Committee on Environment and Public Works.

EC-5626. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Fargo-Moorhead Metropolitan Area, North Dakota and Minnesota flood risk management project; to the Committee on Environment and Public Works.

EC-5627. A communication from the Director of Government Relations, Tennessee Valley Authority, transmitting, pursuant to law, the Authority's Statistical Summary for fiscal year 2011; to the Committee on Environment and Public Works.

EC-5628. A communication from the Senior Advisor for Regulations, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Removal of Regulations on Black Lung Benefits" (RIN0960-AH48) received during adjournment of the Senate in the Office of the President of the Senate on March 30, 2012; to the Committee on Finance.

EC-5629. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Labeling Imported Wines with Multistate Appellations" (RIN1513-AB58) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2012; to the Committee on Finance.

EC-5630. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections to Customs and Border Protection Regulations: Petitions for Relief" (CBP Dec. 1-07) received in the Office of the President of the Senate on March 28, 2012; to the Committee on Finance.

EC-5631. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement and Report Concerning Advance Pricing Agreements" (Announcement 2012-13) received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2012; to the Committee on Finance.

EC-5632. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fractional Aircraft Ownership Programs Fuel Surtax" (Notice 2012-27) received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2012; to the Committee on Finance.

EC-5633. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Announcement 2012-10) received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2012; to the Committee on Finance.

EC-5634. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Notice 2008-40; Deduction for Energy Efficient Commercial Buildings" (Notice 2012-26) received during adjournment of the Senate in

the Office of the President of the Senate on March 30, 2012; to the Committee on Finance.

EC-5635. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs for Contract Year 2013 and Other Changes" (RIN0938-AQ86) received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2012; to the Committee on Finance.

EC-5636. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Office of Inspector General Medicaid Integrity Program Report for Fiscal Year 2011"; to the Committee on Finance.

EC-5637. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. support for Taiwan's participation as an observer at the 65th World Health Assembly and in the work of the World Health Organization; to the Committee on Foreign Relations.

EC-5638. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates" (RIN1400-AD06) received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2012; to the Committee on Foreign Relations.

EC-5639. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the International Labor Organization Recommendation concerning HIV and AIDS and the World of Work (No. 200), adopted by the 99th session of the International Labor Conference at Geneva; to the Committee on Foreign Relations.

EC-5640. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services to Jordan for the delivery and support of two CN-235-100 aircraft modified for armed surveillance/light gunship capabilities for end use by the Jordanian Armed Forces in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-5641. A communication from the Presiding Governor, Broadcasting Board of Governors, transmitting, pursuant to law, a report relative to U.S.-funded international broadcasting efforts in Iran; to the Committee on Foreign Relations.

EC-5642. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Immunology and Microbiology Devices; Classification of Norovirus Serological Reagents" (Docket No. FDA-2012-N-0165) received during adjournment of the Senate in the Office of the President of the Senate on April 5, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-5643. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Current Good Manufacturing Practice in Manufacturing, Processing,

Packing, or Holding of Drugs; Revision of Certain Labeling Controls" (Docket No. FDA-1997-N-0518) received in the Office of the President of the Senate on March 29, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-5644. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Cardiovascular Devices; Classification of the Endovascular Suture System" (Docket No. FDA-2012-N-0091) received during adjournment of the Senate in the Office of the President of the Senate on April 5, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-5645. A communication from the Chairman of the National Healthcare Workforce Commission, transmitting, a report relative to the status of the Commission; to the Committee on Health, Education, Labor, and Pensions.

EC-5646. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "State High Risk Pool Grant Program for Federal Fiscal Year 2010"; to the Committee on Health, Education, Labor, and Pensions.

EC-5647. A communication from the Ombudsman, Energy Employees Compensation Program, Department of Labor, transmitting, pursuant to law, a report relative to the Energy Employees Occupational Illness Compensation Program; to the Committee on Health, Education, Labor, and Pensions.

EC-5648. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-5649. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-5650. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-5651. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-5652. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Peace Corps' fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-5653. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs' fiscal year 2011 annual report relative to the Notification and Federal Em-

ployee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-5654. A communication from the Diversity and Inclusion Programs Director, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-5655. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the Commission's fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-5656. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report entitled "Annual Report on the Federal Work Force" for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5657. A communication from the General Counsel, Government Accountability Office, transmitting, pursuant to law, the Office's fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-5658. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Proliferation Security Initiative; to the Committee on Homeland Security and Governmental Affairs.

EC-5659. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, a report relative to activities carried out by the Family Court during 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-5660. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "District of Columbia Agencies' Compliance with Small Business Enterprise Expenditure Goals through the 1st Quarter of Fiscal Year 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-5661. A joint communication from the Chairman and the Acting General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Board's Buy American Act Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-5662. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-335 "Mechanics Lien Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-5663. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-336 "Green Building Compliance, Technical Corrections, and Clarification Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-5664. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-334 "Comprehensive Military and Overseas Voters Accommodation Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-5665. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to the Proliferation Security Initiative budget plan and review for fiscal years 2013-2015; to the Committee on Homeland Security and Governmental Affairs.

EC-5666. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Wisconsin Ledge Viticultural Area" (RIN1513-AB82) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2012; to the Committee on the Judiciary.

EC-5667. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Department's 2011 Freedom of Information Act Litigation and Compliance Report; to the Committee on the Judiciary.

EC-5668. A communication from the Deputy General Counsel, Office of the General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Jobs Act: Implementation of Conforming and Technical Amendments" (RIN3245-AG15) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Small Business and Entrepreneurship.

EC-5669. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Standards: Professional, Technical, and Scientific Services" (RIN3245-AG07) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Small Business and Entrepreneurship.

EC-5670. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multi-species Fishery; Amendment 17" (RIN0648-BB34) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5671. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XB024) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5672. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Annual Catch Limit Amendment for the South Atlantic" (RIN0648-AY73) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5673. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries

Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2012 and 2013 Harvest Specifications for Groundfish" (RIN0648-XA711) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5674. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures" (RIN0648-BB28) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5675. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Highly Migratory Species Fisheries; Swordfish Retention Limits" (RIN0648-BA87) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5676. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Bering Sea Pollock Fishery; Economic Data Collection; Correction" (RIN0648-BA80) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5677. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska" (RIN0648-XB100) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5678. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program" (RIN0648-XB039) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5679. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Jig Gear in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XB070) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5680. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United

States; Summer Flounder Fishery; Quota Transfer" (RIN0648-XB026) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5681. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Adjustments for the Common Pool Fishery" (RIN0648-XB059) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5682. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XB077) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5683. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648-XB102) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5684. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XB111) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5685. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Cod by Catcher Vessels Greater Than or Equal to 50 Feet (15.2 Meters) Length Overall Using Hook-and-Line Gear in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XB112) received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5686. A communication from the Chief of Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 15 of the Commission's Rules Regarding Unlicensed Personal Communications Service Devices in the 1920-1930 MHz Band" (ET Docket No. 10-97; FCC 12-33) received during adjournment of the Senate in the Office of the President of the Senate on April 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5687. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Waybill Data Released in Three-Benchmark Rail Rate Proceedings" (RIN2140-AB01) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5688. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (234); Amdt. No. 3469" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5689. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a report relative to the apportionment of membership on the regional fishery management councils; to the Committee on Commerce, Science, and Transportation.

EC-5690. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's 50th Annual Report of the activities of the Federal Maritime Commission for fiscal year 2011; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself and Mr. BLUMENTHAL):

S. 2286. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COONS:

S. 2287. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions to a trust used to provide need-based college scholarships; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. ISAKSON, Mr. NELSON of Nebraska, and Ms. MURKOWSKI):

S. 2288. A bill to amend title XXVII of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance producers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. ALEXANDER, Mrs. MURRAY, and Mr. ROBERTS):

S. 2289. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to pediatric provisions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN:

S. 2290. A bill to authorize the Commissioner of the United States Section, International Boundary and Water Commission, to reimburse States and units of local government for expenses incurred by the States and units of local government in designing, constructing, and rehabilitating water projects under the jurisdiction of the International Boundary and Water Commission; to the Committee on Foreign Relations.

By Mr. CORNYN (for himself, Ms. SNOWE, Mrs. HUTCHISON, and Mr. HELLER):

S. 2291. A bill to provide a taxpayer bill of rights for small businesses; to the Committee on Finance.

By Mr. BURR (for himself and Mr. COBURN):

S. 2292. A bill to promote accountability, transparency, innovation, efficiency, and

timeliness at the Food and Drug Administration for America's patients; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. LEVIN, Mr. LIEBERMAN, Mr. CARPER, Mr. LAUTENBERG, Mr. WEBB, and Mr. COONS):

S. Res. 419. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the United States during Public Service Recognition week; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BURR (for himself and Mrs. MURRAY):

S. Res. 420. A resolution designating April 5, 2012, as "Gold Star Wives Day"; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. BEGICH, Mrs. MURRAY, Mr. COCHRAN, Ms. MIKULSKI, Ms. STABENOW, Mr. JOHNSON of South Dakota, Mr. AKAKA, Mr. COONS, and Mr. UDALL of Colorado):

S. Res. 421. A resolution designating April 20 through 22, 2012, as "Global Youth Service Day"; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. Res. 422. A resolution commending and congratulating the University of Kentucky men's basketball team for winning its eighth Division I National Collegiate Athletic Association championship; considered and agreed to.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 423. A resolution congratulating Western Washington University for winning the 2012 National Collegiate Athletic Association Division II Men's Basketball Championship; considered and agreed to.

By Mr. SESSIONS:

S. Con. Res. 41. A concurrent resolution setting forth the President's budget request for the United States Government for fiscal year 2013, and setting forth the appropriate budgetary levels for fiscal years 2014 through 2022; placed on the calendar.

ADDITIONAL COSPONSORS

S. 309

At the request of Mr. LUGAR, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 309, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 418

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 687

At the request of Mr. CONRAD, the names of the Senator from Nevada (Mr. HELLER), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

At the request of Mr. CORNYN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 687, *supra*.

S. 714

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 714, a bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes.

S. 797

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 797, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 821

At the request of Mr. LEAHY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 821, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 967

At the request of Mr. MERKLEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 967, a bill to establish clear regulatory standards for mortgage servicers, and for other purposes.

S. 1086

At the request of Mr. HARKIN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1086, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 1173

At the request of Mr. WYDEN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1173, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1368

At the request of Mr. ROBERTS, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1368, a bill to amend the Patient Protection and Affordable Care Act to repeal distributions for medicine qualified only if for prescribed drug or insulin.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1980

At the request of Mr. INOUE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1980, a bill to prevent, deter, and eliminate illegal, unreported, and unregulated fishing through port State measures.

S. 2004

At the request of Mr. UDALL of New Mexico, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 2004, a bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II.

S. 2051

At the request of Mr. REED, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2051, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans.

S. 2062

At the request of Mr. PAUL, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2062, a bill to amend the Lacey Act Amendments of 1981 to repeal certain provisions relating to criminal penalties and violations of foreign laws, and for other purposes.

S. 2066

At the request of Ms. MURKOWSKI, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2066, a bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public

land and ensure continued opportunities for those activities.

S. 2103

At the request of Mr. LEE, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2103, a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes.

S. 2112

At the request of Mr. BEGICH, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2112, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2174

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 2174, a bill to exempt natural gas vehicles from certain maximum fuel economy increase standards, and for other purposes.

S. 2237

At the request of Mr. REID, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

S. 2242

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2242, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 2264

At the request of Mr. HOEVEN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2264, a bill to provide liability protection for claims based on the design, manufacture, sale, offer for sale, introduction into commerce, or use of certain fuels and fuel additives, and for other purposes.

S. 2274

At the request of Mr. ROBERTS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2274, a bill to require the Secretary of Agriculture to establish a nonprofit corporation to be known as the Foundation for Food and Agriculture Research.

S. 2276

At the request of Mr. GRASSLEY, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. 2276, a bill to permit Federal officers to remove cases involving crimes of violence to Federal court.

S. 2283

At the request of Mr. TESTER, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2283, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include procedures for requests from Indian tribes for a major disaster or emergency declaration, and for other purposes.

S. RES. 380

At the request of Mr. GRAHAM, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

S. RES. 399

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Res. 399, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, crimes against humanity, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

S. RES. 402

At the request of Mr. COONS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 402, a resolution condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield.

S. RES. 406

At the request of Mr. WARNER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 406, a resolution commending the achievements and recognizing the importance of the Alliance to Save Energy on the 35th anniversary of the incorporation of the Alliance.

S. RES. 418

At the request of Mr. BROWN of Ohio, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. PORTMAN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Res. 418, a resolution commending the 80 brave men who became known as the "Doolittle Tokyo Raiders" for outstanding heroism, valor, skill, and service to the United States during the bombing of Tokyo and 5 other targets on the island of Honshu on April 18, 1942, during the Second World War.

AMENDMENT NO. 1975

At the request of Mr. MERKLEY, the name of the Senator from Alaska (Mr.

BEGICH) was added as a cosponsor of amendment No. 1975 intended to be proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself and Mr. BLUMENTHAL):

S. 2286. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LIEBERMAN. Mr. President, I rise today to introduce the Lower Farmington River and Salmon Brook Wild and Scenic River Act. I first would like to thank my colleague, Senator BLUMENTHAL, for joining me as a cosponsor of this legislation, and also wish to thank Congressman CHRIS MURPHY, who recently introduced an identical bill in the House.

My work to preserve and protect the Farmington River dates back many years, and holds a special place in my heart. In 1993 and 1994, in my first term in office, I worked with Congresswoman Nancy Johnson to introduce and pass legislation that added 14 miles of the Upper Farmington River, or the west branch of the river, to the National Wild and Scenic River System, becoming Connecticut's first addition to the system. In 2006, I again had the privilege of working with Rep. Johnson and Sen. Chris Dodd to introduce and pass the Lower Farmington River and Salmon Brook Wild and Scenic River Study Act, which authorized a study of the Lower Farmington, or the east branch of the river. Now complete, the study found that the Lower Farmington River and Salmon Brook possess outstanding natural, cultural, and recreational values. I am honored to return to the Senate floor today to introduce this legislation, which would add the Lower Farmington River and Salmon Brook to the Wild and Scenic Rivers System in order to preserve the extraordinary ecological and recreational values it brings to our state.

Passing through ten towns in northwestern Connecticut, the Lower Farmington River and Salmon Brook is home to extensive wetlands, unique geology, and stunning vistas. The pristine and unique qualities of this river system and the surrounding landscape provide visitors and residents alike, a special location for hiking, paddling, and fishing. This unspoiled natural retreat has a rich history that is only rivaled by its vibrant biodiversity. Archeologists have revealed that sites surrounding the river date back over 11,000 years. The timeline that has been discovered chronicles important Native American development as well as the birth and growth of our nation. From

the prehistoric campsites, to the Underground Railroad network, and burgeoning manufacturing that sent goods to markets across the world, the river and its banks are an essential component of our nation's history.

But the importance of the Lower Farmington River and Salmon Brook goes beyond its contribution to our nation's history. Among the country's most biologically diverse ecosystem, the river is home to 30 species of finfish, 105 bird species, and the only river in New England that is home to all 12 of the freshwater mussel species native to the region, one of which is a federally listed endangered species. Since prehistory the rich biodiversity has also benefited agriculture along the banks of this river system. Driven by the unique qualities of the soil, Native Americans, colonists and Connecticut residents have harvested tobacco that is known the world over.

Today, outdoor recreationists visit the Lower Farmington River and Salmon Brook in increasing numbers. As Americans return to nature, it is essential that policies are in place which enhance stewardship and conservation in Connecticut and across the nation. Unchecked development threatens to erode biodiversity, destroy unprotected historic sites, and consume priceless natural resources. In order to combat such destruction we must have the foresight to ensure that treasures such as the Lower Farmington River and Salmon Brook remain unspoiled for today's recreational users as well as tomorrow's.

I thank Congressman MURPHY, all the members of the Study Committee, and especially the Farmington River Watershed Association and its Executive Director, Eileen Fielding, for working with me to advance the Lower Farmington River and Salmon Brook's status within the National Wild & Scenic Rivers System. I reaffirm my strong support today for the river's protection, and I look forward to working cooperatively with my colleagues in making it happen.

By Mr. REED (for himself, Mr. ALEXANDER, Mrs. MURRAY, and Mr. ROBERTS):

S. 2289. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to pediatric provisions; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. I am pleased to be joined today by Senators ALEXANDER, MURRAY, and ROBERTS in introducing the Better Pharmaceuticals and Devices for Children Act, BPDCA. This legislation will ensure that children are prioritized in the drug development process, as well as continue the increase in the number and quality of medical devices developed for use in children. I am particularly pleased that this bill has the support of the American Academy of Pediatrics and the Pharmaceutical Research and Manufacturers of America.

Indeed, drugs and devices work differently in children than in adults, and consequently, must be studied specifically for use in children. However, due to the fact that pediatric trials can be costly, take several years, and offer less of a return on investment, drug companies weren't initiating these trials. As a result, nearly 80 percent of drugs were used off-label in children.

This alarming statistic garnered the attention of pediatricians, medical experts, families, and ultimately, Congress. In 1997, Congress provided pharmaceutical companies with an incentive to invest in pediatric research through the Best Pharmaceuticals for Children Act, BPCA. In 2003, Congress passed the Pediatric Research Equity Act to begin requiring pharmaceutical companies to engage in these studies. Since the enactment of these laws, 426 drug labels have been revised with important pediatric information and there has been a decline in the number of drugs used off-label in children from 80 to 50 percent.

However, these laws will expire on October 1 unless Congress passes legislation to renew them. The Better Pharmaceuticals and Devices for Children Act would ensure that these laws are never at risk of expiring again. Laws that examine the safety and effectiveness of drugs and devices in adults are permanent. Children should have the same assurances. By making these laws permanent, pharmaceutical companies will also gain the certainty they need to continue wisely investing in these studies.

In making these laws permanent, we must not miss an opportunity to improve their benefits for children to ensure that more robust and timely information about the use of drugs and devices can guide clinical care. This legislation does just that.

First, it would ensure pediatric studies are planned earlier in the drug development process. Currently, pediatric study plans can be submitted to the FDA when a company submits its new drug application. This can be a very stressful time for a company and, as such, pediatric study plans are often left to the last minute. This has traditionally resulted in insufficient and inappropriate study plans, as well as delays of important pediatric data. Our legislation would require companies to submit a more robust pediatric study plan at the end of phase two in the drug development process. By this time in the process, a company already has performed the requisite clinical trial or trials in adults and has a better understanding of a drug's safety and efficacy, as well as dosing requirements. Moreover, experts at the FDA initially tried to require companies to submit a pediatric study plan at this time in the drug development process in a regulation that was struck down by the courts. However, the rationale and justification behind the regulation helped inform the drafting of this legislation and led us to believe that companies

should submit their initial pediatric study plan to the FDA at the end of phase two.

The legislation would also ensure that pediatric studies are actually completed. An alarming 78 percent of pediatric studies that were scheduled to be completed by September 2007 are currently late or were submitted late. While it is appropriate for some studies to take longer than expected and we wouldn't want a pediatric study to hold up the approval of a drug for use in adults it is unacceptable for companies to fail to complete pediatric studies altogether. Our bill would give the FDA the authority to distinguish between reasonable and unreasonable delays in pediatric studies and provide the agency with critical enforcement tools to ensure required pediatric studies are completed. This legislation would also provide the FDA with the ability to better track the progress of studies and assist with any complications.

The Better Pharmaceuticals and Devices for Children Act also responds to the need for the development of pediatric medical devices in children, which can lag five to ten years behind those manufactured for adults. The pediatric profit allowance for Humanitarian Use Devices has proven to be an effective incentive for the development of new medical devices that are designed specifically for the needs of children. Our bill would continue this important policy. It would also reauthorize the Pediatric Device Consortia, which in just two and a half years, has assisted in advancing the development of 135 proposed pediatric medical devices and helped get life-saving and life-improving pediatric devices to the patients that need them.

This legislation is critical for children's health. It will help give parents peace of mind that when their doctor prescribes a medication or recommends a medical device for their kids, it is proven safe and effective for specific use in children.

It is my understanding that Chairman HARKIN will be including this legislation as part of a broader initiative that the Health, Education, Labor, and Pensions Committee will soon be considering focused on improving drugs and devices. I look forward to working with Senators ALEXANDER, MURRAY, and ROBERTS, as well as the Chairman and others on moving this bill forward before the October deadline.

By Mr. CORNYN (for himself, Ms. SNOWE, Mrs. HUTCHISON, and Mr. HELLER):

S. 2291. A bill to provide a taxpayer bill of rights for small businesses; to the Committee on Finance.

Mr. CORNYN. Mr. President, I rise to introduce the Small Business Taxpayer Bill of Rights Act of 2012, SBTBOR. I am very pleased that Senators SNOWE, HUTCHISON, and HELLER are cosponsors of this taxpayer-friendly legislation.

As Americans across the country race to meet today's deadline to complete their federal tax return, it is important to note that their tax burden is more than just the amount of tax paid to the federal government. Taxpayers also bear the burden of the cost of complying with the tax code. Analysts predict that taxpayers will spend over \$350 billion this year alone to comply with the tax code. In addition, according to a survey by the National Small Business Association, over half of the respondents reported that they spend more than 40 hours a year dealing with federal taxes and spend more than \$5,000 each year just on the administration of federal taxes. In addition, a dispute over a complex tax code with the IRS can become an expensive endeavor for small businesses, who have limited resources to fight off frivolous IRS claims. With the passage of the 2010 health care act, this burden is expected to increase in the future. At a time when job creation remains weak, small businesses should be spending their time and resources creating jobs, not cutting through miles of burdensome IRS red tape. The Small Business Taxpayer Bill of Rights seeks to mitigate this problem. It would ensure that small businesses spend less time dealing with the IRS and more time creating jobs.

The Small Business Taxpayer Bill of Rights, among other things, provides more protections and safeguards for small businesses during administrative procedures with the IRS. It would: lower the compliance burden on small business taxpayers; strengthen safeguards against IRS overreach; increase taxpayer compensation for IRS abuses and; improve taxpayer access to the court system. Amid the weakest economic recovery since World War II, American job creators urgently need such relief.

The Small Business Taxpayer Bill of Rights Act will reduce the compliance and administrative burdens faced by small business taxpayers when it comes to dealing with the IRS. The bill provides an alternative dispute resolution procedure through which a small business taxpayer may be able to request arbitration with an independent, neutral third party not employed by the IRS. In addition, the bill will make more small businesses eligible to recoup attorney's fees when a court finds that the IRS's action taken against a taxpayer is not substantially justified.

The legislation also reinforces the independent nature of the IRS Appeals Office by prohibiting it from discussing the merits of a taxpayer's case with any other department at the IRS, unless the taxpayer is afforded an opportunity to participate. Second, the bill will prevent an Appeals Officer from raising a new issue that was not initially raised by the IRS in the examination process. The SBTBOR would help to ensure the Appeals Office remains a neutral entity that effectively facilitates the taxpayer's appeals process.

The Small Business Taxpayer Bill of Rights Act will make the IRS more accountable to taxpayers by increasing the amount of damages taxpayers may receive for any collection action the IRS takes against them that is reckless, or by reason of negligence disregards the law or its regulations. Second, it increases the amount of damages taxpayers may be awarded when the IRS improperly discloses their tax returns and tax information. Third, the bill raises the monetary penalty on IRS employees who commit certain unlawful acts or disclose taxpayer information.

Finally, the legislation will improve taxpayer access to the Tax Court by expanding the role of the current "small tax case" procedure—an informal and efficient method for resolving disputes before the Tax Court—to include a wider variety of cases. The bill will permit taxpayers to obtain judicial review from the Tax Court when the IRS fails to act on their claim for interest abatement due to an error or delay by the IRS. Taxpayers whose property has been wrongly seized to satisfy a tax debt will have more time to claim relief and bring a civil suit against the IRS. It also makes procedural improvements for taxpayers who request innocent spouse relief. By requesting innocent spouse relief, taxpayers can be relieved of the responsibility for paying tax, interest, and penalties if their spouse improperly reported items or omitted items on their tax return.

Last week, I held an event in Houston, Texas, where I announced my intention to introduce the Small Business Taxpayer Bill of Rights Act. The event was held at the headquarters of Forge USA, which is a family-owned, medium-sized open-die forging business. Forging is a process involving the shaping of heated metal parts in which the metal is never completely confined or restrained in the dies. Forge USA has 215 employees and provides high-quality custom forged products for a variety of industries, with about 70 percent of its product going to the oil and gas industry. This is what the owners of Forge USA said about the legislation: "Senator Cornyn's efforts to improve the rights of small businesses will mean that business owners will be able to spend more time growing their businesses and hiring more workers and hopefully less time talking to the tax man." I am grateful for the support of a small business like Forge USA. This legislation is also supported by the Texas Association of Business, U.S. Hispanic Chamber of Commerce, and the National Taxpayers Union, among others.

Small business owners face an especially crushing burden of paperwork, but they lack the key financial and legal resources that multinational corporations do when dealing with the tax code and the IRS. This legislation will provide relief for small businesses and will allow small businesses to spend

more time expanding their business and creating jobs and less time dealing with the IRS.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

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

S. 2291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Small Business Taxpayer Bill of Rights Act of 2012".

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
 - Sec. 2. Modification of standards for awarding of costs and certain fees.
 - Sec. 3. Civil damages allowed for reckless or intentional disregard of internal revenue laws.
 - Sec. 4. Modifications relating to certain offenses by officers and employees in connection with revenue laws.
 - Sec. 5. Modifications relating to civil damages for unauthorized inspection or disclosure of returns and return information.
 - Sec. 6. Interest abatement reviews.
 - Sec. 7. Ban on ex parte discussions.
 - Sec. 8. Alternative dispute resolution procedures.
 - Sec. 9. Extension of time for contesting IRS levy.
 - Sec. 10. Waiver of installment agreement fee.
 - Sec. 11. Suspension of running of period for filing petition of spousal relief and collection cases.
 - Sec. 12. Venue for appeal of spousal relief and collection cases.
 - Sec. 13. Increase in monetary penalties for certain unauthorized disclosures of information.
 - Sec. 14. De novo tax court review of claims for equitable innocent spouse relief.
 - Sec. 15. Ban on raising new issues on appeal.
- SEC. 2. MODIFICATION OF STANDARDS FOR AWARDING OF COSTS AND CERTAIN FEES.**

(a) **SMALL BUSINESSES ELIGIBLE WITHOUT REGARD TO NET WORTH.**—Subparagraph (D) of section 7430(c)(4) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting "and", and by adding at the end the following new clause:

"(iii) in the case of an eligible small business, the net worth limitation in clause (ii) of such section shall not apply."

(b) **ELIGIBLE SMALL BUSINESS.**—Paragraph (4) of section 7430(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(F) **ELIGIBLE SMALL BUSINESS.**—For purposes of subparagraph (D)(iii), the term 'eligible small business' means, with respect to any proceeding commenced in a taxable year—

- "(i) a corporation the stock of which is not publicly traded,
- "(ii) a partnership, or
- "(iii) a sole proprietorship,

if the average annual gross receipts of such corporation, partnership, or sole proprietorship for the 3-taxable-year period preceding such taxable year does not exceed \$50,000,000.

For purposes of applying the test under the preceding sentence, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to proceedings commenced after the date of the enactment of this Act.

SEC. 3. CIVIL DAMAGES ALLOWED FOR RECKLESS OR INTENTIONAL DISREGARD OF INTERNAL REVENUE LAWS.

(a) **INCREASE IN AMOUNT OF DAMAGES.**—Section 7433(b) of the Internal Revenue Code of 1986 is amended by striking “\$1,000,000 (\$100,000, in the case of negligence)” and inserting “\$3,000,000 (\$300,000, in the case of negligence)”.

(b) **EXTENSION OF TIME TO BRING ACTION.**—Section 7433(d)(3) of the Internal Revenue Code of 1986 is amended by striking “2 years” and inserting “5 years”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to actions of employees of the Internal Revenue Service after the date of the enactment of this Act.

SEC. 4. MODIFICATIONS RELATING TO CERTAIN OFFENSES BY OFFICERS AND EMPLOYEES IN CONNECTION WITH REVENUE LAWS.

(a) **INCREASE IN PENALTY.**—Section 7214 of the Internal Revenue Code of 1986 is amended—

(1) by striking “\$10,000” in subsection (a) and inserting “\$25,000”, and

(2) by striking “\$5,000” in subsection (b) and inserting “\$10,000”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 5. MODIFICATIONS RELATING TO CIVIL DAMAGES FOR UNAUTHORIZED INSPECTION OR DISCLOSURE OF RETURNS AND RETURN INFORMATION.

(a) **INCREASE IN AMOUNT OF DAMAGES.**—Subparagraph (A) of section 7431(c)(1) of the Internal Revenue Code of 1986 is amended by striking “\$1,000” and inserting “\$10,000”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to inspections and disclosure occurring on and after the date of the enactment of this Act.

SEC. 6. INTEREST ABATEMENT REVIEWS.

(a) **FILING PERIOD FOR INTEREST ABATEMENT CASES.**—

(1) **IN GENERAL.**—Subsection (h) of section 6404 of the Internal Revenue Code of 1986 is amended—

(A) by striking “REVIEW OF DENIAL” in the heading and inserting “JUDICIAL REVIEW”, and

(B) by striking “if such action is brought” and all that follows in paragraph (1) and inserting “if such action is brought—

“(A) at any time after the earlier of—

“(i) the date of the mailing of the Secretary’s final determination not to abate such interest, or

“(ii) the date which is 180 days after the date of the filing with the Secretary (in such form as the Secretary may prescribe) of a claim for abatement under this section, and

“(B) not later than the date which is 180 days after the date described in subparagraph (A)(i).”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to claims for abatement of interest filed with the Secretary after the date of the enactment of this Act.

(b) **SMALL TAX CASE ELECTION FOR INTEREST ABATEMENT CASES.**—

(1) **IN GENERAL.**—Subsection (f) of section 7463 of the Internal Revenue Code of 1986 is amended—

(A) by striking “and” at the end of paragraph (1),

(B) by striking the period at the end of paragraph (2) and inserting “, and”, and

(C) by adding at the end the following new paragraph:

“(3) a petition to the Tax court under section 6404(h) in which the amount of interest abatement sought does not exceed \$50,000.”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to—

(A) cases pending as of the day after the date of the enactment of this Act, and

(B) cases commenced after such date of enactment.

SEC. 7. BAN ON EX PARTE DISCUSSIONS.

(a) **IN GENERAL.**—Notwithstanding section 1001(a)(4) of the Internal Revenue Service Restructuring and Reform Act of 1998, the Internal Revenue Service shall prohibit any ex parte communications between officers in the Internal Revenue Service Office of Appeals and other Internal Revenue Service employees with respect to any matter pending before such officers.

(b) **TERMINATION OF EMPLOYMENT FOR MISCONDUCT.**—Subject to subsection (c), the Commissioner of Internal Revenue shall terminate the employment of any employee of the Internal Revenue Service if there is a final administrative or judicial determination that such employee committed any act or omission prohibited under subsection (a) in the performance of the employee’s official duties. Such termination shall be a removal for cause on charges of misconduct.

(c) **DETERMINATION OF COMMISSIONER.**—

(1) **IN GENERAL.**—The Commissioner of Internal Revenue may take a personnel action other than termination for an act prohibited under subsection (a).

(2) **DISCRETION.**—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner of Internal Revenue and may not be delegated to any other officer. The Commissioner of Internal Revenue, in his sole discretion, may establish a procedure which will be used to determine whether an individual should be referred to the Commissioner of Internal Revenue for a determination by the Commissioner under paragraph (1).

(3) **NO APPEAL.**—Any determination of the Commissioner of Internal Revenue under this subsection may not be appealed in any administrative or judicial proceeding.

(d) **TIGTA REPORTING OF TERMINATION OR MITIGATION.**—Section 7803(d)(1)(E) of the Internal Revenue Code of 1986 is amended by inserting “or section 7 of the Small Business Taxpayer Bill of Rights Act of 2012” after “1998”.

SEC. 8. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) **IN GENERAL.**—Section 7123 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(c) **AVAILABILITY OF DISPUTE RESOLUTIONS.**—

“(1) **IN GENERAL.**—The procedures prescribed under subsection (b)(1) and the pilot program established under subsection (b)(2) shall provide that a taxpayer may request mediation or arbitration in any case unless the Secretary has specifically excluded the type of issue involved in such case or the class of cases to which such case belongs as not appropriate for resolution under such subsection. The Secretary shall make any determination that excludes a type of issue or a class of cases public within 5 working days and provide an explanation for each determination.

“(2) **INDEPENDENT MEDIATORS.**—

“(A) **IN GENERAL.**—The procedures prescribed under subsection (b)(1) shall provide the taxpayer an opportunity to elect to have the mediation conducted by an independent, neutral individual not employed by the Office of Appeals.

“(B) **COST AND SELECTION.**—

“(i) **IN GENERAL.**—Any taxpayer making an election under subparagraph (A) shall be required—

“(I) to share the costs of such independent mediator equally with the Office of Appeals, and

“(II) to limit the selection of the mediator to a roster of recognized national or local neutral mediators.

“(ii) **EXCEPTION.**—Clause (i)(I) shall not apply to any taxpayer who is an individual or who was a small business in the preceding calendar year if such taxpayer had an adjusted gross income that did not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget, in the taxable year preceding the request.

“(iii) **SMALL BUSINESS.**—For purposes of clause (ii), the term ‘small business’ has the meaning given such term under section 41(b)(3)(D)(iii).

“(3) **AVAILABILITY OF PROCESS.**—The procedures prescribed under subsection (b)(1) and the pilot program established under subsection (b)(2) shall provide the opportunity to elect mediation or arbitration at the time when the case is first filed with the Office of Appeals and at any time before deliberations in the appeal commence.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 9. EXTENSION OF TIME FOR CONTESTING IRS LEVY.

(a) **EXTENSION OF TIME FOR RETURN OF PROPERTY SUBJECT TO LEVY.**—Subsection (b) of section 6343 of the Internal Revenue Code of 1986 is amended by striking “9 months” and inserting “3 years”.

(b) **PERIOD OF LIMITATION ON SUITS.**—Subsection (c) of section 6532 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1) by striking “9 months” and inserting “3 years”, and

(2) in paragraph (2) by striking “9-month” and inserting “3-year”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to—

(1) levies made after the date of the enactment of this Act, and

(2) levies made on or before such date if the 9-month period has not expired under section 6343(b) of the Internal Revenue Code of 1986 (without regard to this section) as of such date.

SEC. 10. WAIVER OF INSTALLMENT AGREEMENT FEE.

(a) **IN GENERAL.**—Section 6159 of the Internal Revenue Code of 1986 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) **WAIVER OF INSTALLMENT AGREEMENT FEE.**—The Secretary shall waive the fees imposed on installment agreements under this section for any taxpayer with an adjusted gross income that does not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget, and who has agreed to make payments under the installment agreement by electronic payment through a debit instrument.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 11. SUSPENSION OF RUNNING OF PERIOD FOR FILING PETITION OF SPOUSAL RELIEF AND COLLECTION CASES.

(a) **PETITIONS FOR SPOUSAL RELIEF.**—

(1) **IN GENERAL.**—Subsection (e) of section 6015 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) SUSPENSION OF RUNNING OF PERIOD FOR FILING PETITION IN TITLE 11 CASES.—In the case of an individual who is prohibited by reason of a case under title 11, United States Code, from filing a petition under paragraph (1)(A) with respect to a final determination of relief under this section, the running of the period prescribed by such paragraph for filing such a petition with respect to such final determination shall be suspended for the period during which the individual is so prohibited from filing such a petition, and for 60 days thereafter.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to petitions filed under section 6015(e) of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

(b) COLLECTION PROCEEDINGS.—

(1) IN GENERAL.—Subsection (d) of section 6330 of the Internal Revenue Code of 1986 is amended—

(A) by striking “appeal such determination to the Tax Court” in paragraph (1) and inserting “petition the Tax Court for review of such determination”;

(B) by striking “JUDICIAL REVIEW OF DETERMINATION” in the heading of paragraph (1) and inserting “PETITION FOR REVIEW BY TAX COURT”;

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following new paragraph:

“(2) SUSPENSION OF RUNNING OF PERIOD FOR FILING PETITION IN TITLE 11 CASES.—In the case of an individual who is prohibited by reason of a case under title 11, United States Code, from filing a petition under paragraph (1) with respect to a determination under this section, the running of the period prescribed by such subsection for filing such a petition with respect to such determination shall be suspended for the period during which the individual is so prohibited from filing such a petition, and for 30 days thereafter.”.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 6320 of such Code is amended by striking “(2)(B)” and inserting “(3)(B)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to petitions filed under section 6330 of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

SEC. 12. VENUE FOR APPEAL OF SPOUSAL RELIEF AND COLLECTION CASES.

(a) IN GENERAL.—Paragraph (1) of section 7482(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking “or” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a comma; and

(3) by inserting after subparagraph (F) the following new subparagraphs:

“(G) in the case of a petition under section 6015(e), the legal residence of the petitioner, or

“(H) in the case of a petition under section 6320 or 6330—

“(i) the legal residence of the petitioner if the petitioner is an individual; and

“(ii) the principal place of business or principal office or agency if the petitioner is an entity other than an individual.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to petitions filed after the date of enactment of this Act.

SEC. 13. INCREASE IN MONETARY PENALTIES FOR CERTAIN UNAUTHORIZED DISCLOSURES OF INFORMATION.

(a) IN GENERAL.—Paragraphs (1), (2), (3), and (4) of section 7213(a) of the Internal Revenue Code of 1986 are each amended by striking “\$5,000” and inserting “\$10,000”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disclo-

tures made after the date of the enactment of this Act.

SEC. 14. DE NOVO TAX COURT REVIEW OF CLAIMS FOR EQUITABLE INNOCENT SPOUSE RELIEF.

(a) IN GENERAL.—Subparagraph (A) of section 6015(e)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new flush sentence:

“Any review of a determination by the Secretary with respect to a claim for equitable relief under subsection (f) shall be reviewed *de novo* by the Tax Court.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to petitions filed or pending before the Tax Court on and after the date of the enactment of this Act.

SEC. 15. BAN ON RAISING NEW ISSUES ON APPEAL.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 7529. PROHIBITION ON INTERNAL REVENUE SERVICE RAISING NEW ISSUES IN AN INTERNAL APPEAL.

“(a) IN GENERAL.—In reviewing an appeal of any determination initially made by the Internal Revenue Service, the Internal Revenue Service Office of Appeals may not consider or decide any issue that is not within the scope of the initial determination.

“(b) CERTAIN ISSUES DEEMED OUTSIDE OF SCOPE OF DETERMINATION.—For purposes of subsection (a), the following matters shall be considered to be not within the scope of a determination:

“(1) Any issue that was not raised in a notice of deficiency or an examiner’s report which is the subject of the appeal.

“(2) Any deficiency in tax which was not included in the initial determination.

“(3) Any theory or justification for a tax deficiency which was not considered in the initial determination.

“(c) NO INFERENCE WITH RESPECT TO ISSUES RAISED BY TAXPAYERS.—Nothing in this section shall be construed to provide any limitation in addition to any limitations in effect on the date of the enactment of this section on the right of a taxpayer to raise an issue, theory, or justification on an appeal from a determination initially made by the Internal Revenue Service that was not within the scope of the initial determination.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of such Code is amended by adding at the end the following new item:

“Sec. 7529. Prohibition on Internal Revenue Service raising new issues in an internal appeal.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to matters filed or pending with the Internal Revenue Service Office of Appeals on or after the date of the enactment of this Act.

UNITED STATES
HISPANIC CHAMBER OF COMMERCE,
Washington, DC, April 9, 2012.

Hon. JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORNYN, The United States Hispanic Chamber of Commerce (USHCC) would like to express its support and thank you for introducing the Small Business Taxpayer Bill of Rights Act of 2012 (SBTBOR). As our organization advocates for legislation that helps to build Hispanic owned businesses and enhance America’s economy, it is encouraging to see the SBTBOR introduced on the Senate floor.

As you are aware, Hispanic-owned firms are the fastest growing segment of business across the country. We applaud you for recognizing this fact and, as a result, taking the

initiative to provide sensible solutions for the USHCC constituency of Hispanic enterprises. The four pillars of the SBTBOR—lowering compliance burden for taxpayers, strengthening taxpayer protections, compensating taxpayers for IRS abuses, and improving taxpayer access to the judicial system—are crucial to the efficiency of small business, and we hope that your Senate colleagues join in your efforts to pass sensible, pro-growth legislation.

In the USHCC’s recently released 2012–2014 Legislative Agenda, regulatory reform is noted as a critical part of the Hispanic small business community’s potential for job creation and economic development. The SBTBOR, by addressing problematic regulation and interaction with the IRS, is parallel to the USHCC mission. In order for the Hispanic community to continue leveraging its entrepreneurial spirit, we cannot allow for entrepreneurs to be subject to slow and costly resolution of audits, low civil damages when the IRS disregards the law, fees on installment agreements for low-income taxpayers, and many other harsh burdens that exist for small businesses.

The SBTBOR is clearly something that will positively affect the Hispanic business community and American economy as a whole. Please let us know how we may assist in your effort to promote an environment where entrepreneurs focus more on growing their businesses rather than dealing with unreasonable regulations. We are here to help.

Respectfully Submitted,

JAVIER PALOMAREZ,
President & CEO.
NINA VACA,
Chairman of the Board.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 419—EXPRESSING THE SENSE OF THE SENATE THAT PUBLIC SERVANTS SHOULD BE COMMENDED FOR THEIR DEDICATION AND CONTINUED SERVICE TO THE UNITED STATES DURING PUBLIC SERVICE RECOGNITION WEEK

Mr. AKAKA (for himself, Ms. COLLINS, Mr. LEVIN, Mr. LIEBERMAN, Mr. CARPER, Mr. LAUTENBERG, Mr. WEBB, and Mr. COONS) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 419

Whereas the week of May 6 through 12, 2012, has been designated as “Public Service Recognition Week” to honor the employees of the Federal Government and State and local governments of the United States of America;

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and honor the diverse men and women who meet the needs of the United States through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across the United States and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas the Federal Government and State and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States is a great and prosperous country, and public service employees contribute significantly to that greatness and prosperity;

Whereas the United States benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) defend our freedom and advance the interests of the United States around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver Social Security and Medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the parks of the United States;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the people of the United States recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the Earth, the Moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist the veterans of our country;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight to defeat terrorism and maintain homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent the interests and promote the ideals of the United States;

Whereas public servants alert Congress and the public to government waste, fraud, and abuse, and of dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the country and the world;

Whereas public servants have bravely fought in armed conflict in defense of this country and its ideals, and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants; and

Whereas the week of May 6 through 12, 2012, marks the 28th anniversary of Public Service Recognition Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of the week of May 6 through 12, 2012, as “Public Service Recognition Week”;

(2) commends public servants for their outstanding contributions to this great country during Public Service Recognition Week and throughout the year;

(3) salutes government employees for their unyielding dedication to and spirit for public service;

(4) honors those government employees who have given their lives in service to their country;

(5) calls upon a new generation to consider a career in public service as an honorable profession; and

(6) encourages efforts to promote public service careers at all levels of government.

Mr. AKAKA. Mr. President, today I rise to honor our Nation’s public servants and once again submit a resolution recognizing our public servants during Public Service Recognition Week.

This is the 28th year we will honor our public servants with Public Service Recognition Week during the first full week of May, this year from May 6–12. I am proud to once again take a moment to highlight the importance of the work of our public servants and to thank them for all that they do for this country.

As a life-long public servant, I have worked with so many talented, hard-working people who have dedicated their lives to helping others. I have been inspired by meeting countless men and women who come to work every day to serve the communities and their country. Our way of life would not exist without the work of these admirable men and women who provide so many vital services to the American people, including caring for our wounded warriors, teaching our children, protecting our communities, and keeping our nation safe.

Public Service Recognition Week provides an opportunity not only to honor those who serve, but also to hear about the wide variety of careers in public service. Public employees use the week to educate their fellow Americans about how government serves them, and how government services make life better for us all. It is always my hope that people will hear about these great opportunities to give back to their communities and be encouraged to consider a career in public service.

While we have designated a week to pay tribute to government employees, it is so important that we continue to honor the work of our public servants throughout the year. We face many challenges both here at home and abroad, and our public servants play an integral role in moving our country forward. It is important that we do not lose sight of all they do to keep our country strong.

To all the dedicated men and women currently serving our Nation, mahalo nui loa, thank you very much, for all that you do. I encourage my colleagues to join me in recognizing the public servants in their states.

SENATE RESOLUTION 420—DESIGNATING APRIL 5, 2012, AS “GOLD STAR WIVES DAY”

Mr. BURR (for himself and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 420

Whereas the Senate honors the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, Gold Star Wives of America, Inc. was organized with the help of Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of Gold Star Wives of America, Inc. was held on April 5, 1945;

Whereas April 5, 2012, marks the 67th anniversary of the first meeting of Gold Star Wives of America, Inc.;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting the freedom of the people of the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 5, 2012, as “Gold Star Wives Day”;

(2) honors and recognizes—

(A) the contributions of the members of Gold Star Wives of America, Inc.; and

(B) the dedication of the members of Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe Gold Star Wives Day to promote awareness of—

(A) the contributions and dedication of the members of Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

SENATE RESOLUTION 421—DESIGNATING APRIL 20 THROUGH 22, 2012, AS “GLOBAL YOUTH SERVICE DAY”

Ms. MURKOWSKI (for herself, Mr. BEGICH, Mrs. MURRAY, Mr. COCHRAN, Ms. MIKULSKI, Ms. STABENOW, Mr. JOHNSON of South Dakota, Mr. AKAKA, Mr. COONS, and Mr. UDALL of Colorado) submitted the following resolution; which was considered and agreed to:

S. RES. 421

Whereas Global Youth Service Day is an annual event that celebrates and mobilizes the millions of children and young people who improve their communities each day of the year through community service and service-learning projects;

Whereas Global Youth Service Day, a program of Youth Service America, is the largest and longest-running service event in the world dedicated to engaging youth ages 5 through 25;

Whereas, in 2012, Global Youth Service Day is being observed for the 24th consecutive year in the United States and for the 13th year globally in more than 100 countries;

Whereas nearly $\frac{1}{3}$ of the population of the United States (approximately 104,000,000 people) and nearly $\frac{1}{2}$ of population of the world is under the age of 25;

Whereas Global Youth Service Day assists children and young people to position themselves as active citizens and community leaders as they apply their knowledge, skills, idealism, energy, creativity, and unique perspectives to serve their communities and help address a myriad of critical issues;

Whereas thousands of students and teachers in conjunction with local schools, colleges, and universities are planning Global Youth Service Day activities as part of a Semester of Service, an extended service-learning campaign launched on Martin Luther King, Jr. Day of Service, in which young people spend the semester addressing a meaningful community need connected to intentional learning goals or academic standards over the course of not less than 70 hours;

Whereas Global Youth Service Day participants are serving in conjunction with other community events, including Earth Day, J-Serve, Great American Bake Sale National Challenge Weekend, National Volunteer Week, Kiwanis One Day, Alpha Phi Omega's Spring Youth Service Day, Sigma Alpha Epsilon's True Gentleman Day of Service, National Day of Silence, National Environmental Education Week, National Park Week, National Student Leadership Week, and World Malaria Day;

Whereas Global Youth Service Day engages millions of young people worldwide with the support of the Global Youth Service Network of Youth Service America, including more than 200 National and Global Partners, 125 State and local Lead Agencies and Lead Organizers, and thousands of local schools, after-school programs, youth development organizations, community organizations, faith-based organizations, government agencies, businesses, neighborhood associations, tribes, and families;

Whereas Youth Service America will provide support to more than 800 schools and community organizations, including State Farm GYSD Lead Agency and Good Neighbor grants, UnitedHealth Heroes grants, Sodexo Foundation Youth, Lead Organizer, and School Engagement grants, Disney Friends for Change grants, and Learn and Serve America STEMester of Service grants;

Whereas, in 2011, youth volunteers who engaged in Global Youth Service Day projects served an estimated 1,417,000 hours of service that benefitted at least 885,000 individuals and contributed \$30,267,120 worth of time to their communities;

Whereas high-quality community service and service-learning programs increase—

(1) the academic engagement and achievement of young people;

(2) the workforce readiness and 21st century skills of young people;

(3) the civic knowledge and engagement of young people;

(4) the intercultural understanding and global citizenship of young people; and

(5) the connectedness and commitment of young people to their communities; and

Whereas the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) calls on the Corporation for National and Community Service, other Federal agencies and departments, and the President of the United States to recognize and support youth-led activities: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of young people of the United States and the world and encourages the continued engagement and support of young people dedicated to serving their neighbors, their communities, and their countries;

(2) designates April 20 through 22, 2012, as “Global Youth Service Day”; and

(3) calls on the people of the United States to observe Global Youth Service Day by—

(A) encouraging young people to participate in community service and service-learning projects and to join their peers in those projects;

(B) recognizing the volunteer efforts of the young people of the United States throughout the year; and

(C) supporting the volunteer efforts of young people and engaging them in meaningful community service, service-learning, and decision-making opportunities as an investment in the future of the United States.

SENATE RESOLUTION 422—COM- MENDING AND CONGRATU- LATING THE UNIVERSITY OF KENTUCKY MEN'S BASKETBALL TEAM FOR WINNING ITS EIGHTH DIVISION I NATIONAL COLLE- GIATE ATHLETIC ASSOCIATION CHAMPIONSHIP

Mr. McCONNELL (for himself and Mr. PAUL) submitted the following resolution; which was considered and agreed to:

S. RES. 422

Whereas on April 2, 2012, the University of Kentucky Wildcats defeated the University of Kansas Jayhawks, 67 to 59, in the final game of the National Collegiate Athletic Association (referred to in this preamble as “NCAA”) Division I Men's Basketball Tournament in New Orleans, Louisiana;

Whereas the Kentucky Wildcats have won 8 national titles, the second most in NCAA Division I men's basketball history;

Whereas the Kentucky Wildcats are the only men's Division I college basketball program to have won NCAA national championships under 5 different coaches;

Whereas freshman center Anthony Davis was—

(1) the recipient of the John R. Wooden Award, the Naismith Trophy, and the Adolph F. Rupp Trophy, all for national player of the year;

(2) named the United States Basketball Writers Association player of the year, Associated Press player of the year, and Basketball Times player of the year; and

(3) selected to the Associated Press All-America first team and as the Most Outstanding Player of the NCAA Final Four tournament;

Whereas forward Michael Kidd-Gilchrist, guard Doron Lamb, and center Anthony Davis were selected as members of the NCAA Final Four All-Tournament team;

Whereas senior guard Darius Miller of Maysville, Kentucky set a school record for career games played with the Kentucky Wildcats men's basketball team at 152;

Whereas each player, coach, athletic trainer, and staff member of the University of Kentucky basketball team dedicated their season and their tireless efforts to the successful season of the team and the NCAA championship;

Whereas residents of the Commonwealth of Kentucky and Wildcats fans worldwide are commended for their long-standing support, perseverance, and pride in the team; and

Whereas Coach John Calipari and the University of Kentucky Wildcats have brought pride and honor to the Commonwealth of Kentucky, which is rightly known as the college basketball capital of the world: Now, therefore, be it

Resolved, That the Senate—

(1) commends and congratulates the University of Kentucky Wildcats on its outstanding accomplishment; and

(2) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the president of the University of Kentucky.

SENATE RESOLUTION 423—CON- GRATULATING WESTERN WASH- INGTON UNIVERSITY FOR WIN- NING THE 2012 NATIONAL COLLE- GIATE ATHLETIC ASSOCIATION DIVISION II MEN'S BASKETBALL CHAMPIONSHIP

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 423

Whereas, on March 24, 2012, for the first time in the 110-year history of the Western Washington University men's basketball program, the Western Washington University Vikings won the National Collegiate Athletic Association (commonly referred to as the “NCAA”) Division II Men's Basketball Championship with a victory over the University of Montevallo by a score of 72 to 65;

Whereas Western Washington University guard John Allen, one of the most accurate free-throw shooters in the country, with a free-throw percentage of 88.7 percent, made 4 free throws in a row to end a late comeback by the University of Montevallo in the fourth quarter;

Whereas the Vikings finished the 2012 season with an impressive record of 31 wins and 5 losses;

Whereas head coach Brad Jackson was named the National Association of Basketball Coaches Division II Coach of the Year;

Whereas the members of the 2012 Western Washington University men's basketball team are excellent representatives of a university that, as one of the premier academic institutions in the State of Washington, produces many outstanding student-athletes, leaders, and scholars; and

Whereas the members of the 2012 Western Washington University men's basketball team have brought great honor to themselves, their families, Western Washington University, and the State of Washington: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Western Washington University for winning the 2012 National Collegiate Athletic Association Division II Men's Basketball Championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped Western Washington University win the championship; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) Bruce Shepard, President of Western Washington University;

(B) Lynda Goodrich, Director of Athletics of Western Washington University; and

(C) Brad Jackson, head coach of the Western Washington University men's basketball team.

SENATE CONCURRENT RESOLUTION 41—SETTING FORTH THE PRESIDENT'S BUDGET REQUEST FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2013, AND SETTING FORTH THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2014 THROUGH 2022

Mr. SESSIONS submitted the following concurrent resolution; which was placed on the calendar:

S. CON. RES. 41

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2013.

(a) **DECLARATION.**—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2013 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2014 through 2022.

(b) **TABLE OF CONTENTS.**—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2013.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Social Security.

Sec. 103. Postal Service discretionary administrative expenses.

Sec. 104. Major functional categories.

TITLE II—BUDGET PROCESS

Subtitle A—Budget Enforcement

Sec. 201. Program integrity initiatives.

Sec. 202. Point of order against advance appropriations.

Subtitle B—Other Provisions

Sec. 211. Budgetary treatment of certain discretionary administrative expenses.

Sec. 212. Application and effect of changes in allocations and aggregates.

Sec. 213. Adjustments to reflect changes in concepts and definitions.

Sec. 214. Exercise of rulemaking powers.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2013 through 2022:

(1) **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2013: \$2,065,796,000,000.
Fiscal year 2014: \$2,373,500,000,000.
Fiscal year 2015: \$2,640,705,000,000.
Fiscal year 2016: \$2,835,767,000,000.
Fiscal year 2017: \$2,996,291,000,000.
Fiscal year 2018: \$3,123,888,000,000.
Fiscal year 2019: \$3,262,770,000,000.
Fiscal year 2020: \$3,434,833,000,000.
Fiscal year 2021: \$3,606,140,000,000.
Fiscal year 2022: \$3,782,963,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2013: −\$227,543,000,000.
Fiscal year 2014: −\$177,683,000,000.
Fiscal year 2015: −\$175,579,000,000.
Fiscal year 2016: −\$180,339,000,000.
Fiscal year 2017: −\$198,048,000,000.
Fiscal year 2018: −\$228,401,000,000.
Fiscal year 2019: −\$255,802,000,000.
Fiscal year 2020: −\$273,187,000,000.
Fiscal year 2021: −\$300,812,000,000.
Fiscal year 2022: −\$332,518,000,000.

(2) **NEW BUDGET AUTHORITY.**—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2013: \$2,981,512,000,000.
Fiscal year 2014: \$3,036,509,000,000.
Fiscal year 2015: \$3,183,712,000,000.
Fiscal year 2016: \$3,388,753,000,000.
Fiscal year 2017: \$3,545,013,000,000.
Fiscal year 2018: \$3,713,179,000,000.
Fiscal year 2019: \$3,903,527,000,000.
Fiscal year 2020: \$4,116,158,000,000.
Fiscal year 2021: \$4,299,370,000,000.
Fiscal year 2022: \$4,504,615,000,000.

(3) **BUDGET OUTLAYS.**—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2013: \$3,078,215,000,000.
Fiscal year 2014: \$3,098,134,000,000.
Fiscal year 2015: \$3,197,095,000,000.
Fiscal year 2016: \$3,385,620,000,000.
Fiscal year 2017: \$3,506,849,000,000.
Fiscal year 2018: \$3,653,640,000,000.
Fiscal year 2019: \$3,875,989,000,000.
Fiscal year 2020: \$4,070,744,000,000.
Fiscal year 2021: \$4,264,323,000,000.
Fiscal year 2022: \$4,472,110,000,000.

(4) **DEFICITS.**—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2013: \$1,012,419,000,000.
Fiscal year 2014: \$724,634,000,000.
Fiscal year 2015: \$556,390,000,000.
Fiscal year 2016: \$549,853,000,000.
Fiscal year 2017: \$510,558,000,000.
Fiscal year 2018: \$529,752,000,000.
Fiscal year 2019: \$613,219,000,000.
Fiscal year 2020: \$635,911,000,000.
Fiscal year 2021: \$658,183,000,000.
Fiscal year 2022: \$689,147,000,000.

(5) **PUBLIC DEBT.**—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2013: \$17,334,049,000,000.
Fiscal year 2014: \$18,271,207,000,000.
Fiscal year 2015: \$19,071,148,000,000.
Fiscal year 2016: \$19,877,061,000,000.
Fiscal year 2017: \$20,646,099,000,000.
Fiscal year 2018: \$21,441,444,000,000.
Fiscal year 2019: \$22,310,744,000,000.
Fiscal year 2020: \$23,220,828,000,000.
Fiscal year 2021: \$24,166,753,000,000.
Fiscal year 2022: \$25,146,966,000,000.

(6) **DEBT HELD BY THE PUBLIC.**—The appropriate levels of debt held by the public are as follows:

Fiscal year 2013: \$12,517,072,000,000.
Fiscal year 2014: \$13,330,583,000,000.
Fiscal year 2015: \$13,981,546,000,000.
Fiscal year 2016: \$14,618,296,000,000.
Fiscal year 2017: \$15,215,406,000,000.
Fiscal year 2018: \$15,824,696,000,000.
Fiscal year 2019: \$16,518,942,000,000.
Fiscal year 2020: \$17,245,767,000,000.
Fiscal year 2021: \$18,007,496,000,000.
Fiscal year 2022: \$18,818,701,000,000.

SEC. 102. SOCIAL SECURITY.

(a) **SOCIAL SECURITY REVENUES.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2013: \$675,000,000,000.
Fiscal year 2014: \$731,033,000,000.
Fiscal year 2015: \$772,239,000,000.
Fiscal year 2016: \$821,281,000,000.
Fiscal year 2017: \$871,591,000,000.
Fiscal year 2018: \$918,877,000,000.
Fiscal year 2019: \$964,577,000,000.
Fiscal year 2020: \$1,010,152,000,000.
Fiscal year 2021: \$1,055,095,000,000.
Fiscal year 2022: \$1,101,630,000,000.

(b) **SOCIAL SECURITY OUTLAYS.**—For purposes of Senate enforcement under sections

302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2013: \$633,511,000,000.
Fiscal year 2014: \$702,327,000,000.
Fiscal year 2015: \$748,181,000,000.
Fiscal year 2016: \$793,929,000,000.
Fiscal year 2017: \$842,735,000,000.
Fiscal year 2018: \$892,086,000,000.
Fiscal year 2019: \$945,950,000,000.
Fiscal year 2020: \$1,005,118,000,000.
Fiscal year 2021: \$1,067,329,000,000.
Fiscal year 2022: \$1,133,102,000,000.

(c) **SOCIAL SECURITY ADMINISTRATIVE EXPENSES.**—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2013:
(A) New budget authority, \$5,766,000,000.
(B) Outlays, \$5,804,000,000.
Fiscal year 2014:
(A) New budget authority, \$6,004,000,000.
(B) Outlays, \$6,004,000,000.
Fiscal year 2015:
(A) New budget authority, \$6,273,000,000.
(B) Outlays, \$6,231,000,000.
Fiscal year 2016:
(A) New budget authority, \$6,389,000,000.
(B) Outlays, \$6,362,000,000.
Fiscal year 2017:
(A) New budget authority, \$6,622,000,000.
(B) Outlays, \$6,590,000,000.
Fiscal year 2018:
(A) New budget authority, \$6,713,000,000.
(B) Outlays, \$6,691,000,000.
Fiscal year 2019:
(A) New budget authority, \$6,811,000,000.
(B) Outlays, \$6,796,000,000.
Fiscal year 2020:
(A) New budget authority, \$6,903,000,000.
(B) Outlays, \$6,888,000,000.
Fiscal year 2021:
(A) New budget authority, \$6,995,000,000.
(B) Outlays, \$6,980,000,000.
Fiscal year 2022:
(A) New budget authority, \$7,145,000,000.
(B) Outlays, \$7,123,000,000.

SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2013:
(A) New budget authority, \$255,000,000.
(B) Outlays, \$255,000,000.
Fiscal year 2014:
(A) New budget authority, \$259,000,000.
(B) Outlays, \$259,000,000.
Fiscal year 2015:
(A) New budget authority, \$265,000,000.
(B) Outlays, \$265,000,000.
Fiscal year 2016:
(A) New budget authority, \$270,000,000.
(B) Outlays, \$270,000,000.
Fiscal year 2017:
(A) New budget authority, \$275,000,000.
(B) Outlays, \$275,000,000.
Fiscal year 2018:
(A) New budget authority, \$281,000,000.
(B) Outlays, \$281,000,000.
Fiscal year 2019:
(A) New budget authority, \$288,000,000.
(B) Outlays, \$288,000,000.
Fiscal year 2020:
(A) New budget authority, \$294,000,000.
(B) Outlays, \$294,000,000.
Fiscal year 2021:
(A) New budget authority, \$301,000,000.
(B) Outlays, \$301,000,000.
Fiscal year 2022:
(A) New budget authority, \$308,000,000.
(B) Outlays, \$308,000,000.

SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2012 through 2022 for each major functional category are:

- (1) National Defense (050):
Fiscal year 2013:
(A) New budget authority, \$648,175,000,000.
(B) Outlays, \$672,404,000,000.
Fiscal year 2014:
(A) New budget authority, \$566,879,000,000.
(B) Outlays, \$611,178,000,000.
Fiscal year 2015:
(A) New budget authority, \$579,817,000,000.
(B) Outlays, \$582,317,000,000.
Fiscal year 2016:
(A) New budget authority, \$590,329,000,000.
(B) Outlays, \$586,364,000,000.
Fiscal year 2017:
(A) New budget authority, \$602,399,000,000.
(B) Outlays, \$590,002,000,000.
Fiscal year 2018:
(A) New budget authority, \$615,052,000,000.
(B) Outlays, \$596,257,000,000.
Fiscal year 2019:
(A) New budget authority, \$628,979,000,000.
(B) Outlays, \$614,002,000,000.
Fiscal year 2020:
(A) New budget authority, \$642,907,000,000.
(B) Outlays, \$628,328,000,000.
Fiscal year 2021:
(A) New budget authority, \$656,291,000,000.
(B) Outlays, \$641,663,000,000.
Fiscal year 2022:
(A) New budget authority, \$673,651,000,000.
(B) Outlays, \$662,113,000,000.
(2) International Affairs (150):
Fiscal year 2013:
(A) New budget authority, \$58,583,000,000.
(B) Outlays, \$55,040,000,000.
Fiscal year 2014:
(A) New budget authority, \$49,241,000,000.
(B) Outlays, \$54,376,000,000.
Fiscal year 2015:
(A) New budget authority, \$47,643,000,000.
(B) Outlays, \$52,737,000,000.
Fiscal year 2016:
(A) New budget authority, \$47,666,000,000.
(B) Outlays, \$52,374,000,000.
Fiscal year 2017:
(A) New budget authority, \$50,315,000,000.
(B) Outlays, \$52,423,000,000.
Fiscal year 2018:
(A) New budget authority, \$52,464,000,000.
(B) Outlays, \$52,555,000,000.
Fiscal year 2019:
(A) New budget authority, \$53,679,000,000.
(B) Outlays, \$51,573,000,000.
Fiscal year 2020:
(A) New budget authority, \$54,906,000,000.
(B) Outlays, \$51,721,000,000.
Fiscal year 2021:
(A) New budget authority, \$56,141,000,000.
(B) Outlays, \$52,815,000,000.
Fiscal year 2022:
(A) New budget authority, \$57,909,000,000.
(B) Outlays, \$54,178,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2013:
(A) New budget authority, \$29,556,000,000.
(B) Outlays, \$29,840,000,000.
Fiscal year 2014:
(A) New budget authority, \$30,091,000,000.
(B) Outlays, \$29,964,000,000.
Fiscal year 2015:
(A) New budget authority, \$30,654,000,000.
(B) Outlays, \$30,335,000,000.
Fiscal year 2016:
(A) New budget authority, \$31,244,000,000.
(B) Outlays, \$30,890,000,000.
Fiscal year 2017:
(A) New budget authority, \$31,920,000,000.
(B) Outlays, \$31,523,000,000.
Fiscal year 2018:
(A) New budget authority, \$32,623,000,000.
(B) Outlays, \$32,200,000,000.
Fiscal year 2019:

- (A) New budget authority, \$33,357,000,000.
(B) Outlays, \$32,859,000,000.
Fiscal year 2020:
(A) New budget authority, \$34,089,000,000.
(B) Outlays, \$33,576,000,000.
Fiscal year 2021:
(A) New budget authority, \$34,824,000,000.
(B) Outlays, \$34,212,000,000.
Fiscal year 2022:
(A) New budget authority, \$35,667,000,000.
(B) Outlays, \$34,996,000,000.
(4) Energy (270):
Fiscal year 2013:
(A) New budget authority, \$15,925,000,000.
(B) Outlays, \$13,042,000,000.
Fiscal year 2014:
(A) New budget authority, \$6,434,000,000.
(B) Outlays, \$9,079,000,000.
Fiscal year 2015:
(A) New budget authority, \$5,072,000,000.
(B) Outlays, \$7,335,000,000.
Fiscal year 2016:
(A) New budget authority, \$4,929,000,000.
(B) Outlays, \$6,200,000,000.
Fiscal year 2017:
(A) New budget authority, \$4,653,000,000.
(B) Outlays, \$5,244,000,000.
Fiscal year 2018:
(A) New budget authority, \$4,594,000,000.
(B) Outlays, \$4,215,000,000.
Fiscal year 2019:
(A) New budget authority, \$4,534,000,000.
(B) Outlays, \$4,348,000,000.
Fiscal year 2020:
(A) New budget authority, \$4,545,000,000.
(B) Outlays, \$4,207,000,000.
Fiscal year 2021:
(A) New budget authority, \$4,507,000,000.
(B) Outlays, \$4,133,000,000.
Fiscal year 2022:
(A) New budget authority, \$4,618,000,000.
(B) Outlays, \$4,174,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2013:
(A) New budget authority, \$35,430,000,000.
(B) Outlays, \$40,460,000,000.
Fiscal year 2014:
(A) New budget authority, \$36,447,000,000.
(B) Outlays, \$38,559,000,000.
Fiscal year 2015:
(A) New budget authority, \$36,804,000,000.
(B) Outlays, \$38,130,000,000.
Fiscal year 2016:
(A) New budget authority, \$37,608,000,000.
(B) Outlays, \$38,030,000,000.
Fiscal year 2017:
(A) New budget authority, \$38,727,000,000.
(B) Outlays, \$38,879,000,000.
Fiscal year 2018:
(A) New budget authority, \$40,121,000,000.
(B) Outlays, \$39,015,000,000.
Fiscal year 2019:
(A) New budget authority, \$41,011,000,000.
(B) Outlays, \$39,972,000,000.
Fiscal year 2020:
(A) New budget authority, \$42,307,000,000.
(B) Outlays, \$41,148,000,000.
Fiscal year 2021:
(A) New budget authority, \$42,558,000,000.
(B) Outlays, \$41,715,000,000.
Fiscal year 2022:
(A) New budget authority, \$43,419,000,000.
(B) Outlays, \$42,362,000,000.
(6) Agriculture (350):
Fiscal year 2013:
(A) New budget authority, \$21,834,000,000.
(B) Outlays, \$24,722,000,000.
Fiscal year 2014:
(A) New budget authority, \$16,804,000,000.
(B) Outlays, \$17,373,000,000.
Fiscal year 2015:
(A) New budget authority, \$21,079,000,000.
(B) Outlays, \$20,842,000,000.
Fiscal year 2016:
(A) New budget authority, \$20,488,000,000.
(B) Outlays, \$20,059,000,000.
Fiscal year 2017:

- (A) New budget authority, \$20,025,000,000.
(B) Outlays, \$19,578,000,000.
Fiscal year 2018:
(A) New budget authority, \$20,448,000,000.
(B) Outlays, \$19,945,000,000.
Fiscal year 2019:
(A) New budget authority, \$20,112,000,000.
(B) Outlays, \$19,656,000,000.
Fiscal year 2020:
(A) New budget authority, \$19,524,000,000.
(B) Outlays, \$19,098,000,000.
Fiscal year 2021:
(A) New budget authority, \$20,155,000,000.
(B) Outlays, \$19,718,000,000.
Fiscal year 2022:
(A) New budget authority, \$19,965,000,000.
(B) Outlays, \$19,538,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2013:
(A) New budget authority, \$2,968,000,000.
(B) Outlays, \$5,769,000,000.
Fiscal year 2014:
(A) New budget authority, \$8,357,000,000.
(B) Outlays, — \$2,293,000,000.
Fiscal year 2015:
(A) New budget authority, \$7,366,000,000.
(B) Outlays, — \$4,783,000,000.
Fiscal year 2016:
(A) New budget authority, \$8,145,000,000.
(B) Outlays, — \$6,537,000,000.
Fiscal year 2017:
(A) New budget authority, \$9,758,000,000.
(B) Outlays, — \$6,533,000,000.
Fiscal year 2018:
(A) New budget authority, \$12,253,000,000.
(B) Outlays, — \$4,945,000,000.
Fiscal year 2019:
(A) New budget authority, \$14,773,000,000.
(B) Outlays, — \$8,348,000,000.
Fiscal year 2020:
(A) New budget authority, \$22,613,000,000.
(B) Outlays, — \$2,240,000,000.
Fiscal year 2021:
(A) New budget authority, \$15,563,000,000.
(B) Outlays, \$474,000,000.
Fiscal year 2022:
(A) New budget authority, \$20,101,000,000.
(B) Outlays, \$2,275,000,000.
(8) Transportation (400):
Fiscal year 2013:
(A) New budget authority, \$88,386,000,000.
(B) Outlays, \$102,364,000,000.
Fiscal year 2014:
(A) New budget authority, \$101,243,000,000.
(B) Outlays, \$105,524,000,000.
Fiscal year 2015:
(A) New budget authority, \$107,661,000,000.
(B) Outlays, \$104,782,000,000.
Fiscal year 2016:
(A) New budget authority, \$114,471,000,000.
(B) Outlays, \$107,766,000,000.
Fiscal year 2017:
(A) New budget authority, \$120,819,000,000.
(B) Outlays, \$112,009,000,000.
Fiscal year 2018:
(A) New budget authority, \$127,262,000,000.
(B) Outlays, \$115,782,000,000.
Fiscal year 2019:
(A) New budget authority, \$92,354,000,000.
(B) Outlays, \$113,424,000,000.
Fiscal year 2020:
(A) New budget authority, \$94,123,000,000.
(B) Outlays, \$107,580,000,000.
Fiscal year 2021:
(A) New budget authority, \$95,934,000,000.
(B) Outlays, \$105,310,000,000.
Fiscal year 2022:
(A) New budget authority, \$97,877,000,000.
(B) Outlays, \$104,566,000,000.
(9) Community and Regional Development (450):
Fiscal year 2013:
(A) New budget authority, \$17,509,000,000.
(B) Outlays, \$24,695,000,000.
Fiscal year 2014:
(A) New budget authority, \$12,125,000,000.
(B) Outlays, \$26,292,000,000.
Fiscal year 2015:

(A) New budget authority, \$12,339,000,000.
(B) Outlays, \$25,812,000,000.
Fiscal year 2016:
(A) New budget authority, \$12,573,000,000.
(B) Outlays, \$20,110,000,000.
Fiscal year 2017:
(A) New budget authority, \$12,843,000,000.
(B) Outlays, \$16,523,000,000.
Fiscal year 2018:
(A) New budget authority, \$13,121,000,000.
(B) Outlays, \$14,301,000,000.
Fiscal year 2019:
(A) New budget authority, \$13,410,000,000.
(B) Outlays, \$13,848,000,000.
Fiscal year 2020:
(A) New budget authority, \$13,705,000,000.
(B) Outlays, \$14,046,000,000.
Fiscal year 2021:
(A) New budget authority, \$13,999,000,000.
(B) Outlays, \$14,583,000,000.
Fiscal year 2022:
(A) New budget authority, \$14,343,000,000.
(B) Outlays, \$14,958,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2013:
(A) New budget authority, \$82,028,000,000.
(B) Outlays, \$122,483,000,000.
Fiscal year 2014:
(A) New budget authority, \$87,194,000,000.
(B) Outlays, \$107,191,000,000.
Fiscal year 2015:
(A) New budget authority, \$85,938,000,000.
(B) Outlays, \$101,331,000,000.
Fiscal year 2016:
(A) New budget authority, \$85,960,000,000.
(B) Outlays, \$92,781,000,000.
Fiscal year 2017:
(A) New budget authority, \$95,143,000,000.
(B) Outlays, \$92,808,000,000.
Fiscal year 2018:
(A) New budget authority, \$99,647,000,000.
(B) Outlays, \$98,392,000,000.
Fiscal year 2019:
(A) New budget authority, \$103,464,000,000.
(B) Outlays, \$102,181,000,000.
Fiscal year 2020:
(A) New budget authority, \$104,120,000,000.
(B) Outlays, \$104,073,000,000.
Fiscal year 2021:
(A) New budget authority, \$105,157,000,000.
(B) Outlays, \$105,085,000,000.
Fiscal year 2022:
(A) New budget authority, \$106,690,000,000.
(B) Outlays, \$106,209,000,000.
(11) Health (550):
Fiscal year 2013:
(A) New budget authority, \$372,835,000,000.
(B) Outlays, \$375,955,000,000.
Fiscal year 2014:
(A) New budget authority, \$473,879,000,000.
(B) Outlays, \$464,352,000,000.
Fiscal year 2015:
(A) New budget authority, \$542,160,000,000.
(B) Outlays, \$538,003,000,000.
Fiscal year 2016:
(A) New budget authority, \$590,904,000,000.
(B) Outlays, \$594,729,000,000.
Fiscal year 2017:
(A) New budget authority, \$626,658,000,000.
(B) Outlays, \$629,150,000,000.
Fiscal year 2018:
(A) New budget authority, \$664,032,000,000.
(B) Outlays, \$662,930,000,000.
Fiscal year 2019:
(A) New budget authority, \$707,099,000,000.
(B) Outlays, \$706,061,000,000.
Fiscal year 2020:
(A) New budget authority, \$761,258,000,000.
(B) Outlays, \$749,868,000,000.
Fiscal year 2021:
(A) New budget authority, \$800,618,000,000.
(B) Outlays, \$799,481,000,000.
Fiscal year 2022:
(A) New budget authority, \$851,615,000,000.
(B) Outlays, \$849,973,000,000.
(12) Medicare (570):
Fiscal year 2013:
(A) New budget authority, \$525,876,000,000.
(B) Outlays, \$525,716,000,000.
Fiscal year 2014:
(A) New budget authority, \$553,675,000,000.
(B) Outlays, \$552,981,000,000.
Fiscal year 2015:
(A) New budget authority, \$570,815,000,000.
(B) Outlays, \$570,407,000,000.
Fiscal year 2016:
(A) New budget authority, \$617,954,000,000.
(B) Outlays, \$617,756,000,000.
Fiscal year 2017:
(A) New budget authority, \$633,488,000,000.
(B) Outlays, \$632,808,000,000.
Fiscal year 2018:
(A) New budget authority, \$653,683,000,000.
(B) Outlays, \$653,276,000,000.
Fiscal year 2019:
(A) New budget authority, \$715,518,000,000.
(B) Outlays, \$715,315,000,000.
Fiscal year 2020:
(A) New budget authority, \$763,016,000,000.
(B) Outlays, \$762,316,000,000.
Fiscal year 2021:
(A) New budget authority, \$810,664,000,000.
(B) Outlays, \$810,230,000,000.
Fiscal year 2022:
(A) New budget authority, \$885,513,000,000.
(B) Outlays, \$885,426,000,000.
(13) Income Security (600):
Fiscal year 2013:
(A) New budget authority, \$545,622,000,000.
(B) Outlays, \$542,562,000,000.
Fiscal year 2014:
(A) New budget authority, \$537,970,000,000.
(B) Outlays, \$534,946,000,000.
Fiscal year 2015:
(A) New budget authority, \$538,691,000,000.
(B) Outlays, \$533,883,000,000.
Fiscal year 2016:
(A) New budget authority, \$546,156,000,000.
(B) Outlays, \$545,811,000,000.
Fiscal year 2017:
(A) New budget authority, \$544,282,000,000.
(B) Outlays, \$539,685,000,000.
Fiscal year 2018:
(A) New budget authority, \$546,446,000,000.
(B) Outlays, \$538,021,000,000.
Fiscal year 2019:
(A) New budget authority, \$561,786,000,000.
(B) Outlays, \$558,295,000,000.
Fiscal year 2020:
(A) New budget authority, \$573,480,000,000.
(B) Outlays, \$570,338,000,000.
Fiscal year 2021:
(A) New budget authority, \$586,855,000,000.
(B) Outlays, \$583,571,000,000.
Fiscal year 2022:
(A) New budget authority, \$604,517,000,000.
(B) Outlays, \$605,786,000,000.
(14) Social Security (650):
Fiscal year 2013:
(A) New budget authority, \$53,416,000,000.
(B) Outlays, \$53,496,000,000.
Fiscal year 2014:
(A) New budget authority, \$31,892,000,000.
(B) Outlays, \$32,002,000,000.
Fiscal year 2015:
(A) New budget authority, \$35,135,000,000.
(B) Outlays, \$35,210,000,000.
Fiscal year 2016:
(A) New budget authority, \$38,953,000,000.
(B) Outlays, \$38,991,000,000.
Fiscal year 2017:
(A) New budget authority, \$43,140,000,000.
(B) Outlays, \$43,140,000,000.
Fiscal year 2018:
(A) New budget authority, \$47,590,000,000.
(B) Outlays, \$47,590,000,000.
Fiscal year 2019:
(A) New budget authority, \$52,429,000,000.
(B) Outlays, \$52,429,000,000.
Fiscal year 2020:
(A) New budget authority, \$57,425,000,000.
(B) Outlays, \$57,425,000,000.
Fiscal year 2021:
(A) New budget authority, \$62,604,000,000.
(B) Outlays, \$62,604,000,000.
Fiscal year 2022:
(A) New budget authority, \$68,079,000,000.
(B) Outlays, \$68,079,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2013:
(A) New budget authority, \$135,651,000,000.
(B) Outlays, \$135,289,000,000.
Fiscal year 2014:
(A) New budget authority, \$136,996,000,000.
(B) Outlays, \$137,447,000,000.
Fiscal year 2015:
(A) New budget authority, \$139,827,000,000.
(B) Outlays, \$139,964,000,000.
Fiscal year 2016:
(A) New budget authority, \$148,005,000,000.
(B) Outlays, \$147,807,000,000.
Fiscal year 2017:
(A) New budget authority, \$146,445,000,000.
(B) Outlays, \$146,074,000,000.
Fiscal year 2018:
(A) New budget authority, \$144,620,000,000.
(B) Outlays, \$143,993,000,000.
Fiscal year 2019:
(A) New budget authority, \$153,568,000,000.
(B) Outlays, \$152,909,000,000.
Fiscal year 2020:
(A) New budget authority, \$157,302,000,000.
(B) Outlays, \$156,643,000,000.
Fiscal year 2021:
(A) New budget authority, \$161,056,000,000.
(B) Outlays, \$160,370,000,000.
Fiscal year 2022:
(A) New budget authority, \$170,839,000,000.
(B) Outlays, \$170,088,000,000.
(16) Administration of Justice (750):
Fiscal year 2013:
(A) New budget authority, \$53,772,000,000.
(B) Outlays, \$58,831,000,000.
Fiscal year 2014:
(A) New budget authority, \$55,029,000,000.
(B) Outlays, \$57,404,000,000.
Fiscal year 2015:
(A) New budget authority, \$55,792,000,000.
(B) Outlays, \$56,371,000,000.
Fiscal year 2016:
(A) New budget authority, \$58,542,000,000.
(B) Outlays, \$58,214,000,000.
Fiscal year 2017:
(A) New budget authority, \$57,889,000,000.
(B) Outlays, \$57,538,000,000.
Fiscal year 2018:
(A) New budget authority, \$58,992,000,000.
(B) Outlays, \$60,408,000,000.
Fiscal year 2019:
(A) New budget authority, \$60,204,000,000.
(B) Outlays, \$60,504,000,000.
Fiscal year 2020:
(A) New budget authority, \$61,406,000,000.
(B) Outlays, \$61,011,000,000.
Fiscal year 2021:
(A) New budget authority, \$62,772,000,000.
(B) Outlays, \$62,348,000,000.
Fiscal year 2022:
(A) New budget authority, \$67,988,000,000.
(B) Outlays, \$67,496,000,000.
(17) General Government (800):
Fiscal year 2013:
(A) New budget authority, \$25,808,000,000.
(B) Outlays, \$27,408,000,000.
Fiscal year 2014:
(A) New budget authority, \$27,256,000,000.
(B) Outlays, \$27,706,000,000.
Fiscal year 2015:
(A) New budget authority, \$29,196,000,000.
(B) Outlays, \$29,376,000,000.
Fiscal year 2016:
(A) New budget authority, \$31,275,000,000.
(B) Outlays, \$31,459,000,000.
Fiscal year 2017:
(A) New budget authority, \$33,433,000,000.
(B) Outlays, \$33,300,000,000.
Fiscal year 2018:
(A) New budget authority, \$35,613,000,000.
(B) Outlays, \$35,417,000,000.
Fiscal year 2019:
(A) New budget authority, \$37,969,000,000.
(B) Outlays, \$37,513,000,000.
Fiscal year 2020:

(A) New budget authority, \$40,338,000,000.
 (B) Outlays, \$39,900,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$42,762,000,000.
 (B) Outlays, \$42,226,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$45,219,000,000.
 (B) Outlays, \$44,669,000,000.
 (18) Net Interest (900):
 Fiscal year 2013:
 (A) New budget authority, \$347,234,000,000.
 (B) Outlays, \$347,234,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$360,341,000,000.
 (B) Outlays, \$360,341,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$400,112,000,000.
 (B) Outlays, \$400,112,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$466,938,000,000.
 (B) Outlays, \$466,938,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$539,743,000,000.
 (B) Outlays, \$539,743,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$614,473,000,000.
 (B) Outlays, \$614,473,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$686,716,000,000.
 (B) Outlays, \$646,716,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$751,343,000,000.
 (B) Outlays, \$751,343,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$804,643,000,000.
 (B) Outlays, \$804,643,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$858,474,000,000.
 (B) Outlays, \$858,474,000,000.
 (19) Allowances (920):
 Fiscal year 2013:
 (A) New budget authority, \$0.
 (B) Outlays, \$0.
 Fiscal year 2014:
 (A) New budget authority, \$24,806,000,000.
 (B) Outlays, \$13,861,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$23,898,000,000.
 (B) Outlays, \$20,717,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$23,873,000,000.
 (B) Outlays, \$23,137,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$24,357,000,000.
 (B) Outlays, \$23,978,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$24,286,000,000.
 (B) Outlays, \$23,955,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$23,254,000,000.
 (B) Outlays, \$23,420,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$17,302,000,000.
 (B) Outlays, \$19,913,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$25,927,000,000.
 (B) Outlays, \$22,801,000,000.
 Fiscal year 2022:
 (A) New budget authority, —\$15,910,000,000.
 (B) Outlays, —\$17,291,000,000.
 (20) Undistributed Offsetting Receipts (950):
 Fiscal year 2013:
 (A) New budget authority, —\$79,096,000,000.
 (B) Outlays, —\$79,095,000,000.
 Fiscal year 2014:
 (A) New budget authority, —\$80,150,000,000.
 (B) Outlays, —\$80,149,000,000.
 Fiscal year 2015:
 (A) New budget authority, —\$85,787,000,000.
 (B) Outlays, —\$85,786,000,000.
 Fiscal year 2016:
 (A) New budget authority, —\$87,260,000,000.
 (B) Outlays, —\$87,259,000,000.
 Fiscal year 2017:
 (A) New budget authority, —\$91,024,000,000.
 (B) Outlays, —\$91,023,000,000.
 Fiscal year 2018:
 (A) New budget authority, —\$94,141,000,000.

(B) Outlays, —\$94,140,000,000.
 Fiscal year 2019:
 (A) New budget authority, —\$100,689,000,000.
 (B) Outlays, —\$100,688,000,000.
 Fiscal year 2020:
 (A) New budget authority, —\$99,551,000,000.
 (B) Outlays, —\$99,550,000,000.
 Fiscal year 2021:
 (A) New budget authority, —\$103,660,000,000.
 (B) Outlays, —\$103,659,000,000.
 Fiscal year 2022:
 (A) New budget authority, —\$105,959,000,000.
 (B) Outlays, —\$105,959,000,000.

TITLE II—BUDGET PROCESS

Subtitle A—Budget Enforcement

SEC. 201. PROGRAM INTEGRITY INITIATIVES.

(a) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment or motion thereto or the submission of a conference report thereon—

(A) the Chairman of the Committee on the Budget of the Senate may adjust the budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Committee on Appropriations of the Senate may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations in a fiscal year to the Internal Revenue Service of not less than the amount specified in clause (ii) for tax enforcement to address the Federal tax gap (taxes owed but not paid), of which not less than the amount further specified in clause (ii) shall be available for additional or enhanced tax enforcement, or both, then the allocation to the Committee on Appropriations of the Senate, and aggregates for that year may be adjusted by the amount in budget authority and outlays flowing therefrom not to exceed the amount of additional or enhanced tax enforcement provided in such legislation for that fiscal year.

(ii) AMOUNTS SPECIFIED.—The amounts specified are—

(I) for fiscal year 2013, an appropriation of \$10,178,000,000, of which not less than \$691,000,000 is available for additional or enhanced tax enforcement;

(II) for fiscal year 2014, an appropriation of \$10,775,000,000, of which not less than \$1,018,000,000 is available for additional or enhanced tax enforcement;

(III) for fiscal year 2015, an appropriation of \$11,367,000,000, of which not less than \$1,328,000,000 is available for additional or enhanced tax enforcement;

(IV) for fiscal year 2016, an appropriation of \$12,002,000,000, of which not less than \$1,645,000,000 is available for additional or enhanced tax enforcement;

(V) for fiscal year 2017, an appropriation of \$12,690,000,000, of which not less than \$1,975,000,000 is available for additional or enhanced tax enforcement;

(VI) for fiscal year 2018, an appropriation of \$13,061,000,000, of which not less than \$1,969,000,000 is available for additional or enhanced tax enforcement;

(VII) for fiscal year 2019, an appropriation of \$13,506,000,000, of which not less than

\$2,011,000,000 is available for additional or enhanced tax enforcement;

(VIII) for fiscal year 2020, an appropriation of \$13,956,000,000, of which not less than \$2,079,000,000 is available for additional or enhanced tax enforcement; and

(IX) for fiscal year 2021, an appropriation of \$14,411,000,000, of which not less than \$2,147,000,000 is available for additional or enhanced tax enforcement.

(B) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations in a fiscal year of the amount specified in clause (ii) for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to an amount further specified in clause (ii) for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the allocation to the Committee on Appropriations of the Senate, and aggregates for that year may be adjusted by an amount in budget authority and outlays flowing therefrom not to exceed the additional appropriation provided in such legislation for that purpose for that fiscal year.

(ii) AMOUNTS SPECIFIED.—The amounts specified are—

(I) for fiscal year 2013, an appropriation of \$60,000,000, and an additional appropriation of \$15,000,000;

(II) for fiscal year 2014, an appropriation of \$60,000,000, and an additional appropriation of \$20,000,000;

(III) for fiscal year 2015, an appropriation of \$60,000,000, and an additional appropriation of \$25,000,000;

(IV) for fiscal year 2016, an appropriation of \$60,000,000, and an additional appropriation of \$30,000,000;

(V) for fiscal year 2017, an appropriation of \$60,000,000, and an additional appropriation of \$35,000,000;

(VI) for fiscal year 2018, an appropriation of \$60,000,000, and an additional appropriation of \$36,000,000;

(VII) for fiscal year 2019, an appropriation of \$60,000,000, and an additional appropriation of \$37,000,000;

(VIII) for fiscal year 2020, an appropriation of \$60,000,000, and an additional appropriation of \$38,000,000; and

(IX) for fiscal year 2021, an appropriation of \$60,000,000, and an additional appropriation of \$39,000,000.

SEC. 202. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term “advance appropriation” means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2013 that first becomes available for any fiscal year after 2013, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2014, that first becomes available for any fiscal year after 2014.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2014 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,858,000,000 in new budget authority in each year;

(2) for the Corporation for Public Broadcasting;

(3) for the Department of Veterans Affairs for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Veterans Health Administration; and

(4) for the Department of Defense for the Missile Procurement account of the Air Force for procurement of the Advanced Extremely High Frequency and Space-based Infrared Systems satellites.

(c) **SUPERMAJORITY WAIVER AND APPEAL.**—

(1) **WAIVER.**—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) **FORM OF POINT OF ORDER.**—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) **INAPPLICABILITY.**—In the Senate, section 402 of S. Con. Res. 13 (111th Congress) shall no longer apply.

Subtitle B—Other Provisions

SEC. 211. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

SEC. 212. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) **BUDGET COMMITTEE DETERMINATIONS.**—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

SEC. 213. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Committee on the Budget of the Senate may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 214. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2001. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table.

SA 2002. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2003. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2004. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2005. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2006. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2007. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2008. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2009. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2010. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2011. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2012. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2013. Mr. REID proposed an amendment to amendment SA 2000 proposed by Mr. REID (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts)) to the bill S. 1789, supra.

SA 2014. Mr. REID proposed an amendment to amendment SA 2013 proposed by Mr. REID to the amendment SA 2000 proposed by Mr. REID (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts)) to the bill S. 1789, supra.

SA 2015. Mr. REID proposed an amendment to the bill S. 1789, supra.

SA 2016. Mr. REID proposed an amendment to amendment SA 2015 proposed by Mr. REID to the bill S. 1789, supra.

SA 2017. Mr. REID proposed an amendment to the bill S. 1789, supra.

SA 2018. Mr. REID proposed an amendment to amendment SA 2017 proposed by Mr. REID to the bill S. 1789, supra.

SA 2019. Mr. REID proposed an amendment to amendment SA 2018 proposed by Mr. REID to the amendment SA 2017 proposed by Mr. REID to the bill S. 1789, supra.

SA 2020. Mr. WYDEN (for himself, Mrs. FEINSTEIN, Mr. MERKLEY, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2021. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2022. Mr. BENNET (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2023. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2024. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2025. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2026. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2027. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2028. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2029. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2030. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2031. Mrs. MCCASKILL (for herself, Mr. MERKLEY, Mr. BAUCUS, Mr. BEGICH, Mr. TESTER, and Mr. SANDERS) submitted an amendment intended to be proposed by her to the bill S. 1789, supra; which was ordered to lie on the table.

SA 2032. Mr. TESTER (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 1789, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2001. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) **SHORT TITLE.**—This Act may be cited as the “Postal Reform Act of 2012”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references.

TITLE I—POSTAL SERVICE MODERNIZATION**Subtitle A—Commission on Postal Reorganization**

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Commission on Postal Reorganization.
Sec. 104. Recommendations for closures and consolidations.
Sec. 105. Implementation of closures and consolidations.
Sec. 106. Congressional consideration of final CPR reports.
Sec. 107. Nonappealability of decisions.
Sec. 108. Rules of construction.
Sec. 109. GAO study and report.

Subtitle B—Other Provisions

Sec. 111. Frequency of mail delivery.
Sec. 112. Efficient and flexible universal postal service.
Sec. 113. Enhanced reporting on Postal Service efficiency.
Sec. 114. Applicability of procedures relating to closures and consolidations.

TITLE II—POSTAL SERVICE FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY**Subtitle A—Establishment and Organization**

Sec. 201. Purposes.
Sec. 202. Establishment of the Authority.
Sec. 203. Membership and qualification requirements.
Sec. 204. Organization.
Sec. 205. Executive Director and staff.
Sec. 206. Funding.

Subtitle B—Powers of the Authority

Sec. 211. Powers.
Sec. 212. Exemption from liability for claims.
Sec. 213. Treatment of actions arising under this title.
Sec. 214. Delivery point modernization.

Subtitle C—Establishment and Enforcement of Financial Plan and Budget for the Postal Service

Sec. 221. Development of financial plan and budget for the Postal Service.
Sec. 222. Process for submission and approval of financial plan and budget.
Sec. 223. Responsibilities of the Authority.
Sec. 224. Effect of finding noncompliance with financial plan and budget.
Sec. 225. Recommendations regarding financial stability, etc.
Sec. 226. Special rules for fiscal year in which control period commences.
Sec. 227. Assistance in achieving financial stability, etc.
Sec. 228. Obtaining reports.
Sec. 229. Reports and comments.

Subtitle D—Termination of a Control Period

Sec. 231. Termination of control period, etc.

Sec. 232. Congressional consideration of recommendation.

TITLE III—POSTAL SERVICE WORKFORCE

Sec. 301. Modifications relating to determination of pay comparability.
Sec. 302. Limitation on postal contributions under FEGLI and FEHBP.
Sec. 303. Repeal of provision relating to overall value of fringe benefits.
Sec. 304. Applicability of reduction-in-force procedures.
Sec. 305. Modifications relating to collective bargaining.

TITLE IV—FEDERAL EMPLOYEE'S COMPENSATION ACT

Sec. 401. Short title; references.
Sec. 402. Federal workers compensation reforms for retirement-age employees.
Sec. 403. Augmented compensation for dependents.
Sec. 404. Schedule compensation payments.
Sec. 405. Vocational rehabilitation.
Sec. 406. Reporting requirements.
Sec. 407. Disability management review; independent medical examinations.
Sec. 408. Waiting period.
Sec. 409. Election of benefits.
Sec. 410. Sanction for noncooperation with field nurses.
Sec. 411. Subrogation of continuation of pay.
Sec. 412. Social Security earnings information.
Sec. 413. Amount of compensation.
Sec. 414. Technical and conforming amendments.
Sec. 415. Regulations.

TITLE V—POSTAL SERVICE REVENUE

Sec. 501. Adequacy, efficiency, and fairness of postal rates.
Sec. 502. Repeal of rate preferences for qualified political committees.
Sec. 503. Streamlined review of qualifying service agreements for competitive products.
Sec. 504. Submission of service agreements for streamlined review.
Sec. 505. Transparency and accountability for service agreements.
Sec. 506. Nonpostal services.
Sec. 507. Reimbursement of Alaska bypass mail costs.
Sec. 508. Appropriations modernization.
Sec. 509. Retiree health care benefit payment deferral.

TITLE VI—POSTAL CONTRACTING REFORM

Sec. 601. Contracting provisions.
Sec. 602. Technical amendment to definition.

(c) **REFERENCES.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 39, United States Code.

TITLE I—POSTAL SERVICE MODERNIZATION**Subtitle A—Commission on Postal Reorganization****SEC. 101. SHORT TITLE.**

This subtitle may be cited as the “Commission on Postal Reorganization Act” or the “CPR Act”.

SEC. 102. DEFINITIONS.

For purposes of this title—

(1) the term “Postal Service” means the United States Postal Service;

(2) the term “postal retail facility” means a post office, post office branch, post office classified station, or other facility which is operated by the Postal Service, and the pri-

mary function of which is to provide retail postal services;

(3) the term “mail processing facility” means a processing and distribution center, processing and distribution facility, network distribution center, or other facility which is operated by the Postal Service, and the primary function of which is to sort and process mail;

(4) the term “district office” means the central office of an administrative field unit with responsibility for postal operations in a designated geographic area (as defined under regulations, directives, or other guidance of the Postal Service, as in effect on June 23, 2011);

(5) the term “area office” means the central office of an administrative field unit with responsibility for postal operations in a designated geographic area which is comprised of designated geographic areas as referred to in paragraph (4); and

(6) the term “baseline year” means the fiscal year last ending before the date of the enactment of this Act.

SEC. 103. COMMISSION ON POSTAL REORGANIZATION.

(a) **ESTABLISHMENT.**—There shall be established, not later than 90 days after the date of the enactment of this Act, an independent commission to be known as the “Commission on Postal Reorganization” (hereinafter in this section referred to as the “Commission”).

(b) **DUTIES.**—The Commission shall carry out the duties specified for it in this subtitle.

(c) MEMBERS.

(1) **IN GENERAL.**—The Commission shall be composed of 5 members who shall be appointed by the President, and of whom—

(A) 1 shall be appointed from among individuals recommended by the Speaker of the House of Representatives;

(B) 1 shall be appointed from among individuals recommended by the majority leader of the Senate;

(C) 1 shall be appointed from among individuals recommended by the minority leader of the House of Representatives;

(D) 1 shall be appointed from among individuals recommended by the minority leader of the Senate; and

(E) 1 shall be appointed from among individuals recommended by the Comptroller General.

(2) QUALIFICATIONS.

(A) **IN GENERAL.**—Members of the Commission shall be chosen to represent the public interest generally, and shall not be representatives of specific interests using the Postal Service.

(B) **INELIGIBILITY.**—An individual may not be appointed to serve as a member of the Commission if such individual served as an employee of the Postal Service or the Postal Regulatory Commission, or of a labor organization representing employees of the Postal Service or the Postal Regulatory Commission, during the 3-year period ending on the date of such appointment.

(3) **POLITICAL AFFILIATION.**—Not more than 3 members of the Commission may be of the same political party.

(d) **TERMS.**—Each member of the Commission shall be appointed for the life of the Commission and may be removed only for cause.

(e) **VACANCIES.**—A vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) **CHAIRMAN.**—The President shall, at the time of making appointments under subsection (c), designate one of the members to serve as chairman of the Commission.

(g) COMPENSATION AND TRAVEL EXPENSES.**(1) COMPENSATION.**

(A) **IN GENERAL.**—Except as provided in subparagraph (B), each member of the Commission shall be paid at a rate equal to the

daily equivalent of \$40,000 per year for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(B) EXCEPTION.—Any member of the Commission who is a full-time officer or employee of the United States may not receive additional pay, allowances, or benefits by reason of such member's service on the Commission.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions of subchapter I of chapter 57 of title 5, United States Code.

(h) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission. The Director shall be paid at the rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code. An appointment under this subsection shall be subject to the requirements of subsection (c)(2).

(i) ADDITIONAL PERSONNEL.—With the approval of the Commission, the Director may appoint and fix the pay of such additional personnel as the Director considers appropriate. Such additional personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay at a rate of basic pay in excess of the rate of basic pay payable to the Director. An individual appointed under this subsection shall serve at the pleasure of the Director.

(j) PROVISIONS RELATING TO DETAILS.—

(1) IN GENERAL.—Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of such department or agency to the Commission to assist the Commission in carrying out its duties under this subtitle. Notwithstanding any other provision of law, to provide continuity in the work of the Commission, such details may be extended beyond 1 year at the request of the Director.

(2) NUMERICAL LIMITATION.—Not more than $\frac{1}{2}$ of the personnel of the Commission may consist of the number of individuals on detail from the Postal Service and the Postal Regulatory Commission combined.

(3) OTHER LIMITATIONS.—A person may not be detailed to the Commission from the Postal Service or the Postal Regulatory Commission if such person participated personally and substantially on any matter, within the Postal Service or the Postal Regulatory Commission, concerning the preparation of recommendations for closures or consolidations of postal facilities under this subtitle. No employee of the Postal Service or the Postal Regulatory Commission (including a detailee to the Postal Service or the Postal Regulatory Commission) may—

(A) prepare any report concerning the effectiveness, fitness, or efficiency of the performance, on the staff of the Commission, of any person detailed from the Postal Service or the Postal Regulatory Commission to such staff;

(B) review the preparation of such a report; or

(C) approve or disapprove such a report.

(k) OTHER AUTHORITIES.—

(1) EXPERTS AND CONSULTANTS.—The Commission may procure by contract, to the extent funds are available, temporary or intermittent services under section 3109 of title 5, United States Code.

(2) LEASING, ETC.—The Commission may lease space and acquire personal property to the extent funds are available.

(l) AUTHORIZATION OF APPROPRIATIONS.—In order to carry out this section, there are au-

thorized to be appropriated out of the Postal Service Fund \$20,000,000, which funds shall remain available until expended.

(m) FINANCIAL REPORTING.—

(1) AUDIT AND EXPENDITURES.—The Commission shall be responsible for issuing annual financial statements and for establishing and maintaining adequate controls over its financial reporting.

(2) INTERNAL AUDITS.—The Commission shall maintain an adequate internal audit of its financial transactions.

(3) ANNUAL CERTIFICATION.—The Commission shall obtain an annual certification for each fiscal year from an independent, certified public accounting firm of the accuracy of its financial statements.

(4) COMPTROLLER GENERAL.—The accounts and operations of the Commission shall be audited by the Comptroller General and reports thereon made to the Congress to the extent and at such times as the Comptroller General may determine.

(n) TERMINATION.—The Commission shall terminate 60 days after submitting its final reports under section 104(d)(3).

SEC. 104. RECOMMENDATIONS FOR CLOSURES AND CONSOLIDATIONS.

(a) PLAN FOR THE CLOSURE OR CONSOLIDATION OF POSTAL RETAIL FACILITIES.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Postal Service, in consultation with the Postal Regulatory Commission, shall develop and submit to the Commission on Postal Reorganization a plan for the closure or consolidation of such postal retail facilities as the Postal Service considers necessary and appropriate so that the total annual costs attributable to the operation of postal retail facilities will be, for each fiscal year beginning at least 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to this subsection, at least \$1,000,000,000 less than the corresponding total annual costs for the baseline year.

(2) CONTENTS.—The plan shall include—

(A) a list of the postal retail facilities proposed for closure or consolidation under this subtitle;

(B) a proposed schedule under which—

(i) closures and consolidations of postal retail facilities would be carried out under this subtitle; and

(ii) all closures and consolidations of postal retail facilities under this subtitle would be completed by not later than 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to such plan;

(C) the estimated total annual cost savings attributable to the proposed closures and consolidations described in the plan;

(D) the criteria and process used to develop the information described in subparagraphs (A) and (B);

(E) the methodology and assumptions used to derive the estimates described in subparagraph (C); and

(F) any changes to the processing, transportation, delivery, or other postal operations anticipated as a result of the proposed closures and consolidations described in the plan.

(3) CONSISTENCY.—The methodology and assumptions used to derive the cost estimates described in paragraph (2)(C) shall be consistent with the methodology and assumptions which would have been used by the Postal Service if those closures and consolidations had instead taken effect in the baseline year.

(b) PLAN FOR THE CLOSURE OR CONSOLIDATION OF MAIL PROCESSING FACILITIES.—

(1) IN GENERAL.—Not later than 300 days after the date of the enactment of this Act, the Postal Service, in consultation with the

Inspector General of the United States Postal Service, shall develop and submit to the Commission on Postal Reorganization a plan for the closure or consolidation of such mail processing facilities as the Postal Service considers necessary and appropriate so that—

(A) the total annual costs attributable to the operation of mail processing facilities will be, for each fiscal year beginning at least 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to this subsection, at least \$2,000,000,000 less than the corresponding total annual costs for the baseline year; and

(B) the Postal Service has, for fiscal years beginning at least 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to this subsection, no more than 10 percent excess mail processing capacity.

(2) CONTENTS.—The plan shall include—

(A) a list of the mail processing facilities proposed for closure or consolidation under this subtitle;

(B) a proposed schedule under which—

(i) closures and consolidations of mail processing facilities would be carried out under this subtitle; and

(ii) all closures and consolidations of mail processing facilities under this subtitle would be completed by not later than 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to such plan;

(C) the estimated total annual cost savings attributable to the proposed closures and consolidations described in the plan;

(D) the criteria and process used to develop the information described in subparagraphs (A) and (B);

(E) the methodology and assumptions used to derive the estimates described in subparagraph (C); and

(F) any changes to the processing, transportation, delivery, or other postal operations anticipated as a result of the proposed closures and consolidations described in the plan.

(3) CONSISTENCY.—The methodology and assumptions used to derive the cost estimates described in paragraph (2)(C) shall be consistent with the methodology and assumptions which would have been used by the Postal Service if those closures and consolidations had instead taken effect in the baseline year.

(4) EXCESS MAIL PROCESSING CAPACITY.—The Commission shall cause to be published in the Federal Register notice of a proposed definition of "excess mail processing capacity" for purposes of this section within 120 days after the date of the enactment of this Act, and shall provide a period of 30 days for public comment on the proposed definition. Not later than 180 days after the date of the enactment of this Act, the Commission shall issue and cause to be published in the Federal Register a final definition of "excess mail processing capacity" for purposes of this section. Such definition shall include an estimate of the total amount of excess mail processing capacity in mail processing facilities as of the date of the enactment of this Act.

(5) UNDERUTILIZED MAIL PROCESSING FACILITIES.—In developing a plan under this subsection, the Postal Service may include the estimated total cost savings that would result from moving mail processing operations to any mail processing facility that, as of the date of introduction of this Act—

(A) is not currently used by the Postal Service; and

(B) is capable of processing mail to the Postal Service's standards.

(c) PLAN FOR THE CLOSURE OR CONSOLIDATION OF AREA AND DISTRICT OFFICES.—

(1) IN GENERAL.—Not later than 300 days after the date of the enactment of this Act, the Postal Service, in consultation with the Inspector General of the United States Postal Service, shall develop and submit to the Commission on Postal Reorganization a plan for the closure or consolidation of such area and district offices as the Postal Service considers necessary and appropriate so that the combined total number of area and district offices will be, for each fiscal year beginning at least 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to this subsection, at least 30 percent less than the corresponding combined total for the baseline year.

(2) CONTENTS.—The plan shall include—

(A) a list of the area and district offices proposed for closure or consolidation under this subtitle;

(B) a proposed schedule under which—

(i) closures and consolidations of area and district offices would be carried out under this subtitle; and

(ii) all closures and consolidations of area and district offices under this subtitle would be completed by not later than 2 years after the date on which the Commission transmits to Congress its final report under subsection (d)(3)(A) relating to such plan;

(C) the estimated total annual cost savings attributable to the proposed closures and consolidations described in the plan;

(D) the criteria and process used to develop the information described in subparagraphs (A) and (B);

(E) the methodology and assumptions used to derive the estimates described in subparagraph (C); and

(F) any changes to the processing, transportation, delivery, or other postal operations anticipated as a result of the proposed closures and consolidations described in the plan.

(3) CONSISTENCY.—The methodology and assumptions used to derive the cost estimates described in paragraph (2)(C) shall be consistent with the methodology and assumptions which would have been used by the Postal Service if those closures and consolidations had instead taken effect in the baseline year.

(d) REVIEW AND RECOMMENDATIONS OF THE COMMISSION.—

(1) INITIAL REPORTS.—

(A) IN GENERAL.—After receiving the plan of the Postal Service under subsection (a), (b), or (c), the Commission on Postal Reorganization shall transmit to Congress and publish in the Federal Register a report under this paragraph, which shall contain the Commission's findings based on a review and analysis of such plan, together with the Commission's initial recommendations for closures and consolidations of postal facilities, mail processing facilities, or area and district offices (as the case may be).

(B) EXPLANATION OF CHANGES.—The Commission shall explain and justify in its report any recommendations made by the Commission that are different from those contained in the Postal Service plan to which such report pertains.

(C) DEADLINES.—A report of the Commission under this paragraph shall be transmitted and published, in accordance with subparagraph (A), within—

(i) if the report pertains to the plan under subsection (a), 60 days after the date on which the Commission receives such plan; or

(ii) if the report pertains to the plan under subsection (b) or (c), 90 days after the date on which the Commission receives such plan.

(2) PUBLIC HEARINGS.—

(A) IN GENERAL.—After receiving the plan of the Postal Service under subsection (a), (b), or (c), the Commission on Postal Reorganization shall conduct at least 5 public hearings on such plan. The hearings shall be conducted in geographic areas chosen so as to reflect a broadly representative range of needs and interests.

(B) TESTIMONY.—All testimony before the Commission at a public hearing conducted under this paragraph shall be given under oath.

(C) DEADLINES.—All hearings under this paragraph shall be completed within 60 days after the date as of which the Commission satisfies the requirements of paragraph (1) with respect to such plan.

(3) FINAL REPORTS.—

(A) IN GENERAL.—After satisfying the requirements of paragraph (2) with respect to the plan of the Postal Service under subsection (a), (b), or (c) (as the case may be), the Commission shall transmit to Congress and publish in the Federal Register a report under this paragraph containing a summary of the hearings conducted with respect to such plan, together with the Commission's final recommendations for closures and consolidations of postal facilities, mail processing facilities, or area and district offices (as the case may be).

(B) APPROVAL.—Recommendations under subparagraph (A) shall not be considered to be final recommendations unless they are made with—

(i) except as provided in clause (ii), the concurrence of at least 4 members of the Commission; or

(ii) to the extent that the requirements of subsection (b)(1)(A) or (c)(1) are not met, the concurrence of all sitting members, but only if the shortfall (relative to the requirements of subsection (b)(1)(A) or (c)(1), as the case may be) does not exceed 25 percent.

(C) CONTENTS.—A report under this paragraph shall include—

(i) the information required by paragraph (2) of subsection (a), (b), or (c) (as the case may be); and

(ii) a description of the operations that will be affected by the closure or consolidation and the facilities or offices which will be performing or ceasing to perform such operations as a result of such closure or consolidation.

(D) DEADLINES.—A report of the Commission under this paragraph shall be transmitted and published, in accordance with subparagraph (A), within 60 days after the date as of which the Commission satisfies the requirements of paragraph (2) with respect to the plan involved.

(e) LIMITATION RELATING TO POSTAL RETAIL FACILITIES IDENTIFIED FOR CLOSURE OR CONSOLIDATION.—

(1) APPLICABILITY.—This subsection applies to any plan of the Postal Service under subsection (a) and any report of the Commission under subsection (d) (whether initial or final) pertaining to such plan.

(2) LIMITATION.—Of the total number of postal retail facilities recommended for closure or consolidation (combined) under any plan or report to which this subsection applies, the number of such facilities that are within the K or L cost ascertainment grouping (combined) shall account for not more than 10 percent of such total number.

(3) REFERENCES.—For purposes of this subsection—

(A) any reference to a "cost ascertainment grouping" shall be considered to refer to a cost ascertainment grouping as described in section 123.11 of the Postal Operations Manual (as in effect on June 23, 2011); and

(B) any reference to a particular category (designated by a letter) of a cost ascertainment grouping shall be considered to refer to

such category, as described in such section 123.11 (as in effect on the date specified in subparagraph (A)).

(f) ANNUAL REPORTS.—

(1) IN GENERAL.—There shall be included in the next 5 annual reports submitted under section 2402 of title 39, United States Code, beginning with the report covering any period of time occurring after the date of enactment of this Act, the following (shown on a State-by-State basis):

(A) In connection with closures and consolidations taking effect in the year covered by the report, the total number of individuals separated from employment with the Postal Service, including, if separation occurs in a year other than the year in which the closing or consolidation occurs, the year in which separation occurs.

(B) Of the total numbers under subparagraph (A)—

(i) the number and percentage comprising preference eligibles or veterans; and

(ii) the number and percentage comprising individuals other than preference eligibles or veterans.

(C) Of the total numbers under subparagraph (A), the number and percentage reemployed in a position within the general commuting area of the facility or office involved (including, if reemployment occurs in a year other than the year in which the closing or consolidation occurs, the year in which reemployment occurs)—

(i) with the Postal Service; or

(ii) with an employer other than the Postal Service.

(D) The methodology and assumptions used to derive the estimates described in subparagraph (B).

(E) The criteria and process used to develop the information described in subparagraph (C).

(2) DEFINITIONS.—For purposes of this subsection—

(A) the term "preference eligible" has the meaning given such term in section 2108(3) of title 5, United States Code; and

(B) the term "veteran" has the meaning given such term in section 101(2) of title 38, United States Code.

SEC. 105. IMPLEMENTATION OF CLOSURES AND CONSOLIDATIONS.

(a) IN GENERAL.—Subject to subsection (b), the Postal Service shall—

(1) close or consolidate (as the case may be) the facilities and offices recommended by the Commission in each of its final reports under section 104(d)(3); and

(2) carry out those closures and consolidations in accordance with the timetable recommended by the Commission in such report, except that in no event shall any such closure or consolidation be completed later than 2 years after the date on which such report is submitted to Congress.

(b) CONGRESSIONAL DISAPPROVAL.—

(1) IN GENERAL.—The Postal Service may not carry out any closure or consolidation recommended by the Commission in a final report if a joint resolution disapproving the recommendations of the Commission is enacted, in accordance with section 106, before the earlier of—

(A) the end of the 30-day period beginning on the date on which the Commission transmits those recommendations to Congress under section 104(d)(3); or

(B) the adjournment of the Congress sine die for the session during which such report is transmitted.

(2) DAYS OF SESSION.—For purposes of paragraph (1) and subsections (a) and (c) of section 106, the days on which either House of Congress is not in session because of an adjournment of more than 7 days to a day certain shall be excluded in the computation of a period.

SEC. 106. CONGRESSIONAL CONSIDERATION OF FINAL CPR REPORTS.

(a) **TERMS OF THE RESOLUTION.**—For purposes of this subtitle, the term “joint resolution”, as used with respect to a report under section 104(d)(3), means only a joint resolution—

(1) which is introduced within the 10-day period beginning on the date on which such report is received by Congress;

(2) the matter after the resolving clause of which is as follows: “That Congress disapproves the recommendations of the Commission on Postal Reorganization, submitted by such Commission on ____, and pertaining to the closure or consolidation of ____”, the first blank space being filled in with the appropriate date and the second blank space being filled in with “postal retail facilities”, “mail processing facilities”, or “area and district offices” (as the case may be);

(3) the title of which is as follows: “Joint resolution disapproving the recommendations of the Commission on Postal Reorganization.”; and

(4) which does not have a preamble.

(b) **REFERRAL.**—A resolution described in subsection (a) that is introduced in the House of Representatives or the Senate shall be referred to the appropriate committees of the House of Representatives or the Senate, respectively.

(c) **DISCHARGE.**—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the Commission transmits the report (to which such resolution pertains) to Congress under section 104(d)(3), such committee shall, at the end of such period, be discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) **CONSIDERATION.**—

(1) **IN GENERAL.**—On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) **DEBATE.**—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those op-

posing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) **VOTE ON FINAL PASSAGE.**—Immediately following the conclusion of the debate on a resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) **APPEALS.**—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) **CONSIDERATION BY OTHER HOUSE.**—

(1) **IN GENERAL.**—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution (described in subsection (a)) relating to the same report, then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to the resolution described in subsection (a) (relating to the report in question) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution (relating to the same report) had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) **DISPOSITION OF A RESOLUTION.**—Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(f) **RULES OF THE SENATE AND HOUSE.**—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 107. NONAPPEALABILITY OF DECISIONS.

(a) **TO PRC.**—The closing or consolidation of any facility or office under this subtitle may not be appealed to the Postal Regulatory Commission under section 404(d) or any other provision of title 39, United States Code, or be the subject of an advisory opinion issued by the Postal Regulatory Commission under section 3661 of such title.

(b) **JUDICIAL REVIEW.**—No process, report, recommendation, or other action of the Commission on Postal Reorganization shall be subject to judicial review.

SEC. 108. RULES OF CONSTRUCTION.

(a) **CONTINUED AVAILABILITY OF AUTHORITY TO CLOSE OR CONSOLIDATE POSTAL FACILITIES.**—

(1) **IN GENERAL.**—Nothing in this subtitle shall be considered to prevent the Postal

Service from closing or consolidating any postal facilities, in accordance with otherwise applicable provisions of law, either before or after the implementation of any closures or consolidations under this subtitle.

(2) **COORDINATION RULE.**—No appeal or determination under section 404(d) of title 39, United States Code, or any other provision of law shall delay, prevent, or otherwise affect any closure or consolidation under this subtitle.

(b) **INAPPLICABILITY OF CERTAIN PROVISIONS.**—

(1) **IN GENERAL.**—The provisions of law identified in paragraph (2)—

(A) shall not apply to any closure or consolidation carried out under this subtitle; and

(B) shall not be taken into account for purposes of carrying out section 103 or 104.

(2) **PROVISIONS IDENTIFIED.**—The provisions of law under this paragraph are—

(A) section 101(b) of title 39, United States Code; and

(B) section 404(d) of title 39, United States Code.

SEC. 109. GAO STUDY AND REPORT.

(a) **STUDY.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on the effects, with respect to the unemployment rate of minority communities, of the proposed closures and consolidations of postal retail facilities, mail processing facilities, and area or district offices under this subtitle.

(b) **REPORT.**—Upon completion of the study required under subsection (a), the Comptroller General of the United States shall submit a report to Congress regarding the findings of such study.

Subtitle B—Other Provisions**SEC. 111. FREQUENCY OF MAIL DELIVERY.**

Section 101 of title 39, United States Code, is amended by adding at the end the following:

“(h) Nothing in this title or any other provision of law shall be considered to prevent the Postal Service from taking whatever actions may be necessary to provide for 5-day delivery of mail and a commensurate adjustment in rural delivery of mail, subject to the requirements of section 3661.”.

SEC. 112. EFFICIENT AND FLEXIBLE UNIVERSAL POSTAL SERVICE.

(a) **POSTAL POLICY.**—

(1) **IN GENERAL.**—Section 101(b) is amended to read as follows:

“(b) The Postal Service shall provide effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining.”.

(2) **CONFORMING AMENDMENTS.**—(A) Clause (iii) of section 404(d)(2)(A) is amended to read as follows:

“(iii) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b), that the Postal Service shall provide effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;”.

(B) Section 2401(b)(1) is amended (in the matter before subparagraph (A)) by striking “a maximum degree of”.

(b) **GENERAL DUTY.**—Paragraph (3) of section 403(b) is amended to read as follows:

“(3) to ensure that postal patrons throughout the Nation will, consistent with reasonable economies of postal operations, have ready access to essential postal services.”.

(c) **PRC REVIEW OF DETERMINATIONS TO CLOSE OR CONSOLIDATE A POST OFFICE.**—

(1) **DEADLINE FOR REVIEW.**—Section 404(d)(5) is amended by striking “120 days” and inserting “60 days”.

(2) EXCLUSION FROM REVIEW.—Section 404(d) is amended by adding at the end the following:

“(7)(A) The appeals process set forth in paragraph (5) shall not apply to a determination of the Postal Service to close a post office if there is located, within 2 miles of such post office, a qualified contract postal unit.

“(B) For purposes of this paragraph—

“(i) the term ‘contract postal unit’ means a store or other place of business which—

“(I) is not owned or operated by the Postal Service; and

“(II) in addition to its usual operations, provides postal services to the general public under contract with the Postal Service; and

“(ii) the term ‘qualified contract postal unit’, as used in connection with a post office, means a contract postal unit which—

“(I) begins to provide postal services to the general public during the period—

“(aa) beginning 1 year before the date on which the closure or consolidation of such post office is scheduled to take effect; and

“(bb) ending on the 15th day after the date on which the closure or consolidation of such post office is scheduled to take effect; and

“(II) has not, pursuant to subparagraph (A), served as the basis for exempting any other post office from the appeals process set forth in paragraph (5).

“(C)(i) If the contract postal unit (which is providing postal services that had been previously provided by the post office that was closed) does not continue to provide postal services, as required by subparagraph (B)(i)(II), for at least the 2-year period beginning on the date on which such post office was closed, the contract postal unit shall be subject to a closure determination by the Postal Service to decide whether a post office must be reopened within the area (delimited by the 2-mile radius referred to in subparagraph (A)).

“(ii) A decision under clause (i) not to reopen a post office may be appealed to the Postal Regulatory Commission under procedures which the Commission shall by regulation prescribe. Such procedures shall be based on paragraph (5), except that, for purposes of this clause, paragraph (5)(C) shall be applied by substituting ‘in violation of section 101(b), leaving postal patrons without effective and regular access to postal services’ for ‘unsupported by substantial evidence on the record’.”

(3) APPLICABILITY.—The amendments made by this subsection shall not apply with respect to any appeal, notice of which is received by the Postal Regulatory Commission before the date of the enactment of this Act (determined applying the rules set forth in section 404(d)(6) of title 39, United States Code).

(d) EXPEDITED PROCEDURES.—

(1) IN GENERAL.—Section 3661 is amended by adding at the end the following:

“(d)(1) The Commission shall issue its opinion within 90 days after the receipt of any proposal (as referred to in subsection (b)) concerning—

“(A) the closing or consolidation of postal retail facilities (as that term is defined in section 102(2) of the Postal Reform Act of 2012) to a degree that will generally affect service on a nationwide or substantially nationwide basis; or

“(B) an identical or substantially identical proposal on which the Commission issued an opinion within the preceding 5 years.

“(2) If necessary in order to comply with the 90-day requirement under paragraph (1), the Commission may apply expedited procedures which the Commission shall by regulation prescribe.”

(2) REGULATIONS.—The Postal Regulatory Commission shall prescribe any regulations necessary to carry out the amendment made

by paragraph (1) within 90 days after the date of the enactment of this Act.

(3) APPLICABILITY.—The amendment made by this subsection shall apply with respect to any proposal received by the Postal Regulatory Commission on or after the earlier of—

(A) the 90th day after the date of the enactment of this Act; or

(B) the effective date of the regulations under paragraph (2).

SEC. 113. ENHANCED REPORTING ON POSTAL SERVICE EFFICIENCY.

Section 3652(a) is amended—

(1) in paragraph (1), by striking “and” after the semicolon;

(2) in paragraph (2), by striking the period at the end and inserting “; and”;

(3) by adding after paragraph (2) the following:

“(3) which shall provide the overall change in Postal Service productivity and the resulting effect of such change on overall Postal Service costs during such year, using such methodologies as the Commission shall by regulation prescribe.”

SEC. 114. APPLICABILITY OF PROCEDURES RELATING TO CLOSURES AND CONSOLIDATIONS.

(a) IN GENERAL.—Section 404(d) is amended by adding at the end the following:

“(7) For purposes of this subsection, the term ‘post office’ means a post office and any other facility described in section 102(2) of the Postal Reform Act of 2012.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective with respect to any closure or consolidation, the proposed effective date of which occurs on or after the 60th day following the date of enactment of this Act.

TITLE II—POSTAL SERVICE FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

Subtitle A—Establishment and Organization

SEC. 201. PURPOSES.

(a) PURPOSES.—The purposes of this title are as follows:

(1) To eliminate budget deficits and cash shortages of the Postal Service through strategic financial planning, sound budgeting, accurate revenue forecasts, and careful spending.

(2) To ensure the universal service mandate detailed in section 101 of title 39, United States Code, is maintained during a period of fiscal emergency.

(3) To conduct necessary investigations and studies to determine the fiscal status and operational efficiency of the Postal Service.

(4) To assist the Postal Service in—

(A) restructuring its organization and workforce to bring expenses in line with diminishing revenue and generate sufficient profits for capital investment and repayment of debt;

(B) meeting all fiscal obligations to the Treasury of the United States; and

(C) ensuring the appropriate and efficient delivery of postal services.

(5) To ensure the long-term financial, fiscal, and economic vitality and operational efficiency of the Postal Service.

(b) RESERVATION OF POWERS.—Nothing in this title may be construed—

(1) to relieve any obligations existing as of the date of the enactment of this Act of the Postal Service to the Treasury of the United States; or

(2) to limit the authority of Congress to exercise ultimate legislative authority over the Postal Service.

SEC. 202. ESTABLISHMENT OF THE AUTHORITY.

(a) ESTABLISHMENT.—There shall be established, upon the commencement of any con-

trol period, an entity to be known as the “Postal Service Financial Responsibility and Management Assistance Authority” (hereinafter in this title referred to as the “Authority”).

(b) CONTROL PERIOD.—

(1) COMMENCEMENT OF A CONTROL PERIOD.—

(A) IN GENERAL.—For the purposes of this title, a control period commences whenever the Postal Service has been in default to the Treasury of the United States, with respect to any debts, obligations, loans, bonds, notes, or other form of borrowing, or any scheduled payments to any fund in the Treasury of the United States, for a period of at least 30 days.

(B) ADVISORY PERIOD.—For purposes of the first control period, the Authority shall operate exclusively in an advisory period for two full fiscal years after the commencement of the control period. At the completion of the second full fiscal year or any year thereafter during the length of the control period, if the Postal Service’s annual deficit is greater than \$2,000,000,000, the Authority shall be fully in force according to the provisions of this title. During an advisory period—

(i) the Authority is not authorized to employ any staff and the Postal Service shall designate a Level-Two Postal Service Executive as a liaison with the members of the Authority; and

(ii) any provision of this title that requires the Authority or the Postal Service to take any action shall be considered only to take effect in the event the Authority comes into full force and that effective date shall be considered to be the date of the commencement of the control period for the purposes any provision not mention in this subparagraph.

(2) TREATMENT OF AUTHORITIES AND RESPONSIBILITIES OF THE BOARD OF GOVERNORS, ETC. DURING A CONTROL PERIOD.—During a control period—

(A) all authorities and responsibilities of the Board of Governors, and the individual Governors, of the Postal Service under title 39, United States Code, and any other provision of law shall be assumed by the Authority; and

(B) the Board of Governors, and the individual Governors, may act in an advisory capacity only.

(3) TREATMENT OF CERTAIN POSTAL SERVICE EXECUTIVES DURING A CONTROL PERIOD.—

(A) DEFINITION.—For the purposes of this section, the term “Level-Two Postal Service Executive” includes the Postmaster General, the Deputy Postmaster General, and all other officers or employees of the Postal Service in level two of the Postal Career Executive Service (or the equivalent).

(B) TREATMENT.—Notwithstanding any other provision of law or employment contract, during a control period—

(i) all Level-Two Postal Service Executives shall serve at the pleasure of the Authority;

(ii) the duties and responsibilities of all Level-Two Postal Service Executives, as well as the terms and conditions of their employment (including their compensation), shall be subject to determination or redetermination by the Authority;

(iii) total compensation of a Level-Two Postal Service Executive may not, for any year in such control period, exceed the annual rate of basic pay payable for level I of the Executive Schedule under section 5312 of title 5, United States Code, for such year; for purposes of this clause, the term “total compensation” means basic pay, bonuses, awards, and all other monetary compensation;

(iv) the percentage by which the rate of basic pay of a Level-Two Postal Service Executive is increased during any year in such

control period may not exceed the percentage change in the Consumer Price Index for All Urban Consumers, unadjusted for seasonal variation, for the most recent 12-month period available, except that, in the case of a Level-Two Postal Service Executive who has had a significant change in job responsibilities, a greater change shall be allowable if approved by the Authority;

(v) apart from basic pay, a Level-Two Postal Service Executive may not be afforded any bonus, award, or other monetary compensation for any fiscal year in the control period if expenditures of the Postal Service for such fiscal year exceeded revenues of the Postal Service for such fiscal year (determined in accordance with generally accepted accounting principles); and

(vi) no deferred compensation may be paid, accumulated, or recognized in the case of any Level-Two Postal Service Executive, with respect to any year in a control period, which is not generally paid, accumulated, or recognized in the case of employees of the United States (outside of the Postal Service) in level I of the Executive Schedule under section 5312 of title 5, United States Code, with respect to such year.

(C) **BONUS AUTHORITY.**—Section 3686 of title 39, United States Code, shall, during the period beginning on the commencement date of the control period and ending on the termination date of the control period—

(i) be suspended with respect to all Level-Two Postal Service Executives; but

(ii) remain in effect for all other officers and employees of the Postal Service otherwise covered by this section.

(4) **TERMINATION OF A CONTROL PERIOD.**—Subject to subtitle D, a control period terminates upon certification by the Authority, with the concurrence of the Secretary of the Treasury and the Director of the Office of Personnel Management, that—

(A) for 2 consecutive fiscal years (occurring after the date of the enactment of this Act), expenditures of the Postal Service did not exceed revenues of the Postal Service (as determined in accordance with generally accepted accounting principles);

(B) the Authority has approved a Postal Service financial plan and budget that shows expenditures of the Postal Service not exceeding revenues of the Postal Service (as so determined) for the fiscal year to which such budget pertains and each of the next 3 fiscal years; and

(C) the Postal Service financial plan and budget (as referred to in subparagraph (B)) includes plans to properly fund Postal Service pensions and retiree health benefits in accordance with law.

SEC. 203. MEMBERSHIP AND QUALIFICATION REQUIREMENTS.

(a) MEMBERSHIP.—

(1) **IN GENERAL.**—The Authority shall consist of 5 members appointed by the President who meet the qualifications described in subsection (b), except that the Authority may take any action under this title at any time after the President has appointed 4 of its members.

(2) **RECOMMENDATIONS.**—Of the 5 members so appointed—

(A) 1 shall be appointed from among individuals recommended by the Speaker of the House of Representatives;

(B) 1 shall be appointed from among individuals recommended by the majority leader of the Senate;

(C) 1 shall be appointed from among individuals recommended by the minority leader of the House of Representatives;

(D) 1 shall be appointed from among individuals recommended by the minority leader of the Senate; and

(E) 1 shall be appointed from among individuals recommended by the Comptroller General.

(3) **POLITICAL AFFILIATION.**—No more than 3 members of the Authority may be of the same political party.

(4) **CHAIR.**—The President shall designate 1 of the members of the Authority as the Chair of the Authority.

(5) **SENSE OF CONGRESS REGARDING DEADLINE FOR APPOINTMENT.**—It is the sense of Congress that the President should appoint the members of the Authority as soon as practicable after the date on which a control period commences, but no later than 30 days after that date.

(6) TERM OF SERVICE.—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), each member of the Authority shall be appointed for a term of 3 years.

(B) **APPOINTMENT FOR TERM FOLLOWING INITIAL TERM.**—As designated by the President at the time of appointment for the term immediately following the initial term, of the members appointed for the term immediately following the initial term—

(i) 1 member shall be appointed for a term of 1 year;

(ii) 2 members shall be appointed for a term of 2 years; and

(iii) 2 members shall be appointed for a term of 3 years.

(C) **REMOVAL.**—The President may remove any member of the Authority only for cause.

(D) **NO COMPENSATION FOR SERVICE.**—Members of the Authority shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Authority.

(b) QUALIFICATION REQUIREMENTS.—

(1) **IN GENERAL.**—An individual meets the qualifications for membership on the Authority if the individual—

(A) has significant knowledge and expertise in finance, management, and the organization or operation of businesses having more than 500 employees; and

(B) represents the public interest generally, is not a representative of specific interests using or belonging to the Postal Service, and does not have any business or financial interest in any enterprise in the private sector of the economy engaged in the delivery of mail matter.

(2) **SPECIFIC CONDITIONS.**—An individual shall not be considered to satisfy paragraph (1)(B) if, at any time during the 5-year period ending on the date of appointment, such individual—

(A) has been an officer, employee, or private contractor with the Postal Service or the Postal Regulatory Commission; or

(B) has served as an employee or contractor of a labor organization representing employees of the Postal Service or the Postal Regulatory Commission.

SEC. 204. ORGANIZATION.

(a) **ADOPTION OF BY-LAWS FOR CONDUCTING BUSINESS.**—As soon as practicable after the appointment of its members, the Authority shall adopt by-laws, rules, and procedures governing its activities under this title, including procedures for hiring experts and consultants. Upon adoption, such by-laws, rules, and procedures shall be submitted by the Authority to the Postmaster General, the President, and Congress.

(b) **CERTAIN ACTIVITIES REQUIRING APPROVAL OF MAJORITY OF MEMBERS.**—Under its by-laws, the Authority may conduct its operations under such procedures as it considers appropriate, except that an affirmative vote of a majority of the members of the Authority shall be required in order for the Authority to—

(1) approve or disapprove a financial plan and budget as described by subtitle C;

(2) implement recommendations on financial stability and management responsibility under section 225;

(3) take any action under authority of section 202(b)(3)(B)(i); or

(4) initiate the establishment of a new workers' compensation system for the Postal Service in accordance with section 311.

SEC. 205. EXECUTIVE DIRECTOR AND STAFF.

(a) **EXECUTIVE DIRECTOR.**—The Authority shall have an Executive Director who shall be appointed by the Chair with the consent of the Authority. The Executive Director shall be paid at a rate determined by the Authority, except that such rate may not exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) **STAFF.**—With the approval of the Authority, the Executive Director may appoint and fix the pay of such additional personnel as the Executive Director considers appropriate, except that no individual appointed by the Executive Director may be paid at a rate greater than the rate of pay for the Executive Director. Personnel appointed under this subsection shall serve at the pleasure of the Executive Director.

(c) **INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—The Executive Director and staff of the Authority may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) **STAFF OF FEDERAL AGENCIES.**—Upon request of the Chair, the head of any Federal department or agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of such department or agency to the Authority to assist it in carrying out its duties under this title.

SEC. 206. FUNDING.

(a) **IN GENERAL.**—There are authorized to be appropriated, out of the Postal Service Fund, such sums as may be necessary for the Authority. In requesting an appropriation under this section for a fiscal year, the Authority shall prepare and submit to the Congress under section 2009 of title 39, United States Code, a budget of the Authority's expenses, including expenses for facilities, supplies, compensation, and employee benefits not to exceed \$10,000,000. In years in which a control period commences, the Authority shall submit a budget within 30 days of the appointment of the members of the Authority.

(b) **AMENDMENT TO SECTION 2009.**—Section 2009 is amended in the next to last sentence—

(1) by striking “, and (3)” and inserting “, (3)”; and

(2) by striking the period and inserting “, and (4) the Postal Service Financial Responsibility and Management Assistance Authority requests to be appropriated, out of the Postal Service Fund, under section 206 of the Postal Reform Act of 2012.”.

Subtitle B—Powers of the Authority

SEC. 211. POWERS.

(a) **POWERS OF MEMBERS AND AGENTS.**—Any member or agent of the Authority may, if authorized by the Authority, take any action which the Authority is authorized by this section to take.

(b) **OBTAINING OFFICIAL DATA FROM THE POSTAL SERVICE.**—Notwithstanding any other provision of law, the Authority may secure copies of such records, documents, information, or data from any entity of the Postal Service necessary to enable the Authority to carry out its responsibilities under this title. At the request of the Authority, the Authority shall be granted direct access to such information systems,

records, documents, information, or data as will enable the Authority to carry out its responsibilities under this title. The head of the relevant entity of the Postal Service shall provide the Authority with such information and assistance (including granting the Authority direct access to automated or other information systems) as the Authority requires under this subsection.

(c) **GIFTS, BEQUESTS, AND DEVISES.**—The Authority may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Authority. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in such account as the Authority may establish and shall be available for disbursement upon order of the Chair.

(d) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Authority, the Administrator of General Services may provide to the Authority, on a reimbursable basis, the administrative support services necessary for the Authority to carry out its responsibilities under this title.

(e) **AUTHORITY TO ENTER INTO CONTRACTS.**—The Executive Director may enter into such contracts as the Executive Director considers appropriate (subject to the approval of the Chair) to carry out the Authority's responsibilities under this title.

(f) **CIVIL ACTIONS TO ENFORCE POWERS.**—The Authority may seek judicial enforcement of its authority to carry out its responsibilities under this title.

(g) **PENALTIES.**—

(1) **ADMINISTRATIVE DISCIPLINE.**—Any officer or employee of the Postal Service who, by action or inaction, fails to comply with any directive or other order of the Authority under section 225(c) shall be subject to appropriate administrative discipline, including suspension from duty without pay or removal from office, by order of either the Postmaster General or the Authority.

(2) **REPORTING REQUIREMENT.**—Whenever an officer or employee of the Postal Service takes or fails to take any action which is noncompliant with any directive or other order of the Authority under section 225(c), the Postmaster General shall immediately report to the Authority all pertinent facts, together with a statement of any actions taken by the Postmaster General or proposed by the Postmaster General to be taken under paragraph (1).

(h) **SENSE OF CONGRESS.**—It is the sense of Congress that, in making determinations that affect prior collective bargaining agreements and prior agreements on workforce reduction, any rightsizing effort within the Postal Service that results in a decrease in the number of postal employees should ensure that such employees can receive their full pensions, are fully compensated, and that the collective bargaining agreements and prior agreements on workforce reduction that they entered into with Postal Service management are fully honored.

SEC. 212. EXEMPTION FROM LIABILITY FOR CLAIMS.

The Authority and its members may not be liable for any obligation of or claim against the Postal Service resulting from actions taken to carry out this title.

SEC. 213. TREATMENT OF ACTIONS ARISING UNDER THIS TITLE.

(a) **JURISDICTION ESTABLISHED IN UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.**—A person (including the Postal Service) adversely affected or aggrieved by an order or decision of the Authority may, within 30 days after such order or decision becomes final, institute proceedings for review thereof by filing a peti-

tion in the United States Court of Appeals for the District of Columbia Circuit. The court shall review the order or decision in accordance with section 706 of title 5, United States Code, and chapter 158 and section 2112 of title 28, United States Code. Judicial review shall be limited to the question of whether the Authority acted in excess of its statutory authority, and determinations of the Authority with respect to the scope of its statutory authority shall be upheld if based on a permissible construction of the statutory authority.

(b) **PROMPT APPEAL TO THE SUPREME COURT.**—Notwithstanding any other provision of law, review by the Supreme Court of the United States of a decision of the Court of Appeals which is issued pursuant to subsection (a) may be had only if the petition for such review is filed within 10 days after the entry of such decision.

(c) **TIMING OF RELIEF.**—No order of any court granting declaratory or injunctive relief against the Authority, including relief permitting or requiring the obligation, borrowing, or expenditure of funds, shall take effect during the pendency of the action before such court, during the time appeal may be taken, or (if appeal is taken) during the period before the court has entered its final order disposing of such action.

(d) **EXPEDITED CONSIDERATION.**—It shall be the duty of the United States Court of Appeals for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

SEC. 214. DELIVERY POINT MODERNIZATION.

(a) **DEFINITIONS.**—For purposes of this section—

(1) the term “delivery point” means a mailbox or other receptacle to which mail is delivered;

(2) the term “primary mode of delivery” means the typical method by which the Postal Service delivers letter mail to the delivery point of a postal patron;

(3) the term “door delivery” means a primary mode of mail delivery whereby mail is placed into a slot or receptacle at or near the postal patron's door or is hand delivered to a postal patron, but does not include curbside or centralized delivery;

(4) the term “centralized delivery” means a primary mode of mail delivery whereby mail receptacles are grouped or clustered at a single location; and

(5) the term “curbside delivery” means a primary mode of mail delivery whereby a mail receptacle is situated at the edge of a roadway or curb.

(b) **REDUCTION IN TOTAL NUMBER OF DELIVERY POINTS.**—The Authority shall, during the first control period commencing under this title, take such measures as may be necessary and appropriate so that—

(1) in each fiscal year beginning at least 2 years after the commencement date of such first control period—

(A) the total number of delivery points for which door delivery is the primary mode of mail delivery does not exceed 25 percent of the corresponding number for the fiscal year last ending before such commencement date; and

(B) the total annual costs attributable to door delivery, centralized delivery, and curbside delivery combined will be at least \$3,500,000,000 less than the corresponding total annual costs for the fiscal year last ending before such commencement date; and

(2) in each fiscal year beginning at least 4 years after the commencement date of such first control period, the total number of delivery points for which door delivery is the primary mode of mail delivery does not ex-

ceed 10 percent of the corresponding number for the fiscal year last ending before such commencement date.

In making any decision under this subsection involving the continuation or termination of door delivery with respect to any locality or addresses within a locality, the Authority shall consider rates of poverty, population density, historical value, whether such locality is in a registered historic district (as that term is defined in section 47(c)(3)(B) of the Internal Revenue Code of 1986), whether such address is another place on the National Register of Historic Places, and other appropriate factors.

(c) **ORDER OF PRECEDENCE.**—In order to carry out subsection (b)—

(1) in making conversions from door delivery to other primary modes of delivery—

(A) conversion shall be to centralized delivery; except

(B) if subparagraph (A) is impractical, conversion shall be to curbside delivery; and

(2) in the case of delivery points established after the commencement date of the first control period under this title—

(A) centralized delivery shall be the primary mode of delivery; except

(B) if subparagraph (A) is impractical, curbside delivery shall be the primary mode of delivery.

(d) **WAIVER FOR PHYSICAL HARDSHIP.**—The Postal Service shall establish and maintain a waiver program under which, upon application, door delivery may be continued or provided in any case in which—

(1) centralized or curbside delivery would, but for this subsection, otherwise be the primary mode of delivery; and

(2) door delivery is necessary in order to avoid causing significant physical hardship to a postal patron.

(e) **CENTRALIZED DELIVERY PLACEMENT.**—It is the sense of the Congress that the Postal Service should negotiate with State and local governments, businesses, local associations, and property owners to place centralized delivery units in locations that maximize delivery efficiency, ease of use for postal patrons, and respect for private property rights.

(f) **VOUCHER PROGRAM.**—

(1) **IN GENERAL.**—The Postal Service may, in accordance with such standards and procedures as the Postal Service shall by regulation prescribe, provide for a voucher program under which—

(A) upon application, the Postal Service may defray all or any portion of the costs associated with conversion from door delivery under this section which would otherwise be borne by postal patrons; and

(B) the Postal Service Competitive Products Fund is made available for that purpose.

(2) **CONFORMING AMENDMENT.**—Section 2011(a)(2) is amended—

(A) in subparagraph (A), by striking “and” after the semicolon;

(B) in subparagraph (B), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(C) vouchers under the program described in section 214(f)(1) of the Postal Reform Act of 2012.”.

(g) **AUDITS.**—

(1) **IN GENERAL.**—The Inspector General of the United States Postal Service—

(A) shall conduct an annual audit to determine whether the Postal Service is in compliance with the requirements of subsection (b); and

(B) shall make such recommendations as the Inspector General considers appropriate to improve the administration of such subsection.

(2) **SUBMISSION.**—The audit and recommendations under paragraph (1) shall be submitted by the Inspector General to—

(A) the Committee on Oversight and Government Reform of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) INFORMATION.—Upon request, the Postal Service shall furnish such information as the Inspector General may require in order to carry out this subsection.

(h) SAVINGS REPORT.—

(1) IN GENERAL.—In the event that a reduction in door delivery points is required under this section, the Authority shall submit a report to Congress, not later than 1 year after the date on which such reductions commence, describing the cost savings realized to the date of such submission and the estimated additional cost savings anticipated as a result of such reductions occurring after such submission. The report shall include—

(A) the measures taken to achieve the realized savings and the assumptions and methodologies used to compute the estimated cost savings; and

(B) information with respect to what additional measures might be necessary to achieve the cost savings required under this section.

(2) REDUCTION LIMITATION.—Notwithstanding any other provision of this Act, if the Authority determines that the measures described pursuant to subparagraphs (A) and (B) of paragraph (1) are not feasible, not cost effective, or otherwise detrimental to the mail delivery policy of the Postal Service, the Authority shall submit a report to Congress stating any legislative changes recommended for door delivery modernization procedures under this section, including increasing flexibility of this section's requirements or the postponement of further conversion.

Subtitle C—Establishment and Enforcement of Financial Plan and Budget for the Postal Service

SEC. 221. DEVELOPMENT OF FINANCIAL PLAN AND BUDGET FOR THE POSTAL SERVICE.

(a) DEVELOPMENT OF FINANCIAL PLAN AND BUDGET.—For each fiscal year for which the Postal Service is in a control period, the Postmaster General shall develop and submit to the Authority a financial plan and budget for the Postal Service in accordance with this section.

(b) CONTENTS OF FINANCIAL PLAN AND BUDGET.—A financial plan and budget for the Postal Service for a fiscal year shall specify the budget for the Postal Service as required by section 2009 of title 39, United States Code, for the applicable fiscal year and the next 3 fiscal years, in accordance with the following requirements:

(1) The financial plan and budget shall meet the requirements described in subsection (c) to promote the financial stability of the Postal Service.

(2) The financial plan and budget shall—

(A) include the Postal Service's annual budget program (under section 2009 of title 39, United States Code) and the Postal Service's plan commonly referred to as its "Integrated Financial Plan";

(B) describe lump-sum expenditures by all categories traditionally used by the Postal Service;

(C) describe capital expenditures (together with a schedule of projected capital commitments and cash outlays of the Postal Service and proposed sources of funding);

(D) contain estimates of overall debt (both outstanding and anticipated to be issued); and

(E) contain cash flow and liquidity forecasts for the Postal Service at such intervals as the Authority may require.

(3) The financial plan and budget shall include a statement describing methods of estimations and significant assumptions.

(4) The financial plan and budget shall include any other provisions and shall meet such other criteria as the Authority considers appropriate to meet the purposes of this title, including provisions for—

(A) changes in personnel policies and levels for each component of the Postal Service; and

(B) management initiatives to promote productivity, improvement in the delivery of services, or cost savings.

(c) REQUIREMENTS TO PROMOTE FINANCIAL STABILITY.—

(1) IN GENERAL.—The requirements to promote the financial stability of the Postal Service applicable to the financial plan and budget for a fiscal year are as follows:

(A) In each fiscal year (following the first full fiscal year) in a control period, budgeted expenditures of the Postal Service for the fiscal year involved may not exceed budgeted revenues of the Postal Service for the fiscal year involved.

(B) In each fiscal year in a control period, the Postal Service shall make continuous, substantial progress towards long-term fiscal solvency and shall have substantially greater net income than in the previous fiscal year.

(C) The financial plan and budget shall assure the continuing long-term financial stability of the Postal Service, as indicated by factors such as the efficient management of the Postal Service's workforce and the effective provision of services by the Postal Service.

(2) APPLICATION OF SOUND BUDGETARY PRACTICES.—In meeting the requirement described in paragraph (1) with respect to a financial plan and budget for a fiscal year, the Postal Service shall apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or a combination of such practices.

(3) ASSUMPTIONS BASED ON CURRENT LAW.—In meeting the requirements described in paragraph (1) with respect to a financial plan and budget for a fiscal year, the Postal Service shall base estimates of revenues and expenditures on Federal law as in effect at the time of the preparation of such financial plan and budget.

SEC. 222. PROCESS FOR SUBMISSION AND APPROVAL OF FINANCIAL PLAN AND BUDGET.

(a) IN GENERAL.—For each fiscal year for which the Postal Service is in a control period, the Postmaster General shall submit to the Authority—

(1) by February 1 before the start of such fiscal year, a preliminary financial plan and budget under section 221 for such fiscal year; and

(2) by August 1 before the start of such fiscal year, a final financial plan and budget under section 221 for such fiscal year.

(b) REVIEW BY AUTHORITY.—Upon receipt of a financial plan and budget under subsection (a) (whether preliminary or final), the Authority shall promptly review such financial plan and budget. In conducting the review, the Authority may request any additional information it considers necessary and appropriate to carry out its duties under this subtitle.

(c) APPROVAL OF POSTMASTER GENERAL'S FINANCIAL PLAN AND BUDGET.—

(1) CERTIFICATION TO POSTMASTER GENERAL.—

(A) IN GENERAL.—If the Authority determines that the final financial plan and budget for the fiscal year submitted by the Postmaster General under subsection (a) meets the requirements of section 221—

(i) the Authority shall approve the financial plan and budget and shall provide the Postmaster General, the President, and Congress with a notice certifying its approval; and

(ii) the Postmaster General shall promptly submit the annual budget program to the Office of Management and Budget pursuant to section 2009 of title 39, United States Code.

(B) DEEMED APPROVAL AFTER 30 DAYS.—

(i) IN GENERAL.—If the Authority has not provided the Postmaster General, the President, and Congress with a notice certifying approval under subparagraph (A)(i) or a statement of disapproval under subsection (d) before the expiration of the 30-day period which begins on the date the Authority receives the financial plan and budget from the Postmaster General under subsection (a), the Authority shall be deemed to have approved the financial plan and budget and to have provided the Postmaster General, the President, and Congress with the notice certifying approval under subparagraph (A)(i).

(ii) EXPLANATION OF FAILURE TO RESPOND.—If clause (i) applies with respect to a financial plan and budget, the Authority shall provide the Postmaster General, the President and Congress with an explanation for its failure to provide the notice certifying approval or the statement of disapproval during the 30-day period described in such clause.

(d) DISAPPROVAL OF POSTMASTER GENERAL'S BUDGET.—If the Authority determines that the final financial plan and budget for the fiscal year submitted by the Postmaster General under subsection (a) does not meet the requirements applicable under section 221, the Authority shall disapprove the financial plan and budget, and shall provide the Postmaster General, the President, and Congress with a statement containing—

(1) the reasons for such disapproval;

(2) the amount of any shortfall in the budget or financial plan; and

(3) any recommendations for revisions to the budget the Authority considers appropriate to ensure that the budget is consistent with the financial plan and budget.

(e) AUTHORITY REVIEW OF POSTMASTER GENERAL'S REVISED FINAL FINANCIAL PLAN AND BUDGET.—

(1) SUBMISSION OF POSTMASTER GENERAL'S REVISED FINAL FINANCIAL PLAN AND BUDGET.—Not later than 15 days after receiving the statement from the Authority under subsection (d), the Postmaster General shall promptly adopt a revised final financial plan and budget for the fiscal year which addresses the reasons for the Authority's disapproval cited in the statement, and shall submit such financial plan and budget to the Authority.

(2) APPROVAL OF POSTMASTER GENERAL'S REVISED FINAL FINANCIAL PLAN AND BUDGET.—If, after reviewing the revised final financial plan and budget for a fiscal year submitted by the Postmaster General under paragraph (1) in accordance with the procedures described in this section, the Authority determines that the revised final financial plan and budget meets the requirements applicable under section 221—

(A) the Authority shall approve the financial plan and budget and shall provide the Postmaster General, the President, and Congress with a notice certifying its approval; and

(B) the Postmaster General shall promptly submit the annual budget program to the Office of Management and Budget pursuant to section 2009 of title 39, United States Code.

(3) DISAPPROVAL OF POSTMASTER GENERAL'S REVISED FINAL FINANCIAL PLAN AND BUDGET.—

(A) IN GENERAL.—If, after reviewing the revised final financial plan and budget for a fiscal year submitted by the Postmaster

General under paragraph (1) in accordance with the procedures described in this subsection, the Authority determines that the revised final financial plan and budget does not meet the applicable requirements under section 221, the Authority shall—

(i) disapprove the financial plan and budget;

(ii) provide the Postmaster General, the President, and Congress with a statement containing the reasons for such disapproval and describing the amount of any shortfall in the financial plan and budget; and

(iii) approve and recommend a financial plan and budget for the Postal Service which meets the applicable requirements under section 221, and submit such financial plan and budget to the Postmaster General, the President, and Congress.

(B) SUBMISSION TO OMB.—Upon receipt of the recommended financial plan and budget under subparagraph (A)(iii), the Postmaster General shall promptly submit the recommended annual budget program to the Office of Management and Budget pursuant to section 209 of title 39, United States Code.

(4) DEEMED APPROVAL AFTER 15 DAYS.—

(A) IN GENERAL.—If the Authority has not provided the Postmaster General, the President, and Congress with a notice certifying approval under paragraph (2)(A) or a statement of disapproval under paragraph (3) before the expiration of the 15-day period which begins on the date the Authority receives the revised final financial plan and budget submitted by the Postmaster General under paragraph (1), the Authority shall be deemed to have approved the revised final financial plan and budget and to have provided the Postmaster General, the President, and Congress with the notice certifying approval described in paragraph (2)(A).

(B) EXPLANATION OF FAILURE TO RESPOND.—If subparagraph (A) applies with respect to a financial plan and budget, the Authority shall provide the Postmaster General, the President and Congress with an explanation for its failure to provide the notice certifying approval or the statement of disapproval during the 15-day period described in such subparagraph.

(f) DEADLINE FOR TRANSMISSION OF FINANCIAL PLAN AND BUDGET BY AUTHORITY.—Notwithstanding any other provision of this section, not later than September 30th before each fiscal year which is in a control period, the Authority shall—

(1) provide Congress with a notice certifying its approval of the Postmaster General's initial financial plan and budget for the fiscal year under subsection (c)(1);

(2) provide Congress with a notice certifying its approval of the Postmaster General's revised final financial plan and budget for the fiscal year under subsection (e)(2); or

(3) submit to Congress an approved and recommended financial plan and budget of the Authority for the Postal Service for the fiscal year under subsection (e)(3)(A)(iii).

(g) REVISIONS TO FINANCIAL PLAN AND BUDGET.—

(1) PERMITTING POSTMASTER GENERAL TO SUBMIT REVISIONS.—The Postmaster General may submit proposed revisions to the financial plan and budget for a control period to the Authority at any time during the year.

(2) PROCESS FOR REVIEW, APPROVAL, DISAPPROVAL, AND POSTMASTER GENERAL ACTION.—Except as provided in paragraph (3), the procedures described in subsections (b), (c), (d), and (e) shall apply with respect to a proposed revision to a financial plan and budget in the same manner as such procedures apply with respect to the original financial plan and budget.

(3) EXCEPTION FOR REVISIONS NOT AFFECTING SPENDING.—To the extent that a proposed revision to a financial plan and budget adopted

by the Postmaster General pursuant to this subsection does not increase the amount of spending with respect to any account of the Postal Service, the revision shall become effective upon the Authority's approval of such revision.

SEC. 223. RESPONSIBILITIES OF THE AUTHORITY.

(a) IN GENERAL.—The Authority shall direct the exercise of the powers of the Postal Service, including—

(1) determining its overall strategies (both long-term and short-term);

(2) determining its organizational structure, particularly for senior management at the level of vice president and higher;

(3) hiring, monitoring, compensating, and, when necessary, replacing senior management at the level of vice president and higher, as well as ensuring adequate succession planning for these positions;

(4) approving major policies, particularly those that have an important effect on the Postal Service's financial position and the provision of universal postal service;

(5) approving corporate budgets, financial and capital plans, operational and service performance standards and targets, human resources strategies, collective bargaining strategies, negotiation parameters, and collective bargaining agreements, and the compensation structure for nonbargaining employees;

(6) approving substantial capital projects and any substantial disposition of capital assets, such as surplus property;

(7) approving changes in rates and classifications, new products and services, policy regarding other substantial matters before the Postal Regulatory Commission, and any appeals of its decisions or orders to the Federal courts;

(8) approving the Postal Service Annual Report, Annual Comprehensive Statement, and strategic plans, performance plans, and performance program reports under chapter 28 of title 39, United States Code;

(9) formulating and communicating organizational policy and positions on legislative and other public policy matters to Congress and the public;

(10) ensuring organizational responsiveness to oversight by Congress, the Postal Regulatory Commission, the Treasury of the United States, and other audit entities;

(11) ensuring adequate internal controls and selecting, monitoring, and compensating an independent public accounting firm to conduct an annual audit of the Postal Service; and

(12) carrying out any responsibility, not otherwise listed in this subsection, that was the responsibility of the Board of Governors at any time during the 5-year period ending on the date of the enactment of this Act.

(b) REVIEW OF POSTAL SERVICE PROPOSALS.—

(1) SUBMISSION OF POSTAL SERVICE PROPOSALS TO THE AUTHORITY.—During a control period, the Postmaster General shall submit to the Authority any proposal that has a substantial effect on any item listed in subsection (a).

(2) PROMPT REVIEW BY AUTHORITY.—Upon receipt of a proposal from the Postmaster General under paragraph (1), the Authority shall promptly review the proposal to determine whether it is consistent with the applicable financial plan and budget approved under this title.

(3) ACTIONS BY AUTHORITY.—

(A) APPROVAL.—If the Authority determines that a proposal is consistent with the applicable financial plan and budget, the Authority shall notify the Postmaster General that it approves the proposal.

(B) FINDING OF INCONSISTENCY.—If the Authority determines that a proposal is signifi-

cantly inconsistent with the applicable financial plan and budget, the Authority shall—

(i) notify the Postmaster General of its finding;

(ii) provide the Postmaster General with an explanation of the reasons for its finding; and

(iii) to the extent the Authority considers appropriate, provide the Postmaster General with recommendations for modifications to the proposal.

(4) DEEMED APPROVAL.—If the Authority does not notify the Postmaster General that it approves or disapproves a proposal submitted under this subsection during the 7-day period which begins on the date the Postmaster General submits the proposal to the Authority, the Authority shall be deemed to have approved the proposal in accordance with paragraph (3)(A). At the option of the Authority, the previous sentence shall be applied as if the reference in such sentence to "7-day period" were a reference to "14-day period" if, during the 7-day period referred to in the preceding sentence, the Authority so notifies the Postmaster General.

(c) EFFECT OF APPROVED FINANCIAL PLAN AND BUDGET ON CONTRACTS AND LEASES.—

(1) MANDATORY PRIOR APPROVAL FOR CERTAIN CONTRACTS AND LEASES.—

(A) IN GENERAL.—In the case of a contract or lease described in subparagraph (B) which is proposed to be entered into, renewed, modified, or extended by the Postal Service during a control period, the Postmaster General (or the appropriate officer or agent of the Postal Service) shall submit the proposed contract or lease to the Authority. The Authority shall review each contract or lease submitted under this subparagraph, and the Postmaster General (or the appropriate officer or agent of the Postal Service) may not enter into the contract or lease unless the Authority determines that the proposed contract or lease is consistent with the financial plan and budget for the fiscal year.

(B) CONTRACTS AND LEASES DESCRIBED.—A contract or lease described in this subparagraph is—

(i) a labor contract entered into through collective bargaining; or

(ii) such other type of contract or lease as the Authority may specify for purposes of this subparagraph.

(2) AUTHORITY TO REVIEW OTHER CONTRACTS AFTER EXECUTION.—

(A) IN GENERAL.—In addition to the prior approval of certain contracts and leases, the Postal Service shall submit to the Authority—

(i) any Level-Two Post Career Executive Service employee contract that is in effect during a control period; and

(ii) any collective bargaining agreement entered into by the Postal Service that is in effect during a control period.

Any such contract or agreement shall be submitted to the Authority upon the commencement of a control period and at such other times as the Authority may require.

(B) REVIEW BY AUTHORITY.—The Authority shall review each contract submitted under subparagraph (A) to determine if the contract is consistent with the financial plan and budget for the fiscal year. If the Authority determines that the contract is not consistent with the financial plan and budget, the Authority shall take such actions as are within the Authority's powers to revise the contract.

SEC. 224. EFFECT OF FINDING NONCOMPLIANCE WITH FINANCIAL PLAN AND BUDGET.

(a) SUBMISSION OF REPORTS.—Not later than 30 days after the expiration of each

quarter of each fiscal year beginning in a control period, the Postmaster General shall submit reports to the Authority describing the actual revenues obtained and expenditures made by the Postal Service during the quarter with its cash flows during the quarter, and comparing such actual revenues, expenditures, and cash flows with the most recent projections for these items.

(b) **ADDITIONAL INFORMATION.**—If the Authority determines, based on reports submitted by the Postmaster General under subsection (a), independent audits, or such other information as the Authority may obtain, that the revenues or expenditures of the Postal Service during a control period are not consistent with the financial plan and budget for the year, the Authority shall require the Postmaster General to provide such additional information as the Authority determines to be necessary to explain the inconsistency.

(c) **CERTIFICATION OF VARIANCE.**—

(1) **IN GENERAL.**—After requiring the Postmaster General to provide additional information under subsection (b), the Authority shall certify to the Postmaster General, the President, the Secretary of the Treasury, and Congress that the Postal Service is at variance with the financial plan and budget unless—

(A) the additional information provides an explanation for the inconsistency which the Authority finds reasonable and appropriate; or

(B)(i) the Postal Service adopts or implements remedial action (including revising the financial plan and budget pursuant to section 222(g)) to correct the inconsistency which the Authority finds reasonable and appropriate, taking into account the terms of the financial plan and budget; and

(ii) the Postmaster General agrees to submit the reports described in subsection (a) on a monthly basis for such period as the Authority may require.

(2) **SPECIAL RULE FOR INCONSISTENCIES ATTRIBUTABLE TO ACTS OF CONGRESS.**—

(A) **DETERMINATION BY AUTHORITY.**—If the Authority determines that the revenues or expenditures of the Postal Service during a control period are not consistent with the financial plan and budget for the year as approved by the Authority under section 222 as a result of the terms and conditions of any law enacted by Congress which affects the Postal Service, the Authority shall so notify the Postmaster General.

(B) **CERTIFICATION.**—In the case of an inconsistency described in subparagraph (A), the Authority shall certify to the Postmaster General, the President, the Secretary of the Treasury, and Congress that the Postal Service is at variance with the financial plan and budget unless the Postal Service adopts or implements remedial action (including revising the financial plan and budget pursuant to section 202(e)) to correct the inconsistency which the Authority finds reasonable and appropriate, taking into account the terms of the financial plan and budget.

(d) **EFFECT OF CERTIFICATION.**—If the Authority certifies to the Secretary of the Treasury that a variance exists, the Authority or the Secretary may withhold access by the Postal Service to additional supplementary debt authorized by this title.

SEC. 225. RECOMMENDATIONS REGARDING FINANCIAL STABILITY, ETC.

(a) **IN GENERAL.**—The Authority may at any time submit recommendations to the Postmaster General, the President, and Congress on actions the Postal Service or any other entity of the Federal Government should take to ensure compliance by the Postal Service with a financial plan and budget or to otherwise promote the financial stability, management responsibility, and

service delivery efficiency of the Postal Service, including recommendations relating to—

(1) the management of the Postal Service's financial affairs, including cash forecasting, information technology, placing controls on expenditures for personnel, reducing benefit costs, reforming procurement practices, and placing other controls on expenditures;

(2) the relationship between the Postal Service and other entities of the Federal Government;

(3) the structural relationship of subdivisions within the Postal Service;

(4) the modification of existing revenue structures, or the establishment of additional revenue structures;

(5) the establishment of alternatives for meeting obligations to pay for the pensions and retirement benefits of current and future Postal Service retirees;

(6) modifications of services which are the responsibility of and are delivered by the Postal Service;

(7) modifications of the types of services which are delivered by entities other than the Postal Service under alternative service delivery mechanisms;

(8) the effects of Federal Government laws and court orders on the operations of the Postal Service;

(9) the increased use of a personnel system for employees of the Postal Service which is based upon employee performance standards; and

(10) the improvement of personnel training and proficiency, the adjustment of staffing levels, and the improvement of training and performance of management and supervisory personnel.

(b) **RESPONSE TO RECOMMENDATIONS FOR ACTIONS WITHIN AUTHORITY OF POSTAL SERVICE.**—

(1) **IN GENERAL.**—In the case of any recommendations submitted under subsection (a) during a control period which are within the authority of the Postal Service to adopt, not later than 90 days after receiving the recommendations, the Postmaster General shall submit a statement to the Authority, the President, and Congress which provides notice as to whether the Postal Service will adopt the recommendations.

(2) **IMPLEMENTATION PLAN REQUIRED FOR ADOPTED RECOMMENDATIONS.**—If the Postmaster General notifies the Authority and Congress under paragraph (1) that the Postal Service will adopt any of the recommendations submitted under subsection (a), the Postmaster General shall include in the statement a written plan to implement the recommendation which includes—

(A) specific performance measures to determine the extent to which the Postal Service has adopted the recommendation; and

(B) a schedule for auditing the Postal Service's compliance with the plan.

(3) **EXPLANATIONS REQUIRED FOR RECOMMENDATIONS NOT ADOPTED.**—If the Postmaster General notifies the Authority, the President, and Congress under paragraph (1) that the Postal Service will not adopt any recommendation submitted under subsection (a) which the Postal Service has authority to adopt, the Postmaster General shall include in the statement explanations for the rejection of the recommendations.

(c) **IMPLEMENTATION OF REJECTED RECOMMENDATIONS BY AUTHORITY.**—

(1) **IN GENERAL.**—If the Postmaster General notifies the Authority, the President, and Congress under subsection (b)(1) that the Postal Service will not adopt any recommendation submitted under subsection (a) which the Postal Service has authority to adopt, the Authority may by a majority vote of its members take such action concerning the recommendation as it deems appro-

priate, after consulting with the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(2) **EFFECTIVE DATE.**—This subsection shall apply with respect to recommendations of the Authority made after the expiration of the 6-month period which begins on the date of the commencement of a control period.

SEC. 226. SPECIAL RULES FOR FISCAL YEAR IN WHICH CONTROL PERIOD COMMENCES.

(a) **ADOPTION OF TRANSITION BUDGET.**—Notwithstanding any provision of section 222 to the contrary, in the case of a fiscal year in which a control period commences, the following rules shall apply:

(1) Not later than 45 days after the appointment of its members, the Authority shall review the proposed Integrated Financial Plan for the Postal Service for such fiscal year and shall submit any recommendations for modifications to such plan to promote the financial stability of the Postal Service to the Postmaster General, the President, and Congress.

(2) Not later than 15 days after receiving the recommendations of the Authority submitted under paragraph (1), the Postmaster General shall promptly adopt a revised budget for the fiscal year (in this section referred to as the "transition budget"), and shall submit the transition budget to the Authority, the President, and Congress.

(3) Not later than 15 days after receiving the transition budget from the Postmaster General under paragraph (2), the Authority shall submit a report to the Postmaster General, the President, and Congress analyzing the budget (taking into account any items or provisions disapproved by the Postmaster General) and shall include in the report such recommendations for revisions to the transition budget as the Authority considers appropriate to promote the financial stability of the Postal Service during the fiscal year.

(b) **FINANCIAL PLAN AND BUDGET.**—

(1) **DEADLINE FOR SUBMISSION.**—For purposes of section 222, the Postmaster General shall submit the financial plan and budget for the applicable fiscal year as soon as practicable after the commencement of a control period (in accordance with guidelines established by the Authority).

(2) **ADOPTION BY POSTMASTER GENERAL.**—In accordance with the procedures applicable under section 222 (including procedures providing for review by the Authority) the Postmaster General shall adopt the financial plan and budget for the applicable fiscal year (including the transition budget incorporated in the financial plan and budget).

(3) **TRANSITION BUDGET AS TEMPORARY FINANCIAL PLAN AND BUDGET.**—Until the approval of the financial plan and budget for the applicable fiscal year by the Authority under this subsection, the transition budget established under subsection (a) shall serve as the financial plan and budget adopted under this subtitle for purposes of this Act (and any provision of law amended by this Act) for the applicable fiscal year.

SEC. 227. ASSISTANCE IN ACHIEVING FINANCIAL STABILITY, ETC.

In addition to any other actions described in this title, the Authority may undertake cooperative efforts to assist the Postal Service in achieving financial stability and management efficiency, including—

(1) assisting the Postal Service in avoiding defaults, eliminating and liquidating deficits, maintaining sound budgetary practices, and avoiding interruptions in the delivery of services;

(2) assisting the Postal Service in improving the delivery of services, the training and

effectiveness of personnel of the Postal Service, and the efficiency of management and supervision; and

(3) making recommendations to the President for transmission to Congress on changes to this Act or other Federal laws, or other actions of the Federal Government, which would assist the Postal Service in complying with an approved financial plan and budget under subtitle B.

SEC. 228. OBTAINING REPORTS.

The Authority may require the Postmaster General, the Chief Financial Officer of the Postal Service, and the Inspector General of the Postal Service, to prepare and submit such reports as the Authority considers appropriate to assist it in carrying out its responsibilities under this title, including submitting copies of any reports regarding revenues, expenditures, budgets, costs, plans, operations, estimates, and other financial or budgetary matters of the Postal Service.

SEC. 229. REPORTS AND COMMENTS.

(a) ANNUAL REPORTS TO CONGRESS.—Not later than 30 days after the last day of each fiscal year which is a control year, the Authority shall submit a report to Congress describing—

(1) the progress made by the Postal Service in meeting the objectives of this title during the fiscal year;

(2) the assistance provided by the Authority to the Postal Service in meeting the purposes of this title for the fiscal year; and

(3) any other activities of the Authority during the fiscal year.

(b) REVIEW AND ANALYSIS OF PERFORMANCE AND FINANCIAL ACCOUNTABILITY REPORTS.—The Authority shall review each yearly report prepared and submitted by the Postmaster General to the Postal Regulatory Commission and Congress and shall submit a report to Congress analyzing the completeness and accuracy of such reports.

(c) COMMENTS REGARDING ACTIVITIES OF POSTAL SERVICE.—At any time during a control period, the Authority may submit a report to Congress describing any action taken by the Postal Service (or any failure to act by the Postal Service) which the Authority determines will adversely affect the Postal Service's ability to comply with an approved financial plan and budget under subtitle B or will otherwise have a significant adverse impact on the best interests of the Postal Service.

(d) REPORTS ON EFFECT OF FEDERAL LAWS ON THE POSTAL SERVICE.—At any time during any year, the Authority may submit a report to the Postmaster General, the President, and Congress on the effect of laws enacted by Congress on the financial plan and budget for the year and on the financial stability and management efficiency of the Postal Service in general.

(e) MAKING REPORTS PUBLICLY AVAILABLE.—The Authority shall make any report submitted under this section available to the public, except to the extent that the Authority determines that the report contains confidential material.

Subtitle D—Termination of a Control Period

SEC. 231. TERMINATION OF CONTROL PERIOD, ETC.

(a) IN GENERAL.—After the completion of the requirements for the termination of a control period described in section 202(b)(4), the Authority shall submit a recommendation to Congress requesting the termination of such control period, the dissolution of the Authority, and the reinstatement to the Board of Governors (and the individual Governors) of the Postal Service of the authorities and responsibilities referred to in section 202(b)(2)(A).

(b) CONGRESSIONAL APPROVAL.—

(1) IN GENERAL.—A control period shall not be terminated unless a joint resolution ap-

proving of the recommendation in subsection (a) is enacted, in accordance with section 232, before the earlier of—

(A) the end of the 30-day period beginning on the date on which the Authority transmits the recommendation to Congress under subsection (a); or

(B) the adjournment of the Congress sine die for the session during which such recommendation is transmitted.

(2) DAYS OF SESSION.—For purposes of paragraph (1) and subsections (a) and (c) of section 232, the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of a period.

SEC. 232. CONGRESSIONAL CONSIDERATION OF RECOMMENDATION.

(a) TERMS OF THE RESOLUTION.—For purposes of this subtitle, the term “joint resolution” means only a joint resolution which is introduced within the 10-day period beginning on the date on which the recommendation referred to in section 231(a) is received by Congress—

(1) the matter after the resolving clause of which is as follows: “That Congress approves the recommendation of the Postal Service Financial Responsibility and Management Assistance Authority, submitted by such Authority on ____,” the blank space being filled in with the appropriate date;

(2) the title of which is as follows: “Joint resolution approving the recommendation of Postal Service Financial Responsibility and Management Assistance Authority.”; and

(3) which does not have a preamble.

(b) REFERRAL.—A resolution described in subsection (a) that is introduced in the House of Representatives or the Senate shall be referred to the appropriate committees of the House of Representatives or the Senate, respectively.

(c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the Authority transmits its recommendation to Congress under section 231(a) such committee shall, at the end of such period, be discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) CONSIDERATION.—

(1) IN GENERAL.—On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the re-

spective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—

(1) IN GENERAL.—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) DISPOSITION OF A RESOLUTION.—Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—POSTAL SERVICE WORKFORCE

SEC. 301. MODIFICATIONS RELATING TO DETERMINATION OF PAY COMPARABILITY.

(a) POSTAL POLICY.—The first sentence of section 101(c) is amended—

(1) by inserting “total” before “rates and types of compensation”; and

(2) by inserting “entire” before “private sector”.

(b) EMPLOYMENT POLICY.—The second sentence of section 1003(a) is amended—

(1) by inserting “total” before “compensation and benefits”; and

(2) by inserting “entire” before “private sector”.

(c) **CONSIDERATIONS.**—For purposes of the amendments made by this section, any determination of “total rates and types of compensation” or “total compensation and benefits” shall, at a minimum, take into account pay, health benefits, retirement benefits, life insurance benefits, leave, holidays, and continuity and stability of employment.

SEC. 302. LIMITATION ON POSTAL CONTRIBUTIONS UNDER FEGLI AND FEHBP.

Section 1003 is amended by adding at the end the following:

“(e)(1) At least 1 month before the start of each fiscal year as described in paragraph (2), the Postmaster General shall transmit to the Postal Regulatory Commission certification (together with such supporting documentation as the Postal Regulatory Commission may require) that contributions of the Postal Service for such fiscal year will not exceed—

“(A) in the case of life insurance under chapter 87 of title 5, the Government contributions determined under section 8708 of such title; and

“(B) in the case of health insurance under chapter 89 of title 5, the Government contributions determined under 8906 of such title.

“(2) This subsection applies with respect to—

“(A) except as provided in subparagraph (B), each fiscal year beginning after September 30, 2013; and

“(B) in the case of officers and employees of the Postal Service covered by a collective bargaining agreement which is in effect on the date of the enactment of this subsection—

“(i) each fiscal year beginning after the expiration date of such agreement, including

“(ii) for the fiscal year in which such expiration date occurs, any portion of such fiscal year remaining after such expiration date.

“(3)(A) If, after reasonable notice and opportunity for hearing is afforded to the Postal Service, the Postal Regulatory Commission finds that the contributions of the Postal Service for a fiscal year will exceed or are exceeding the limitation specified in subparagraph (A) or (B) of paragraph (1), the Commission shall order that the Postal Service take such action as the Commission considers necessary to achieve full and immediate compliance with the applicable limitation or limitations.

“(B) Sections 3663 and 3664 shall apply with respect to any order issued by the Postal Regulatory Commission under subparagraph (A).

“(C) Nothing in this paragraph shall be considered to permit the issuance of an order requiring reduction of contributions below the level specified by the provision of law cited in subparagraph (A) or (B) of paragraph (1), as applicable.”.

SEC. 303. REPEAL OF PROVISION RELATING TO OVERALL VALUE OF FRINGE BENEFITS.

The last sentence of section 1005(f) is repealed.

SEC. 304. APPLICABILITY OF REDUCTION-IN-FORCE PROCEDURES.

Section 1206 is amended by adding at the end the following:

“(d) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 1203, ratified after the date of enactment of this subsection, shall contain no provision restricting the applicability of reduction-in-force procedures under title 5 with respect to members of the applicable bargaining unit.

“(e) Any collective-bargaining agreement between the Postal Service and the bargaining representatives recognized under section 1203 ratified before the date of enactment of this Act that contain any provision violating subsection (d) shall be renegotiated with a new collective-bargaining agreement to be ratified or imposed through an arbitration decision under section 1207 within 9 months after such date of enactment.

“(f)(1) If a collective-bargaining agreement between the Postal Service and bargaining representatives recognized under section 1203, ratified after the date of enactment of this subsection, includes reduction-in-force procedures which can be applied in lieu of reduction-in-force procedures under title 5, the Postal Service may, in its discretion, apply with respect to members of the applicable bargaining unit—

“(A) the alternative procedures (or, if 2 or more are agreed to, 1 of the alternative procedures); or

“(B) the reduction-in-force procedures under title 5.

“(2) In no event may, if procedures for the resolution of a dispute or impasse arising in the negotiation of a collective-bargaining agreement (whether through binding arbitration or otherwise) are invoked under this chapter, the award or other resolution reached under such procedures provide for the elimination of, or the substitution of any alternative procedures in lieu of, reduction-in-force procedures under title 5.”.

SEC. 305. MODIFICATIONS RELATING TO COLLECTIVE BARGAINING.

Section 1207 is amended by striking subsections (c) and (d) and inserting the following:

“(c)(1) If no agreement is reached within 30 days after the appointment of a mediator under subsection (b), or if the parties decide upon arbitration before the expiration of the 30-day period, an arbitration board shall be established consisting of 1 member selected by the Postal Service (from the list under paragraph (2)), 1 member selected by the bargaining representative of the employees (from the list under paragraph (2)), and the mediator appointed under subsection (b).

“(2) Upon receiving a request from either of the parties referred to in paragraph (1), the Director of the Federal Mediation and Conciliation Service shall provide a list of not less than 9 individuals who are well qualified to serve as neutral arbitrators. Each person listed shall be an arbitrator of nationwide reputation and professional nature, a member of the National Academy of Arbitrators, and an individual whom the Director has determined to be willing and available to serve. If, within 7 days after the list is provided, either of the parties has not selected an individual from the list, the Director shall make the selection within 3 days.

“(3) The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may elect. The hearing shall be concluded no more than 40 days after the arbitration board is established.

“(4) No more than 7 days after the hearing is concluded, each party shall submit to the arbitration board 2 offer packages, each of which packages shall specify the terms of a proposed final agreement.

“(5) If no agreement is reached within 7 days after the last day date for the submission of an offer package under paragraph (4), each party shall submit to the arbitration board a single final offer package specifying the terms of a proposed final agreement.

“(6) No later than 3 days after the submission of the final offer packages under para-

graph (5), the arbitration board shall select 1 of those packages as its tentative award, subject to paragraph (7).

“(7)(A) The arbitration board may not select a final offer package under paragraph (6) unless it satisfies each of the following:

“(i) The offer complies with the requirements of sections 101(c) and 1003(a).

“(ii) The offer takes into account the current financial condition of the Postal Service.

“(iii) The offer takes into account the long-term financial condition of the Postal Service.

“(B)(i) If the board unanimously determines, based on clear and convincing evidence presented during the hearing under paragraph (3), that neither final offer package satisfies the conditions set forth in subparagraph (A), the board shall by majority vote—

“(I) select the package that best meets such conditions; and

“(II) modify the package so selected to the minimum extent necessary to satisfy such conditions.

“(ii) If modification (as described in subparagraph (B)(i)(II)) is necessary, the board shall have an additional 7 days to render its tentative award under this subparagraph.

“(8) The parties may negotiate a substitute award to replace the tentative award selected under paragraph (6) or rendered under paragraph (7) (as the case may be). If no agreement on a substitute award is reached within 10 days after the date on which the tentative award is so selected or rendered, the tentative award shall become final.

“(9) The arbitration board shall review any substitute award negotiated under paragraph (8) to determine if it satisfies the conditions set forth in paragraph (7)(A). If the arbitration board, by a unanimous vote taken within 3 days after the date on which the agreement on the substitute award is reached under paragraph (8), determines that the substitute award does not satisfy such conditions, the tentative award shall become final. In the absence of a vote, as described in the preceding sentence, the substitute agreement shall become final.

“(10) If, under paragraph (5), neither party submits a final offer package by the last day allowable under such paragraph, the arbitration board shall develop and issue a final award no later than 20 days after such last day.

“(11) A final award or agreement under this subsection shall be conclusive and binding upon the parties.

“(12) Costs of the arbitration board and mediation shall be shared equally by the Postal Service and the bargaining representative.

“(d) In the case of a bargaining unit whose recognized collective-bargaining representative does not have an agreement with the Postal Service, if the parties fail to reach agreement within 90 days after the commencement of collective bargaining, a mediator shall be appointed in accordance with the provisions of subsection (b), unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within 180 days after the commencement of collective bargaining, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the provisions of subsection (c).”.

TITLE IV—FEDERAL EMPLOYEE'S COMPENSATION ACT

SEC. 401. SHORT TITLE; REFERENCES.

(a) **SHORT TITLE.**—This title may be cited as the “Workers’ Compensation Reform Act of 2012”.

(b) **REFERENCES.**—Except as otherwise expressly provided, whenever in this title an

amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 5, United States Code.

SEC. 402. FEDERAL WORKERS COMPENSATION REFORMS FOR RETIREMENT-AGE EMPLOYEES.

(a) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

(1) DEFINITIONS.—Section 8101 is amended

(A) in paragraph (18), by striking “and” at the end;

(B) in paragraph (19), by striking “and” at the end;

(C) in paragraph (20), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(21) ‘retirement age’ has the meaning given that term under section 216(1)(1) of the Social Security Act (42 U.S.C. 416(1)(1));

“(22) ‘covered claim for total disability’ means a claim for a period of total disability that commenced before the date of enactment of the Workers’ Compensation Reform Act of 2012;

“(23) ‘covered claim for partial disability’ means a claim for a period of partial disability that commenced before the date of enactment of the Workers’ Compensation Reform Act of 2012; and

“(24) ‘individual who has an exempt disability condition’ means an individual—

“(A) who—

“(i) is eligible to receive continuous periodic compensation for total disability under section 8105 on the date of enactment of the Workers’ Compensation Reform Act of 2012; and

“(ii) meets the criteria under 8105(c);

“(B) who, on the date of enactment of the Workers’ Compensation Reform Act of 2012—

“(i) is eligible to receive continuous periodic compensation for total disability under section 8105; and

“(ii) has sustained a currently irreversible severe mental or physical disability for which the Secretary of Labor has authorized, for at least the 1 year period ending on the date of enactment of the Workers’ Compensation Reform Act of 2012, constant in-home care or custodial care, such as in placement in a nursing home; or

“(C) who is eligible to receive continuous periodic compensation for total disability under section 8105—

“(i) for not less than the 3-year period ending on the date of enactment of the Workers’ Compensation Reform Act of 2012; or

“(ii) if the individual became eligible to receive continuous periodic compensation for total disability under section 8105 during the period beginning on the date that is 3 years before the date of enactment of the Workers’ Compensation Reform Act of 2012 and ending on such date of enactment, for not less than the 3-year period beginning on the date on which the individual became eligible.”

(2) TOTAL DISABILITY.—Section 8105 is amended—

(A) in subsection (a), by striking “If” and inserting “IN GENERAL.—Subject to subsection (b), if”;

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

“(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for total disability for an employee who has attained retirement age shall be 50 percent of the monthly pay of the employee.

“(2) EXCEPTIONS.—

“(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE OR HAVE AN EXEMPT DISABILITY CONDITION.—Paragraph (1) shall not apply to a

covered claim for total disability by an employee if the employee—

“(i) on the date of enactment of the Workers’ Compensation Reform Act of 2012, has attained retirement age; or

“(ii) is an individual who has an exempt disability condition.

“(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for total disability by an employee who is not an employee described in subparagraph (A), the employee shall receive the basic compensation for total disability provided under subsection (a) until the later of—

“(i) the date on which the employee attains retirement age; and

“(ii) the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2012.”

(3) PARTIAL DISABILITY.—Section 8106 is amended—

(A) in subsection (a), by striking “If” and inserting “IN GENERAL.—Subject to subsection (b), if”;

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

“(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for partial disability for an employee who has attained retirement age shall be 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability.

“(2) EXCEPTIONS.—

“(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE.—Paragraph (1) shall not apply to a covered claim for partial disability by an employee if, on the date of enactment of the Workers’ Compensation Reform Act of 2012, the employee has attained retirement age.

“(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for partial disability by an employee who is not an employee described in subparagraph (A), the employee shall receive basic compensation for partial disability in accordance with subsection (a) until the later of—

“(i) the date on which the employee attains retirement age; and

“(ii) the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2012.”

SEC. 403. AUGMENTED COMPENSATION FOR DEPENDENTS.

(a) IN GENERAL.—Section 8110 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b) TERMINATION OF AUGMENTED COMPENSATION.—

“(1) IN GENERAL.—Subject to paragraph (2), augmented compensation for dependants under subsection (c) shall not be provided.

“(2) EXCEPTIONS.—

“(A) TOTAL DISABILITY.—For a covered claim for total disability by an employee—

“(i) the employee shall receive augmented compensation under subsection (c) if the employee is an individual who has an exempt disability condition; and

“(ii) the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2012 if the employee is not an employee described in clause (i).

“(B) PARTIAL DISABILITY.—For a covered claim for partial disability by an employee, the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of

the Workers’ Compensation Reform Act of 2012.

“(C) PERMANENT DISABILITY COMPENSATED BY A SCHEDULE.—For a claim for a permanent disability described in section 8107(a) by an employee that commenced before the date of enactment of the Workers’ Compensation Reform Act of 2012, the employee shall receive augmented compensation under subsection (c).”

(b) MAXIMUM AND MINIMUM MONTHLY PAYMENTS.—Section 8112 is amended—

(1) in subsection (a)—

(A) by inserting “subsections (b) and (c) and” before “section 8138”;

(B) by striking “including augmented compensation under section 8110 of this title but”; and

(C) by striking “75 percent” each place it appears and inserting “66 ⅔ percent”;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

“(b) EXCEPTIONS.—

“(1) COVERED DISABILITY CONDITION.—For a covered claim for total disability by an employee, if the employee is an individual who has an exempt disability condition—

“(A) the monthly rate of compensation for disability that is subject to the maximum and minimum monthly amounts under subsection (a) shall include any augmented compensation under section 8110; and

“(B) subsection (a) shall be applied by substituting ‘75 percent’ for ‘66 ⅔ percent’ each place it appears.

“(2) PARTIAL DISABILITY.—For a covered claim for partial disability by an employee, until the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2012—

“(A) the monthly rate of compensation for disability that is subject to the maximum and minimum monthly amounts under subsection (a) shall include any augmented compensation under section 8110; and

“(B) subsection (a) shall be applied by substituting ‘75 percent’ for ‘66 ⅔ percent’ each place it appears.”; and

(4) in subsection (c), as redesignated by paragraph (2), by striking “subsection (a)” and inserting “subsections (a) and (b)”.

(c) DEATH BENEFITS GENERALLY.—Section 8133 is amended—

(1) in subsections (a) and (e), by striking “75 percent” each place it appears and inserting “66 ⅔ percent (except as provided in subsection (g))”; and

(2) by adding at the end the following:

“(g) If the death occurred before the date of enactment of the Workers’ Compensation Reform Act of 2012, subsections (a) and (e) shall be applied by substituting ‘75 percent’ for ‘66 ⅔ percent’ each place it appears.”

(d) DEATH BENEFITS FOR CIVIL AIR PATROL VOLUNTEERS.—Section 8141 is amended—

(1) in subsection (b)(2)(B) by striking “75 percent” and inserting “66 ⅔ percent (except as provided in subsection (c))”; and

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

“(c) If the death occurred before the date of enactment of the Workers’ Compensation Reform Act of 2012, subsection (b)(2)(B) shall be applied by substituting ‘75 percent’ for ‘66 ⅔ percent’.”

SEC. 404. SCHEDULE COMPENSATION PAYMENTS.

Section 8107 is amended—

(1) in subsection (a), by striking “at the rate of 66 2/3 percent of his monthly pay” and inserting “at the rate specified under subsection (d)”; and

(2) by adding at the end the following:

“(d) RATE FOR COMPENSATION.—

“(1) ANNUAL SALARY.—

“(A) IN GENERAL.—Except as provided in paragraph (2), the rate under subsection (a) shall be the rate of 66 ⅔ percent of the annual salary level established under subparagraph (B), in a lump sum equal to the present value (as calculated under subparagraph (C)) of the amount of compensation payable under the schedule.

“(B) ESTABLISHMENT.—

“(i) IN GENERAL.—The Secretary of Labor shall establish an annual salary for purposes of subparagraph (A) in the amount the Secretary determines will result in the aggregate cost of payments made under this section being equal to what would have been the aggregate cost of payments under this section if the amendments made by section 304(a) of the Workers' Compensation Reform Act of 2012 had not been enacted.

“(ii) COST OF LIVING ADJUSTMENT.—The annual salary established under clause (i) shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.

“(C) PRESENT VALUE.—The Secretary of Labor shall calculate the present value for purposes of subparagraph (A) using a rate of interest equal to the average market yield for outstanding marketable obligations of the United States with a maturity of 2 years on the first business day of the month in which the compensation is paid or, in the event that such marketable obligations are not being issued on such date, at an equivalent rate selected by the Secretary of Labor, true discount compounded annually.

“(2) CERTAIN INJURIES.—For an injury that occurred before the date of enactment of the Workers' Compensation Reform Act of 2012, the rate under subsection (a) shall be 66 ⅔ percent of the employee's monthly pay.

“(e) SIMULTANEOUS RECEIPT.—

“(1) TOTAL DISABILITY.—An employee who receives compensation for total disability under section 8105 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for total disability after the later of—

“(A) the date on which the basic compensation for total disability of the employee becomes 50 percent of the monthly pay of the employee under section 8105(b); or

“(B) the date on which augmented compensation of the employee terminates under section 8110(b)(2)(A)(i), if the employee receives such compensation.

“(2) PARTIAL DISABILITY.—An employee who receives benefits for partial disability under section 8106 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for partial disability after the later of—

“(A) the date on which the basic compensation for partial disability of the employee becomes 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability under section 8106(b); or

“(B) the date on which augmented compensation of the employee terminates under section 8110(b)(2)(B), if the employee receives such compensation.”

SEC. 405. VOCATIONAL REHABILITATION.

(a) IN GENERAL.—Section 8104 is amended—

(1) in subsection (a)—

(A) by striking “(a) The Secretary of Labor may” and all that follows through “undergo vocational rehabilitation.” and inserting the following:

“(a) IN GENERAL.—

“(1) DIRECTION.—Except as provided in paragraph (2), not earlier than the date that is 6 months after the date on which an individual eligible for wage-loss compensation under section 8105 or 8106 is injured, or by such other date as the Secretary of Labor determines it would be reasonable under the circumstances for the individual to begin vocational rehabilitation, and if vocational rehabilitation may enable the individual to become capable of more gainful employment, the Secretary of Labor shall direct the individual to participate in developing a comprehensive return to work plan and to undergo vocational rehabilitation at a location a reasonable distance from the residence of the individual.”

(B) by striking “the Secretary of Health, Education, and Welfare in carrying out the purposes of chapter 4 of title 29” and inserting “the Secretary of Education in carrying out the purposes of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.)”;

(C) by striking “under section 32(b)(1) of title 29” and inserting “under section 5 of the Rehabilitation Act of 1973 (29 U.S.C. 704)”;

(D) by adding at the end the following:

“(2) EXCEPTION.—The Secretary of Labor may not direct an individual who has attained retirement age to participate in developing a comprehensive return to work plan or to undergo vocational rehabilitation.”

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

“(b) CONTENTS OF RETURN TO WORK PLAN.—A return to work plan developed under subsection (a)—

“(1) shall—

“(A) set forth specific measures designed to increase the wage-earning capacity of an individual;

“(B) take into account the prior training and education of the individual and the training, educational, and employment opportunities reasonably available to the individual; and

“(C) provide that any employment undertaken by the individual under the return to work plan be at a location a reasonable distance from the residence of the individual;

“(2) may provide that the Secretary will pay out of amounts in the Employees' Compensation Fund reasonable expenses of vocational rehabilitation (which may include tuition, books, training fees, supplies, equipment, and child or dependent care) during the course of the plan; and

“(3) may not be for a period of more than 2 years, unless the Secretary finds good cause to grant an extension, which may be for not more than 2 years.”

(4) in subsection (c), as so redesignated—

(A) by inserting “COMPENSATION.—” before “Notwithstanding”; and

(B) by striking “, other than employment undertaken pursuant to such rehabilitation”; and

(5) by adding at the end the following:

“(d) ASSISTED REEMPLOYMENT AGREEMENTS.—

“(1) IN GENERAL.—The Secretary may enter into an assisted reemployment agreement with an agency or instrumentality of any branch of the Federal Government or a State or local government or a private employer that employs an individual eligible for wage-loss compensation under section 8105 or 8106 to enable the individual to return to productive employment.

“(2) CONTENTS.—An assisted reemployment agreement under paragraph (1)—

“(A) may provide that the Secretary will use amounts in the Employees' Compensation

Fund to reimburse an employer in an amount equal to not more than 100 percent of the compensation the individual would otherwise receive under section 8105 or 8106; and

“(B) may not be for a period of more than 3 years.

“(e) LIST.—To facilitate the hiring of individuals eligible for wage-loss compensation under section 8105 or 8106, the Secretary shall provide a list of such individuals to the Office of Personnel Management, which the Office of Personnel Management shall provide to all agencies and instrumentalities of the Federal Government.”

(b) TERMINATION OF VOCATIONAL REHABILITATION REQUIREMENT AFTER RETIREMENT AGE.—Section 8113(b) is amended by adding at the end the following: “An individual who has attained retirement age may not be required to undergo vocational rehabilitation.”

(c) MANDATORY BENEFIT REDUCTION FOR NONCOMPLIANCE.—Section 8113(b) is amended by striking “may reduce” and inserting “shall reduce”.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subchapter III of chapter 15 of title 31, United States Code, is amended by adding at the end the following:

“§ 1538. Authorization for assisted reemployment

“Funds may be transferred from the Employees' Compensation Fund established under section 8147 of title 5 to the applicable appropriations account for an agency or instrumentality of any branch of the Federal Government for the purposes of reimbursing the agency or instrumentality in accordance with an assisted reemployment agreement entered into under section 8104 of title 5.”

(2) TABLE OF SECTIONS.—The table of sections for chapter 15 of title 31, United States Code, is amended by inserting after the item relating to section 1537 the following:

“1538. Authorization for assisted reemployment.”

SEC. 406. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Chapter 81 is amended by inserting after section 8106 the following:

“§ 8106a. Reporting requirements

“(a) DEFINITION.—In this section, the term ‘employee receiving compensation’ means an employee who—

“(1) is paid compensation under section 8105 or 8106; and

“(2) has not attained retirement age.

“(b) AUTHORITY.—The Secretary of Labor shall require an employee receiving compensation to report the earnings of the employee receiving compensation from employment or self-employment, by affidavit or otherwise, in the manner and at the times the Secretary specifies.

“(c) CONTENTS.—An employee receiving compensation shall include in a report required under subsection (a) the value of housing, board, lodging, and other advantages which are part of the earnings of the employee receiving compensation in employment or self-employment and the value of which can be estimated.

“(d) FAILURE TO REPORT AND FALSE REPORTS.—

“(1) IN GENERAL.—An employee receiving compensation who fails to make an affidavit or other report required under subsection (b) or who knowingly omits or understates any part of the earnings of the employee in such an affidavit or other report shall forfeit the right to compensation with respect to any period for which the report was required.

“(2) FORFEITED COMPENSATION.—Compensation forfeited under this subsection, if already paid to the employee receiving compensation, shall be recovered by a deduction

from the compensation payable to the employee or otherwise recovered under section 8129, unless recovery is waived under that section.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—The table of sections for chapter 81 is amended by inserting after the item relating to section 8106 the following:

“8106a. Reporting requirements.”.

SEC. 407. DISABILITY MANAGEMENT REVIEW; INDEPENDENT MEDICAL EXAMINATIONS.

Section 8123 is amended by adding at the end the following:

“(e) **DISABILITY MANAGEMENT REVIEW.**—

“(1) **DEFINITIONS.**—In this subsection—

“(A) the term ‘covered employee’ means an employee who is in continuous receipt of compensation for total disability under section 8105 for a period of not less than 6 months; and

“(B) the term ‘disability management review process’ means the disability management review process established under paragraph (2)(A).

“(2) **ESTABLISHMENT.**—The Secretary of Labor shall—

“(A) establish a disability management review process for the purpose of certifying and monitoring the disability status and extent of injury of each covered employee; and

“(B) promulgate regulations for the administration of the disability management review process.

“(3) **PHYSICAL EXAMINATIONS REQUIRED.**—Under the disability management review process, the Secretary of Labor shall periodically require covered employees to submit to physical examinations under subsection (a) by physicians selected by the Secretary. A physician conducting a physical examination of a covered employee shall submit to the Secretary a report regarding the nature and extent of the injury to and disability of the covered employee.

“(4) **FREQUENCY.**—

“(A) **IN GENERAL.**—The regulations promulgated under paragraph (2)(B) shall specify the process and criteria for determining when and how frequently a physical examination should be conducted for a covered employee.

“(B) **MINIMUM FREQUENCY.**—

“(i) **INITIAL.**—An initial physical examination shall be conducted not more than a brief period after the date on which a covered employee has been in continuous receipt of compensation for total disability under section 8105 for 6 months.

“(ii) **SUBSEQUENT EXAMINATIONS.**—After the initial physical examination, physical examinations of a covered employee shall be conducted not less than once every 3 years.

“(5) **EMPLOYING AGENCY OR INSTRUMENTALITY REQUESTS.**—

“(A) **IN GENERAL.**—The agency or instrumentality employing an employee who has made a claim for compensation for total disability under section 8105 may at any time submit a request for the Secretary of Labor to promptly require the employee to submit to a physical examination under this subsection.

“(B) **REQUESTING OFFICER.**—A request under subparagraph (A) shall be made on behalf of an agency or instrumentality by—

“(i) the head of the agency or instrumentality;

“(ii) the Chief Human Capital Officer of the agency or instrumentality; or

“(iii) if the agency or instrumentality does not have a Chief Human Capital Officer, an officer with responsibilities similar to those of a Chief Human Capital Officer designated by the head of the agency or instrumentality to make requests under this paragraph.

“(C) **INFORMATION.**—A request under subparagraph (A) shall be in writing and accompanied by—

“(i) a certification by the officer making the request that the officer has reviewed the relevant material in the employee’s file;

“(ii) an explanation of why the officer has determined, based on the materials in the file and other information known to the officer, that requiring a physical examination of the employee under this subsection is necessary; and

“(iii) copies of the materials relating to the employee that are relevant to the officer’s determination and request, unless the agency or instrumentality has a reasonable basis for not providing the materials.

“(D) **EXAMINATION.**—If the Secretary of Labor receives a request under this paragraph before an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall promptly require the physical examination of the employee. A physical examination under this subparagraph shall satisfy the requirement under paragraph (4)(B)(i) that an initial physical examination be conducted.

“(E) **AFTER INITIAL EXAMINATION.**—

“(i) **IN GENERAL.**—If the Secretary of Labor receives a request under this paragraph after an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall—

“(I) review the request and the information, explanation, and other materials submitted with the request; and

“(II) determine whether to require the physical examination of the employee who is the subject of the request.

“(ii) **NOT GRANTED.**—If the Secretary determines not to grant a request described in clause (i), the Secretary shall promptly notify the officer who made the request and provide an explanation of the reasons why the request was denied.”.

SEC. 408. WAITING PERIOD.

(a) **IN GENERAL.**—Section 8117 is amended—

(1) in the section heading, by striking “**Time of accrual of right**” and inserting “**Waiting period**”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “An employee” and all that follows through “is not entitled” and inserting “**IN GENERAL.**—An employee is not entitled to continuation of pay within the meaning of section 8118 for the first 3 days of temporary disability or, if section 8118 does not apply, is not entitled”;

(B) in paragraph (1), by adding “or” at the end;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2); and

(3) in subsection (b)—

(A) by striking “A Postal Service” the first place it appears and all that follows through “A Postal Service” the second place it appears and inserting “**USE OF LEAVE.—**An”;

(B) by striking “that 3-day period” and inserting “the first 3 days of temporary disability”; and

(C) by striking “or is followed by permanent disability”.

(b) **CONTINUATION OF PAY.**—Section 8118 is amended—

(1) in the section heading, by striking “; **election to use annual or sick leave**”;

(2) in subsection (b)(1), by striking “section 8117(b)” and inserting “section 8117”;

(3) by striking subsection (c); and

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—The table of sections for chapter 81 is amended by striking the items relating to

sections 8117 and 8118 and inserting the following:

“8117. Waiting period.

“8118. Continuation of pay.”.

SEC. 409. ELECTION OF BENEFITS.

(a) **IN GENERAL.**—Section 8116 is amended by adding at the end the following:

“(e) **RETIREMENT BENEFITS.**—

“(1) **IN GENERAL.**—An individual entitled to compensation benefits payable under this subchapter and under chapter 83 or 84 or any other retirement system for employees of the Government, for the same period, shall elect which benefits the individual will receive.

“(2) **ELECTION.**—

“(A) **DEADLINE.**—An individual shall make an election under paragraph (1) in accordance with such deadlines as the Secretary of Labor shall establish.

“(B) **REVOCABILITY.**—An election under paragraph (1) shall be revocable, notwithstanding any other provision of law, except for any period during which an individual—

“(i) was qualified for benefits payable under both this subchapter and under a retirement system described in paragraph (1); and

“(ii) was paid benefits under the retirement system after having been notified of eligibility for benefits under this subchapter.

“(3) **INFORMED CHOICE.**—The Secretary of Labor shall provide information, and shall ensure that information is provided, to an individual described in paragraph (1) about the benefits available to the individual under this subchapter or under chapter 83 or 84 or any other retirement system referred to in paragraph (1) the individual may elect to receive.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—Sections 8337(f)(3) and 8464a(a)(3) are each amended by striking “Paragraphs” and inserting “Except as provided under chapter 81, paragraphs”.

SEC. 410. SANCTION FOR NONCOOPERATION WITH FIELD NURSES.

Section 8123, as amended by section 307, is amended by adding at the end the following:

“(f) **FIELD NURSES.**—

“(1) **DEFINITION.**—In this subsection, the term ‘field nurse’ means a registered nurse that assists the Secretary in the medical management of disability claims under this subchapter and provides claimants with assistance in coordinating medical care.

“(2) **AUTHORIZATION.**—The Secretary may use field nurses to coordinate medical services and vocational rehabilitation programs for injured employees under this subchapter. If an employee refuses to cooperate with a field nurse or obstructs a field nurse in the performance of duties under this subchapter, the right to compensation under this subchapter shall be suspended until the refusal or obstruction stops.”.

SEC. 411. SUBROGATION OF CONTINUATION OF PAY.

(a) **IN GENERAL.**—Section 8131 is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting “continuation of pay or” before “compensation”; and

(2) in subsection (b), by inserting “continuation of pay” before compensation; and

(3) in subsection (c)—

(A) by inserting “continuation of pay or” before “compensation already paid”; and

(B) by inserting “continuation of pay or” before “compensation payable”.

(b) **ADJUSTMENT AFTER RECOVERY FROM A THIRD PERSON.**—Section 8132 is amended—

(1) in the first sentence—

(A) by inserting “continuation of pay or” before “compensation is payable”; and

(B) by inserting “continuation of pay or” before “compensation from the United States”;

(C) by striking “by him or in his behalf” and inserting “by the beneficiary or on behalf of the beneficiary”;

(D) by inserting “continuation of pay and” before “compensation paid by the United States”; and

(E) by striking “compensation payable to him” and inserting “continuation of pay or compensation payable to the beneficiary”;

(2) in the second sentence, by striking “his designee” and inserting “the designee of the beneficiary”; and

(3) in the fourth sentence, by striking “If compensation” and all that follows through “payable to him by the United States” and inserting “If continuation of pay or compensation has not been paid to the beneficiary, the money or property shall be credited against continuation of pay or compensation payable to the beneficiary by the United States”.

SEC. 412. SOCIAL SECURITY EARNINGS INFORMATION.

Section 8116, as amended by section 308, is amended by adding at the end the following:

“(f) EARNINGS INFORMATION.—Notwithstanding section 552a or any other provision of Federal or State law, the Social Security Administration shall make available to the Secretary of Labor, upon written request, the Social Security earnings information of a living or deceased employee who may have sustained an injury or died as a result of an injury that is the subject of a claim under this subchapter required by the Secretary of Labor to carry out this subchapter.”.

SEC. 413. AMOUNT OF COMPENSATION.

(a) INJURIES TO FACE, HEAD, AND NECK.—Section 8107(c)(21) is amended—

(1) by striking “not to exceed \$3,500” and inserting “in proportion to the severity of the disfigurement, not to exceed \$50,000”; and

(2) by adding at the end the following: “The maximum amount of compensation under this paragraph shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.”.

(b) FUNERAL EXPENSES.—Section 8134(a) is amended—

(1) by striking “\$800” and inserting “\$6,000”; and

(2) by adding at the end the following: “The maximum amount of compensation under this subsection shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.”.

(c) APPLICATION.—The amendments made by this section shall apply to injuries or deaths, respectively, occurring on or after the date of enactment of this Act.

SEC. 414. TECHNICAL AND CONFORMING AMENDMENTS.

Chapter 81 is amended—

(1) in section 8101(1)(D), by inserting “for an injury that occurred before the effective date of section 204(e) of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93-198; 87 Stat. 783; 5 U.S.C. 8101 note)” before the semicolon;

(2) in section 8139, by inserting “under this subchapter” after “Compensation awarded”; and

(3) in section 8148(a), by striking “section 8106” and inserting “section 8106a”.

SEC. 415. REGULATIONS.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Secretary of Labor shall promulgate regulations (which may include interim final regulations) to carry out this title.

(b) CONTENTS.—The regulations promulgated under subsection (a) shall include, for purposes of the amendments made by sections 302 and 303, clarification of—

(1) what is a claim; and

(2) what is the date on which a period of disability, for which a claim is made, commences.

TITLE V—POSTAL SERVICE REVENUE

SEC. 501. ADEQUACY, EFFICIENCY, AND FAIRNESS OF POSTAL RATES.

(a) IN GENERAL.—Section 3622(d) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (B) through (E) as subparagraph (D) through (G), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) subject to the limitation under subparagraph (A), establish postal rates to fulfill the requirement that each market-dominant class, product, and type of mail service (except for an experimental product or service) bear the direct and indirect postal costs attributable to such class, product, or type through reliably identified causal relationships plus that portion of all other costs of the Postal Service reasonably assignable to such class, product, or type;

“(C) establish postal rates for each group of functionally equivalent agreements between the Postal Service and users of the mail that—

“(i) cover attributable cost; and

“(ii) improve the net financial position of the Postal Service;

for purposes of this subparagraph, a group of functionally equivalent agreements shall consist of all service agreements that are functionally equivalent to each other within the same market-dominant product, but shall not include agreements within an experimental product;”;

(2) by adding at the end the following:

“(4) PRC STUDY.—

“(A) IN GENERAL.—Within 90 days after the end of the first fiscal year beginning after the date of enactment of the Postal Reform Act of 2012, the Postal Regulatory Commission shall complete a study to determine the quantitative impact of the Postal Service’s excess capacity on the direct and indirect postal costs attributable to any class that bears less than 100 percent of its costs attributable (as described in paragraph (1)(B)), according to the most recent annual determination of the Postal Regulatory Commission under section 3653.

“(B) REQUIREMENTS.—The study required under subparagraph (A) shall—

“(i) be conducted pursuant to regulations that the Postal Regulatory Commission shall prescribe within 90 days after the date of enactment of the Postal Reform Act of 2012, taking into account existing regulations for proceedings to improve the quality, accuracy, or completeness of ratemaking information under section 3652(e)(2) in effect on such date; and

“(ii) for any year in which any class of mail bears less than 100 percent of its costs attributable (as described in paragraph (1)(B)), be updated annually by the Postal Service and included in its annual report to the Commission under section 3652, using such methodologies as the Commission shall by regulation prescribe.

“(5) ADDITIONAL RATES.—Starting not earlier than 12 months and not later than 18 months after the date on which the first

study described in paragraph (4) is completed, and at least once in each subsequent 12-month period, the Postal Service shall establish postal rates for each loss-making class of mail to eliminate such losses (other than those caused by the Postal Service’s excess capacity) by exhausting all unused rate authority as well as maximizing incentives to reduce costs and increase efficiency, subject to the following:

“(A) The term ‘loss-making’, as used in this paragraph with respect to a class of mail, means a class of mail that bears less than 100 percent of its costs attributable (as described in paragraph (1)(B)), according to the most recent annual determination of the Postal Regulatory Commission under section 3653, adjusted to account for the quantitative effect of excess capacity on the costs attributable of the class (as described in paragraph (1)(C)).

“(B) Unused rate authority shall be annually increased by 2 percent for each class of mail that bears less than 90 percent of its costs attributable (as described in paragraph (1)(B)), according to the most recent annual determination of the Postal Regulatory Commission under section 3653, adjusted to account for the quantitative effect of excess capacity on the costs attributable of the class (as described in paragraph (1)(C)), with such increase in unused rate authority to take effect 30 days after the date that the Commission issues such determination.”.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 3622(c)(10) is amended to read as follows:

“(A) improve the net financial position of the Postal Service through reducing Postal Service costs or increasing the overall contribution to the institutional costs of the Postal Service; and”.

(c) EXCEPTION.—Section 3622(d) is amended by adding at the end the following:

“(4) EXCEPTION.—The requirements of paragraph (1)(B) shall not apply to a market-dominant product for which a substantial portion of the product’s mail volume consists of inbound international mail with terminal dues rates determined by the Universal Postal Union (and not by bilateral agreements or other arrangements).”.

SEC. 502. REPEAL OF RATE PREFERENCES FOR QUALIFIED POLITICAL COMMITTEES.

Subsection (e) of section 3626 is repealed.

SEC. 503. STREAMLINED REVIEW OF QUALIFYING SERVICE AGREEMENTS FOR COMPETITIVE PRODUCTS.

Section 3633 is amended by adding at the end the following:

“(c) STREAMLINED REVIEW.—Within 90 days after the date of the enactment of this subsection, after notice and opportunity for public comment, the Postal Regulatory Commission shall promulgate (and may from time to time thereafter revise) regulations for streamlined after-the-fact review of new agreements between the Postal Service and users of the mail that provide rates not of general applicability for competitive products, and are functionally equivalent to existing agreements that have collectively covered attributable costs and collectively improved the net financial position of the Postal Service. Streamlined review will be concluded within 5 working days after the agreement is filed with the Commission and shall be limited to approval or disapproval of the agreement as a whole based on the Commission’s determination of its functional equivalence. Agreements not approved may be resubmitted without prejudice under section 3632(b)(3).”.

SEC. 504. SUBMISSION OF SERVICE AGREEMENTS FOR STREAMLINED REVIEW.

Section 3632(b) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting paragraph (3) the following:
 “(4) **RATES FOR STREAMLINED REVIEW.**—In the case of rates not of general applicability for competitive products that the Postmaster General considers eligible for streamlined review under section 3633(c), the Postmaster General shall cause each agreement to be filed with the Postal Regulatory Commission by such date, on or before the effective date of any new rate, as the Postmaster General considered appropriate.”

SEC. 505. TRANSPARENCY AND ACCOUNTABILITY FOR SERVICE AGREEMENTS.

Section 3653 is amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (b) the following:

“(c) Each annual written determination of the Commission under section 3653 shall include the following written determinations:

“(1) whether each product covered its costs, and if it did not, the determination shall state that such product is in non-compliance under section 3653(c); and

“(2) for each group of functionally equivalent agreements between the Postal Service and users of the mail, whether it fulfilled requirements to—

“(A) cover attributable costs; and

“(B) improve the net financial position of the Postal Service.

“(3) Any group of functionally equivalent agreements (as referred to in subparagraph (B)) not meeting subparagraphs (A) and (B) of paragraph (2) shall be determined to be in noncompliance under this subsection.

“(4) For purposes of this subsection, a group of functionally equivalent agreements (as referred to in paragraph (2)) shall consist of all service agreements that are functionally equivalent to each other within the same market-dominant or competitive product, but shall not include agreements within an experimental product.”

SEC. 506. NONPOSTAL SERVICES.

(a) **NONPOSTAL SERVICES.**—

(1) **IN GENERAL.**—Part IV is amended by adding after chapter 36 the following:

“CHAPTER 37—NONPOSTAL SERVICES

“Sec.

“3701. Purpose.

“3702. Definitions.

“3703. Postal Service advertising program.

“3704. Postal Service program for State governments.

“3705. Postal Service program for other government agencies.

“3706. Transparency and accountability for nonpostal services.

“§ 3701. Purpose

“This chapter is intended to enable the Postal Service to increase its net revenues through specific nonpostal products and services that are expressly authorized by this chapter. Postal Service revenues and expenses under this chapter shall be funded through the Postal Service Fund.

“§ 3702. Definitions

“As used in this chapter—

“(1) the term ‘nonpostal services’ is limited to services offered by the Postal Service that are expressly authorized by this chapter and are not postal products or services;

“(2) the term ‘Postal Service advertising program’ means a program, managed by the Postal Service, by which the Postal Service receives revenues from entities which advertise at Postal Service facilities and on Postal Service vehicles;

“(3) the term ‘Postal Service program for State governments’ means a program, managed by the Postal Service, by which the Postal Service receives revenue from State governments (including their agencies) for

providing services on their behalf at Postal Service facilities;

“(4) the term ‘attributable costs’ means costs attributable, as defined in section 3631; and

“(5) the term ‘year’ means a fiscal year.

“§ 3703. Postal Service advertising program

“Notwithstanding any other provision of this title, the Postal Service may establish and manage a program that allows entities to advertise at Postal Service facilities and on Postal Service vehicles. Such a program shall be subject to the following requirements:

“(1) The Postal Service shall at all times ensure advertising it permits is consistent with the integrity of the Postal Service.

“(2) Any advertising program is required to cover a minimum of 200 percent of its attributable costs in each year.

“(3) All advertising expenditures and revenues are subject to annual compliance determination (including remedies for noncompliance) applicable to nonpostal products.

“(4) Total advertising expenditures and revenues must be disclosed in Postal Service annual reports.

“§ 3704. Postal Service program for State governments

“(a) **IN GENERAL.**—Notwithstanding any other provision of this title, the Postal Service may establish a program to provide services for agencies of State governments within the United States, but only if such services—

“(1) shall provide enhanced value to the public, such as by lowering the cost or raising the quality of such services or by making such services more accessible;

“(2) do not interfere with or detract from the value of postal services, including—

“(A) the cost and efficiency of postal services; and

“(B) access to postal retail service, such as customer waiting time and access to parking; and

“(3) provide a reasonable contribution to the institutional costs of the Postal Service, defined as reimbursement for each service and to each agency covering at least 150 percent of the attributable costs of such service in each year.

“(b) **PUBLIC NOTICE.**—At least 90 days before offering any services under this section, the Postal Service shall make each agreement with State agencies readily available to the public on its website, including a business plan that describes the specific services to be provided, the enhanced value to the public, terms of reimbursement, the estimated annual reimbursement to the Postal Service, and the estimated percentage of attributable Postal Service costs that will be covered by reimbursement (with documentation to support these estimates). The Postal Service shall solicit public comment for at least 30 days, with comments posted on its website, followed by its written response posted on its website at least 30 days before offering such services.

“(c) **APPROVAL REQUIRED.**—The Governors of the Postal Service shall approve the provision of services under this section by a recorded vote, with at least $\frac{2}{3}$ of its membership voting for approval, with the vote publicly disclosed on the Postal Service website.

“(d) **CLASSIFICATION OF SERVICES.**—All services for a given agency provided under this section shall be classified as a separate activity subject to the requirements of annual reporting under section 3706. Such reporting shall also include information on the quality of service and related information to demonstrate that it satisfied the requirements of subsection (a). Information provided under this section shall be according to requirements that the Postal Regulatory Commission shall by regulation prescribe.

“(e) **DEFINITIONS.**—For the purpose of this section—

“(1) the term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States; and

“(2) the term ‘United States’, when used in a geographical sense, means the States.

“§ 3705. Postal Service program for other government agencies

“(a) **IN GENERAL.**—The Postal Service may establish a program to provide property and services for other government agencies within the meaning of section 411, but only if such program provides a reasonable contribution to the institutional costs of the Postal Service, defined as reimbursement by each agency that covers at least 100 percent of the attributable costs of all property and service provided by the Postal Service in a each year to such agency.

“(b) **CLASSIFICATION OF SERVICES.**—For each agency, all property and services provided by the Postal Service under this section shall be classified as a separate activity subject to the requirements of annual reporting under section 3706. Information provided under this section shall be according to requirements that the Postal Regulatory Commission shall by regulation prescribe.

“§ 3706. Transparency and accountability for nonpostal services

“(a) **ANNUAL REPORTS TO THE COMMISSION.**—

“(1) **IN GENERAL.**—The Postal Service shall, no later than 90 days after the end of each year, prepare and submit to the Postal Regulatory Commission a report (together with such nonpublic annex to the report as the Commission may require under subsection (b)) which shall analyze costs, revenues, rates, and quality of service for this chapter, using such methodologies as the Commission shall by regulation prescribe, and in sufficient detail to demonstrate compliance with all applicable requirements of this chapter.

“(2) **AUDITS.**—The Inspector General shall regularly audit the data collection systems and procedures utilized in collecting information and preparing such report. The results of any such audit shall be submitted to the Postal Service and the Postal Regulatory Commission.

“(b) **SUPPORTING MATTER.**—The Postal Regulatory Commission shall have access, in accordance with such regulations as the Commission shall prescribe, to the working papers and any other supporting matter of the Postal Service and the Inspector General in connection with any information submitted under this section.

“(c) **CONTENT AND FORM OF REPORTS.**—

“(1) **IN GENERAL.**—The Postal Regulatory Commission shall, by regulation, prescribe the content and form of the public reports (and any nonpublic annex and supporting matter relating to the report) to be provided by the Postal Service under this section. Such reports shall be included with the annual compliance determination reported under section 3653. In carrying out this subsection, the Commission shall give due consideration to—

“(A) providing the public with timely, adequate information to assess compliance;

“(B) avoiding unnecessary or unwarranted administrative effort and expense on the part of the Postal Service; and

“(C) protecting the confidentiality of information that is commercially sensitive or is exempt from public disclosure under section 552(b) of title 5.

“(2) **REVISED REQUIREMENTS.**—The Commission may, on its own motion or on request of

any interested party, initiate proceedings (to be conducted in accordance with regulations that the Commission shall prescribe) to improve the quality, accuracy, or completeness of Postal Service data required by the Commission under this subsection whenever it shall appear that—

“(A) the attribution of costs or revenues to property or services under this chapter has become significantly inaccurate or can be significantly improved;

“(B) the quality of service data provided to the Commission for annual reports under this chapter has become significantly inaccurate or can be significantly improved; or

“(C) such revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

“(d) CONFIDENTIAL INFORMATION.—

“(1) IN GENERAL.—If the Postal Service determines that any document or portion of a document, or other matter, which it provides to the Postal Regulatory Commission in a nonpublic annex under this section contains information which is described in section 410(c) of this title, or exempt from public disclosure under section 552(b) of title 5, the Postal Service shall, at the time of providing such matter to the Commission, notify the Commission of its determination, in writing, and describe with particularity the documents (or portions of documents) or other matter for which confidentiality is sought and the reasons therefor.

“(2) TREATMENT.—Any information or other matter described in paragraph (1) to which the Commission gains access under this section shall be subject to paragraphs (2) and (3) of section 504(g) in the same way as if the Commission had received notification with respect to such matter under section 504(g)(1).

“(e) ANNUAL COMPLIANCE DETERMINATION.—

“(1) OPPORTUNITY FOR PUBLIC COMMENT.—After receiving the reports required under subsection (a) for any year, the Postal Regulatory Commission shall promptly provide an opportunity for comment on such reports by any interested party, and an officer of the Commission who shall be required to represent the interests of the general public.

“(2) DETERMINATION OF COMPLIANCE OR NONCOMPLIANCE.—Not later than 90 days after receiving the submissions required under subsection (a) with respect to a year, the Postal Regulatory Commission shall make a written determination as to whether any nonpostal activities during such year were or were not in compliance with applicable provisions of this chapter (or regulations promulgated under this chapter). The Postal Regulatory Commission shall issue a determination of noncompliance if the requirements for coverage of attributable costs are not met. If, with respect to a year, no instance of noncompliance is found to have occurred in such year, the written determination shall be to that effect.

“(3) NONCOMPLIANCE.—If, for a year, a timely written determination of noncompliance is made under this chapter, the Postal Regulatory Commission shall take appropriate action. If the requirements for coverage of attributable costs specified by this chapter are not met, the Commission shall, within 60 days after the determination, prescribe remedial action to restore compliance as soon as practicable, which shall also include the full restoration of revenue shortfalls during the following fiscal year. The Commission may order the Postal Service to discontinue a nonpostal service under section 3703 or 3704 that persistently fails to meet cost coverage requirements.

“(4) ANY DELIBERATE NONCOMPLIANCE.—In addition, in cases of deliberate noncompliance by the Postal Service with the requirements of this chapter, the Postal Regulatory

Commission may order, based on the nature, circumstances, extent, and seriousness of the noncompliance, a fine (in the amount specified by the Commission in its order) for each incidence of noncompliance. All receipts from fines imposed under this subsection shall be deposited in the general fund of the Treasury of the United States.”.

(2) CLERICAL AMENDMENT.—The table of chapters at the beginning of part IV is amended by adding after the item relating to chapter 36 the following:

“37. Nonpostal services 3701”.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 404(e).—Section 404(e) is amended by adding at the end the following:

“(6) Nothing in this section shall be considered to prevent the Postal Service from establishing nonpostal products and services that are expressly authorized by chapter 37.”.

(2) SECTION 411.—The last sentence of section 411 is amended by striking “including reimbursability” and inserting “including reimbursability within the limitations of chapter 37”.

(3) TREATMENT OF EXISTING NONPOSTAL SERVICES.—All nonpostal services continued pursuant to section 404(e) of title 39, United States Code, shall be considered to be expressly authorized by chapter 37 of such title (as added by subsection (a)(1)) and shall be subject to the requirements of such chapter.

SEC. 507. REIMBURSEMENT OF ALASKA BYPASS MAIL COSTS.

(a) COST ESTIMATES BY POSTAL REGULATORY COMMISSION.—Section 3651(b) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

“(2) ALASKA BYPASS MAIL COSTS.—In addition to the information required under subsection (a), each report under this section shall also include, with respect to the period covered by such report, an estimate of the costs incurred by the Postal Service in providing Alaska bypass mail service under section 5402 of this title.”.

(b) REIMBURSEMENTS.—

(1) IN GENERAL.—Chapter 54 is amended by adding at the end the following:

“§ 5404. Reimbursement of Alaska bypass mail costs

“(a) IN GENERAL.—The State of Alaska, on an annual basis, shall make a payment to the Postal Service to reimburse the Postal Service for its costs in providing Alaska bypass mail service under section 5402 of this title.

“(b) DATE OF FIRST PAYMENT.—The State of Alaska shall make its first payment under subsection (a) on or before the last day of the first fiscal year of the State of Alaska beginning after the date of enactment of this section.

“(c) PAYMENT AMOUNTS.—

“(1) DETERMINATION OF AMOUNTS.—The amount of a payment under subsection (a) shall be determined based on the most recent cost estimate prepared by the Postal Regulatory Commission under section 3651(b)(2) of this title (in this subsection referred to as the ‘cost estimate’).

“(2) FIRST PAYMENT.—The first payment under subsection (a) shall be in an amount equal to 20 percent of the cost estimate.

“(3) SUBSEQUENT PAYMENTS.—Each subsequent payment under subsection (a) shall be in an amount equal to a percentage of the cost estimate determined by adding 20 percent to the percentage due in the prior year, except that no payment shall exceed 100 percent of the cost estimate.

“(d) NOTICE OF PAYMENT AMOUNTS.—Not later than 30 days after the date of issuance

of a cost estimate by the Postal Regulatory Commission under section 3651(b)(2) of this title, the Postal Service shall furnish the State of Alaska with written notice of the amount of the next payment due under subsection (a).

“(e) DEPOSIT OF PAYMENTS.—Not later than the last day of the fiscal year of the State of Alaska in which notice of a payment is provided under subsection (d)—

“(1) the State of Alaska shall transmit the payment to the Postal Service; and

“(2) the Postal Service shall deposit the payment in the Postal Service Fund.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 54 is amended by adding at the end the following:

“5404. Reimbursement of Alaska bypass mail costs.”.

SEC. 508. APPROPRIATIONS MODERNIZATION.

(a) IN GENERAL.—Section 2401 is amended by striking subsections (b) through (d).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective with respect to fiscal years beginning after the date of enactment of this Act.

SEC. 509. RETIREE HEALTH CARE BENEFIT PAYMENT DEFERRAL.

Section 8909a of title 5, United States Code, is amended—

(1) in the section heading, by striking “Benefit” and inserting “Benefits”;

(2) in subsection (d)(3)(A)(v), by striking “\$5,500,000,000” and inserting “\$1,000,000,000”;

(3) in subsection (d)(3)(A)(ix), by striking “\$5,700,000,000” and inserting “\$7,950,000,000”; and

(4) in subsection (d)(3)(A)(x), by striking “\$5,800,000,000” and inserting “\$8,050,000,000”.

TITLE VI—POSTAL CONTRACTING REFORM

SEC. 601. CONTRACTING PROVISIONS.

(a) IN GENERAL.—Part I is amended by adding at the end the following:

“CHAPTER 7—CONTRACTING PROVISIONS

“Sec.

“701. Definitions.

“702. Advocate for competition.

“703. Delegation of contracting authority.

“704. Posting of noncompetitive purchase requests for noncompetitive contracts.

“705. Review of ethical issues.

“706. Ethical restrictions on participation in certain contracting activity.

“§ 701. Definitions

“In this chapter—

“(1) the term ‘contracting officer’ means an employee of a covered postal entity who has authority to enter into a postal contract;

“(2) the term ‘covered postal entity’ means—

“(A) the Postal Service; or

“(B) the Postal Regulatory Commission;

“(3) the term ‘head of a covered postal entity’ means—

“(A) in the case of the Postal Service, the Postmaster General; or

“(B) in the case of the Postal Regulatory Commission, the Chairman of the Postal Regulatory Commission;

“(4) the term ‘postal contract’ means—

“(A) in the case of the Postal Service, any contract (including any agreement or memorandum of understanding) entered into by the Postal Service for the procurement of goods or services; or

“(B) in the case of the Postal Regulatory Commission, any contract (including any agreement or memorandum of understanding) in an amount exceeding the simplified acquisition threshold (as defined in section 134 of title 41 and adjusted under section 1908 of such title) entered into by the Postal Regulatory Commission for the procurement of goods or services.

“(5) the term ‘senior procurement executive’ means the senior procurement executive of a covered postal entity.

“§ 702. Advocate for competition

“(a) ESTABLISHMENT AND DESIGNATION.—

“(1) There is established in each covered postal entity an advocate for competition.

“(2) The head of each covered postal entity shall designate for the covered postal entity 1 or more officers or employees (other than the senior procurement executive) to serve as the advocate for competition.

“(b) RESPONSIBILITIES.—The advocate for competition of a covered postal entity shall—

“(1) be responsible for promoting—

“(A) the contracting out of functions of the covered postal entity that the private sector can perform equally well or better, and at lower cost; and

“(B) competition to the maximum extent practicable consistent with obtaining best value by promoting the acquisition of commercial items and challenging barriers to competition;

“(2) review the procurement activities of the covered postal entity; and

“(3) prepare and transmit the annual report required under subsection (c).

“(c) ANNUAL REPORT.—

“(1) PREPARATION.—The advocate for competition of a covered postal entity shall prepare an annual report describing the following:

“(A) The activities of the advocate under this section.

“(B) Initiatives required to promote contracting out and competition.

“(C) Barriers to contracting out and competition.

“(D) In the case of the report prepared by the competition advocate of the Postal Service, the number of waivers made by the Postal Service under section 704(c).

“(2) TRANSMISSION.—The report under this subsection shall be transmitted—

“(A) to Congress;

“(B) to the head of the postal entity;

“(C) to the senior procurement executive of the entity;

“(D) in the case of the competition advocate of the Postal Service, to each member of the Postal Service Board of Governors; and

“(E) in the case of the competition advocate of the Postal Regulatory Commission, to each of the Commissioners of the Commission.

“§ 703. Delegation of contracting authority

“(a) IN GENERAL.—

“(1) POLICY.—Not later than 60 days after the date of enactment of this chapter, the head of each covered postal entity shall issue a policy on contracting officer delegations of authority for postal contracts for the covered postal entity.

“(2) CONTENTS.—The policy issued under paragraph (1) shall require that—

“(A) notwithstanding any delegation of authority with respect to postal contracts, the ultimate responsibility and accountability for the award and administration of postal contracts resides with the senior procurement executive; and

“(B) a contracting officer shall maintain an awareness of and engagement in the activities being performed on postal contracts of which that officer has cognizance, notwithstanding any delegation of authority that may have been executed.

“(b) POSTING OF DELEGATIONS.—

“(1) IN GENERAL.—The head of each covered postal entity shall make any delegation of authority for postal contracts outside the functional contracting unit readily available and accessible on the website of the covered postal entity.

“(2) EFFECTIVE DATE.—This paragraph shall apply to any delegation of authority made on or after 30 days after the date of enactment of this chapter.

“§ 704. Posting of noncompetitive purchase requests for noncompetitive contracts

“(a) POSTING REQUIRED.—

“(1) POSTAL REGULATORY COMMISSION.—The Postal Regulatory Commission shall make the noncompetitive purchase request for any noncompetitive award for any contract (including any agreement or memorandum of understanding) entered into by the Postal Regulatory Commission for the procurement of goods and services, in an amount of \$20,000 or more, including the rationale supporting the noncompetitive award, publicly available on the website of the Postal Regulatory Commission—

“(A) not later than 14 days after the date of the award of the noncompetitive contract; or

“(B) not later than 30 days after the date of the award of the noncompetitive contract, if the basis for the award was a compelling business interest.

“(2) POSTAL SERVICE.—The Postal Service shall make the noncompetitive purchase request for any noncompetitive award of a postal contract in an amount of \$250,000 or more, including the rationale supporting the noncompetitive award, publicly available on the website of the Postal Service—

“(A) not later than 14 days after the date of the award; or

“(B) not later than 30 days after the date of the award, if the basis for the award was a compelling business interest.

“(3) ADJUSTMENTS TO THE POSTING THRESHOLD FOR THE POSTAL SERVICE.—

“(A) REVIEW AND DETERMINATION.—Not later than January 31 of each year, the Postal Service shall—

“(i) review the \$250,000 threshold established under paragraph (2); and

“(ii) based on any change in the Consumer Price Index for all-urban consumers of the Department of Labor, determine whether an adjustment to the threshold shall be made.

“(B) AMOUNT OF ADJUSTMENTS.—An adjustment under subparagraph (A) shall be made in increments of \$5,000. If the Postal Service determines that a change in the Consumer Price Index for a year would require an adjustment in an amount that is less than \$5,000, the Postal Service may not make an adjustment to the threshold for the year.

“(4) EFFECTIVE DATE.—This subsection shall apply to any noncompetitive contract awarded on or after the date that is 90 days after the date of enactment of this chapter.

“(b) PUBLIC AVAILABILITY.—

“(1) IN GENERAL.—Subject to paragraph (2), the information required to be made publicly available by a covered postal entity under subsection (a) shall be readily accessible on the website of the covered postal entity.

“(2) PROTECTION OF PROPRIETARY INFORMATION.—A covered postal entity shall—

“(A) carefully screen any description of the rationale supporting a noncompetitive award required to be made publicly available under subsection (a) to determine whether the description includes proprietary data (including any reference or citation to the proprietary data) or security-related information; and

“(B) remove any proprietary data or security-related information before making publicly available a description of the rationale supporting a noncompetitive award.

“(c) WAIVERS.—

“(1) WAIVER PERMITTED.—If the Postal Service determines that making a noncompetitive purchase request for a postal contract of the Postal Service publicly available would risk placing the Postal Service at

a competitive disadvantage relative to a private sector competitor, the senior procurement executive, in consultation with the advocate for competition of the Postal Service, may waive the requirements under subsection (a).

“(2) FORM AND CONTENT OF WAIVER.—

“(A) FORM.—A waiver under paragraph (1) shall be in the form of a written determination placed in the file of the contract to which the noncompetitive purchase agreement relates.

“(B) CONTENT.—A waiver under paragraph (1) shall include—

“(i) a description of the risk associated with making the noncompetitive purchase request publicly available; and

“(ii) a statement that redaction of sensitive information in the noncompetitive purchase request would not be sufficient to protect the Postal Service from being placed at a competitive disadvantage relative to a private sector competitor.

“(3) DELEGATION OF WAIVER AUTHORITY.—The Postal Service may not delegate the authority to approve a waiver under paragraph (1) to any employee having less authority than the senior procurement executive.

“§ 705. Review of ethical issues

“If a contracting officer identifies any ethical issues relating to a proposed contract and submits those issues and that proposed contract to the designated ethics official for the covered postal entity before the awarding of that contract, that ethics official shall—

“(1) review the proposed contract; and

“(2) advise the contracting officer on the appropriate resolution of ethical issues.

“§ 706. Ethical restrictions on participation in certain contracting activity

“(a) DEFINITIONS.—In this section—

“(1) the term ‘covered employee’ means—

“(A) a contracting officer; or

“(B) any employee of a covered postal entity whose decision making affects a postal contract as determined by regulations prescribed by the head of a covered postal entity;

“(2) the term ‘final conviction’ means a conviction, whether entered on a verdict or plea, including a plea of nolo contendere, for which a sentence has been imposed; and

“(3) the term ‘covered relationship’ means a covered relationship described in section 2635.502(b)(1) of title 5, Code of Federal Regulations, or any successor thereto.

“(b) IN GENERAL.—

“(1) REGULATIONS.—The head of each covered postal entity shall prescribe regulations that—

“(A) require a covered employee to include in the file of any noncompetitive purchase request for a noncompetitive postal contract a written certification that—

“(i) discloses any covered relationship of the covered employee; and

“(ii) states that the covered employee will not take any action with respect to the noncompetitive purchase request that affects the financial interests of a friend, relative, or person with whom the covered employee is affiliated in a nongovernmental capacity, or otherwise gives rise to an appearance of the use of public office for private gain, as described in section 2635.702 of title 5, Code of Federal Regulations, or any successor thereto;

“(B) require a contracting officer to consult with the ethics counsel for the covered postal entity regarding any disclosure made by a covered employee under subparagraph (A)(i), to determine whether participation by the covered employee in the noncompetitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the

Standards of Ethical Conduct for Employees of the Executive Branch), or any successor thereto;

“(C) require the ethics counsel for a covered postal entity to review any disclosure made by a contracting officer under subparagraph (A)(i) to determine whether participation by the contracting officer in the non-competitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the Standards of Ethical Conduct for Employees of the Executive Branch), or any successor thereto;

“(D) under subsections (d) and (e) of section 2635.502 of title 5, Code of Federal Regulations, or any successor thereto, require the ethics counsel for a covered postal entity to—

“(i) authorize a covered employee that makes a disclosure under subparagraph (A)(i) to participate in the noncompetitive postal contract; or

“(ii) disqualify a covered employee that makes a disclosure under subparagraph (A)(i) from participating in the noncompetitive postal contract;

“(E) require a contractor to timely disclose to the contracting officer in a bid, solicitation, award, or performance of a postal contract any conflict of interest with a covered employee; and

“(F) include authority for the head of the covered postal entity to grant a waiver or otherwise mitigate any organizational or personal conflict of interest, if the head of the covered postal entity determines that the waiver or mitigation is in the best interests of the covered postal entity.

“(2) POSTING OF WAIVERS.—Not later than 30 days after the head of a covered postal entity grants a waiver described in paragraph (1)(F), the head of the covered postal entity shall make the waiver publicly available on the website of the covered postal entity.

“(c) CONTRACT VOIDANCE AND RECOVERY.—

“(1) UNLAWFUL CONDUCT.—In any case in which there is a final conviction for a violation of any provision of chapter 11 of title 18 relating to a postal contract, the head of a covered postal entity may—

“(A) void that contract; and

“(B) recover the amounts expended and property transferred by the covered postal entity under that contract.

“(2) OBTAINING OR DISCLOSING PROCUREMENT INFORMATION.—

“(A) IN GENERAL.—In any case in which a contractor under a postal contract fails to timely disclose a conflict of interest to the appropriate contracting officer as required under the regulations promulgated under subsection (b)(1)(E), the head of a covered postal entity may—

“(i) void that contract; and

“(ii) recover the amounts expended and property transferred by the covered postal entity under that contract.

“(B) CONVICTION OR ADMINISTRATIVE DETERMINATION.—A case described under subparagraph (A) is any case in which—

“(i) there is a final conviction for an offense punishable under section 2105 of title 41; or

“(ii) the head of a covered postal entity determines, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting an offense punishable under section 2105 of such title.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I is amended by adding at the end the following:

“7. Contracting Provisions 701”.
SEC. 602. TECHNICAL AMENDMENT TO DEFINITION.

Section 7101(8) of title 41, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(3) by adding at the end the following:

“(E) the United States Postal Service and the Postal Regulatory Commission.”.

SA 2002. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON CLOSING OR CONSOLIDATING PROCESSING AND DISTRIBUTION CENTER IN EASTON, MARYLAND.

The Postal Service may not close or consolidate the processing and distribution center in Easton, Maryland.

SA 2003. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CERTIFICATION BY GOVERNOR OF A STATE.

Section 404(f) of title 39, United States Code, as added by section 201 of this Act, is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

(2) by inserting after paragraph (1) the following:

“(2) CERTIFICATION BY GOVERNOR OF A STATE.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘Governor’ means the chief executive officer of a State; and

“(ii) the term ‘State’ means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

“(B) CERTIFICATION REQUIRED.—The Postal Service may not close or consolidate a postal facility unless the Governor of the State in which the postal facility is located submits to the Postal Service a certification that the closing or consolidation—

“(i) will not harm community safety;

“(ii) will not directly or indirectly disrupt commerce; and

“(iii) will not limit access to communications in any rural community that lacks broadband internet availability or cellular telephone coverage.”;

(3) in paragraph (3), as so redesignated—

(A) in subparagraph (A), in the matter preceding clause (i), by inserting after “facility,” the following: “and after receiving a certification submitted under paragraph (2)(B) for that postal facility,”; and

(B) in subparagraph (B)—

(i) by redesignating clause (ii) as clause (iii); and

(ii) by striking clause (i) and inserting the following:

“(i) REQUEST FOR CERTIFICATION FROM GOVERNOR.—

“(I) COMPLETED AREA MAIL PROCESSING STUDIES.—In the case of a postal facility described in clause (iii) for which an area mail processing study has been completed, the Postal Service shall request a certification, as described in paragraph (2)(B), for the postal facility from the Governor of the State in which the postal facility is located.

“(II) ONGOING AREA MAIL PROCESSING STUDIES.—In the case of a postal facility described in clause (iii) for which an area mail processing study is in progress, the Postal Service shall—

“(aa) suspend the area mail processing study;

“(bb) request a certification, as described in paragraph (2)(B), for the postal facility from the Governor of the State in which the postal facility is located; and

“(cc) after receiving a certification submitted under paragraph (2)(B) for the postal facility, complete the area mail processing study.

“(ii) CONSIDERATION OF ALTERNATIVE PLAN.—After receiving a certification submitted under paragraph (2)(B) for a postal facility described in clause (iii), the Postal Service shall—

“(I) consider a plan to reduce the capacity of the postal facility, but not close the postal facility; and

“(II) publish the results of the consideration under subclause (I) with or as an amendment to the area mail processing study relating to the postal facility.”;

(4) in paragraph (5), as so redesignated—

(A) in the matter preceding subparagraph (A), by striking “(3)” and inserting “(4)”;

and

(B) in subparagraph (A), by striking “(3)” and inserting “(4)”;

(5) in paragraph (6), as so redesignated—

(A) in subparagraph (A), by striking “(4)” and inserting “(5)”;

(B) in subparagraph (B), by striking “(4)” and inserting “(5)”;

(C) in subparagraph (C), by striking “(4)” and inserting “(5)”.

SA 2004. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . COMMUNITY IMPACT STUDY.

Subsection (f) of section 404 of title 39, United States Code, as added by section 201 of this Act, is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively;

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(3) by inserting after paragraph (1) the following:

“(2) COMMUNITY IMPACT STUDY.—

“(A) STUDY BY INDEPENDENT ORGANIZATION.—Before making a determination under subsection (a)(3) as to the necessity for the closing or consolidation of any postal facility, the Postal Service shall contract with an independent organization to conduct a study of, and submit to the Postal Service a report on, the impact of the closing or consolidation on the community served by the postal facility.

“(B) MATTERS TO BE STUDIED.—A community impact study described in subparagraph (A) shall evaluate the potential impact of the closing or consolidation of a postal facility on—

“(i) small business concerns in the community in which the postal facility is located;

“(ii) jobs and employment in the community in which the postal facility is located;

“(iii) the unemployment rate in the community in which the postal facility is located; and

“(iv) State and local government tax revenues.

“(C) POSTAL SERVICE RESPONSE.—The Postal Service shall include in the justification

statement required under paragraph (6) for a postal facility a response to the report submitted under subparagraph (A) for the postal facility that describes the effect of the report on the determination to close or consolidate the postal facility.

“(D) **APPLICABILITY.**—The requirements under subparagraphs (A) through (C) shall apply to the determination to close or consolidate any postal facility, including a postal facility described in paragraph (3)(B)(ii).”;

(4) in paragraph (5), as so redesignated, by striking “paragraph (3)” each place that term appears and inserting “paragraph (4)”;

(5) in paragraph (6), as so redesignated, by striking “paragraph (4)” each place that term appears and inserting “paragraph (5)”;

and

(6) by inserting after paragraph (7), as so redesignated, the following:

“(8) **APPEAL TO POSTAL REGULATORY COMMISSION.**—

“(A) **IN GENERAL.**—A determination of the Postal Service to close or consolidate a postal facility may be appealed by any person served by the postal facility to the Postal Regulatory Commission.

“(B) **REVIEW BY COMMISSION.**—

“(i) **REVIEW OF RECORD.**—The Postal Regulatory Commission shall review a determination of the Postal Service under subparagraph (A) on the basis of the record that was before the Postal Service when the Postal Service made the determination.

“(ii) **STANDARD OF REVIEW.**—The Postal Regulatory Commission shall set aside any determination, findings, and conclusions of the Postal Service that the Commission finds to be—

“(I) inconsistent with the findings of the report submitted under paragraph (2)(A);

“(II) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

“(III) without observance of procedure required by law; or

“(IV) unsupported by substantial evidence on the record.

“(iii) **APPLICABILITY OF OTHER LAWS.**—The provisions of section 556, section 557, and chapter 7 of title 5 shall not apply to any review carried out by the Postal Regulatory Commission under this paragraph.

“(C) **LIMITATION ON ACTIONS BY POSTAL REGULATORY COMMISSION.**—The Postal Regulatory Commission may affirm the determination of the Postal Service or order that the entire matter be returned for further consideration, but the Commission may not modify the determination of the Postal Service.

“(D) **SUSPENSION.**—The Postal Regulatory Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal.

“(E) **DEADLINES.**—

“(i) **SUBMITTAL OF APPEAL.**—A person may submit an appeal under subparagraph (A) with respect to a postal facility not later than 15 days after the date on which the Postal Service posts the justification statement under paragraph (6) with respect to the postal facility.

“(ii) **DETERMINATION OF POSTAL REGULATORY COMMISSION.**—The Postal Regulatory Commission shall make a determination with respect to an appeal under subparagraph (A) not later than 120 days after the date on which the Commission receives the appeal.

“(iii) **DATE SUBMITTED AND RECEIVED.**—For purposes of clauses (i) and (ii), any appeal received by the Postal Regulatory Commission shall—

“(I) if sent to the Commission through the mails, be considered to have been submitted and received on the date of the Postal Serv-

ice postmark on the envelope or other cover in which such appeal is mailed; or

“(II) if otherwise lawfully delivered to the Commission, be considered to have been submitted and received on the date determined based on any appropriate documentation or other indicia (as determined under regulations of the Commission).”.

SA 2005. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. **MAINTENANCE OF EXPECTED DELIVERY TIME FOR PROTECTED MAIL ITEMS.**

(a) **IN GENERAL.**—Subchapter VII of chapter 36 of title 39, United States Code, as amended by this Act, is amended by adding at the end the following:

“§ 3693. Maintenance of expected delivery time for protected mail items

“(a) **DEFINITION OF PROTECTED MAIL ITEM.**—In this section, the term ‘protected mail item’ means—

“(1) a medication or pharmaceutical provided by mail—

“(A) under a prescription drug plan under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w-101 et seq.); or

“(B) by the Department of Veterans Affairs under the laws administered by the Secretary of Veterans Affairs;

“(2) a pharmaceutical provided by mail under the national mail-order pharmacy program under section 1074g of title 10, or otherwise provided by mail for members of the uniformed services and covered beneficiaries under chapter 55 of that title;

“(3) a benefit delivered to a beneficiary by mail under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.);

“(4) a payment of military pay and allowances made by mail to members of the Armed Forces; and

“(5) a payment of compensation or pension made by mail under chapter 11, 13, or 15 of title 38.

“(b) **MAINTENANCE OF EXPECTED DELIVERY TIME.**—Notwithstanding subsection (a), (b), or (c) of section 3691, section 204(b) or 206 of the 21st Century Postal Service Act of 2012, or any other provision of law, the Postal Service may not increase the expected delivery time for protected mail items relative to the expected delivery time for protected mail items as of the day before the date of enactment of the 21st Century Postal Service Act of 2012.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

“3693. Maintenance of expected delivery time for protected mail items.”.

SA 2006. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 227, after the matter after line 7, add the following:

SEC. 409. **DELAY OF TIER 3 MOTOR VEHICLE EMISSION AND FUEL STANDARDS.**

(a) **IN GENERAL.**—The Administrator of the Environmental Protection Agency shall not propose any Tier 3 motor vehicle emission and fuel standard until the Administrator determines that the implementation of the standard will not result in—

(1) an increase in the price of gasoline;

(2) an increase in imports of finished products; or

(3) a loss of refining capacity or decrease in refinery utilization in any Petroleum Administration for Defense District.

(b) **CONSULTATION.**—In making the determination described in subsection (a), the Administrator of the Environmental Protection Agency shall consult with the Secretary of Energy and the National Petroleum Council.

SA 2007. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. **POSTAL SERVICE ADVERTISING PROGRAM.**

Section 404 of title 39, United States Code, as amended by this Act, is amended by adding at the end the following:

“(g) Subject to subsection (a)(6), the Postal Service may establish and manage a program that allows entities to advertise at Postal Service facilities and on Postal Service vehicles, if—

“(1) the Postal Service at all times ensures that advertising it permits is consistent with the integrity of the Postal Service;

“(2) the program is required to cover a minimum of 200 percent of the costs attributable to the program for each year;

“(3) all advertising expenditures and revenues are subject to annual compliance determination (including remedies for noncompliance) applicable to nonpostal products; and

“(4) total advertising expenditures and revenues are disclosed in Postal Service annual reports.”.

SA 2008. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. **LIMITATION ON BONUS AUTHORITY.**

Section 3686 of title 39, United States Code, is amended—

(1) in subsection (a), by striking “The Postal Service” and inserting “Subject to subsection (f), the Postal Service”; and

(2) by adding at the end the following:

“(f) **LIMITATION ON BONUS AUTHORITY.**—

“(1) **DEFINITIONS.**—In this subsection—

“(A) the term ‘bonus’ includes a bonus, incentive-based payment, or other reward under this section or any other provision of law; and

“(B) the term ‘senior executive of the Postal Service’ means—

“(i) a member of the Board of Governors;

“(ii) an individual serving in a position described in section 203 or 204; and

“(iii) an individual hired as an executive hired under section 1001(c).

“(2) **LIMITATION.**—On and after the date of enactment of this subsection, the Postal Service may not provide a bonus to a senior executive of the Postal Service if the Postal Service—

“(A) has outstanding obligations purchased by the Secretary of the Treasury under section 2006; or

“(B) owes any other debt to the Treasury of the United States.”.

SA 2009. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 106. LIMITATION ON POSTAL CONTRIBUTIONS UNDER FEGLI AND FEHBP.

Section 1003 of title 39, United States Code, is amended by adding at the end the following:

“(e)(1) At least 1 month before the start of each fiscal year as described in paragraph (2), the Postmaster General shall transmit to the Postal Regulatory Commission certification (together with such supporting documentation as the Postal Regulatory Commission may require) that contributions of the Postal Service for such fiscal year will not exceed—

“(A) in the case of life insurance under chapter 87 of title 5, the Government contributions determined under section 8708 of such title; and

“(B) in the case of health insurance under chapter 89 of title 5, the Government contributions determined under 8906 of such title.

“(2) This subsection applies with respect to—

“(A) except as provided in subparagraph (B), each fiscal year beginning after September 30, 2013; and

“(B) in the case of officers and employees of the Postal Service covered by a collective bargaining agreement which is in effect on the date of the enactment of this subsection—

“(i) each fiscal year beginning after the expiration date of such agreement, including

“(ii) for the fiscal year in which such expiration date occurs, any portion of such fiscal year remaining after such expiration date.

“(3)(A) If, after reasonable notice and opportunity for hearing is afforded to the Postal Service, the Postal Regulatory Commission finds that the contributions of the Postal Service for a fiscal year will exceed or are exceeding the limitation specified in subparagraph (A) or (B) of paragraph (1), the Commission shall order that the Postal Service take such action as the Commission considers necessary to achieve full and immediate compliance with the applicable limitation or limitations.

“(B) Sections 3663 and 3664 shall apply with respect to any order issued by the Postal Regulatory Commission under subparagraph (A).

“(C) Nothing in this paragraph shall be considered to permit the issuance of an order requiring reduction of contributions below the level specified by the provision of law cited in subparagraph (A) or (B) of paragraph (1), as applicable.”.

SA 2010. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 106. APPLICABILITY OF REDUCTION-IN-FORCE PROCEDURES.

Section 1206 of title 39, United States Code is amended by adding at the end the following:

“(d) Collective-bargaining agreements between the Postal Service and bargaining rep-

resentatives recognized under section 1203, ratified after the date of enactment of this subsection, shall contain no provision restricting the applicability of reduction-in-force procedures under title 5 with respect to members of the applicable bargaining unit.

“(e) Any collective-bargaining agreement between the Postal Service and the bargaining representatives recognized under section 1203 ratified before the date of enactment of this Act that contains any provision violating subsection (d) shall be renegotiated with a new collective-bargaining agreement to be ratified or imposed through an arbitration decision under section 1207 within 9 months after such date of enactment.

“(f)(1) If a collective-bargaining agreement between the Postal Service and bargaining representatives recognized under section 1203, ratified after the date of enactment of this subsection, includes reduction-in-force procedures which can be applied in lieu of reduction-in-force procedures under title 5, the Postal Service may, in its discretion, apply with respect to members of the applicable bargaining unit—

“(A) the alternative procedures (or, if 2 or more are agreed to, 1 of the alternative procedures); or

“(B) the reduction-in-force procedures under title 5.

“(2) In no event may, if procedures for the resolution of a dispute or impasse arising in the negotiation of a collective-bargaining agreement (whether through binding arbitration or otherwise) are invoked under this chapter, the award or other resolution reached under such procedures provide for the elimination of, or the substitution of any alternative procedures in lieu of, reduction-in-force procedures under title 5.”.

SA 2011. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

Strike section 208 and insert the following:

SEC. 208. FREQUENCY OF MAIL DELIVERY.

Section 101 of title 39, United States Code, is amended by adding at the end the following:

“(h) Nothing in this title or any other provision of law shall be considered to prevent the Postal Service from taking whatever actions may be necessary to provide for 5-day delivery of mail and a commensurate adjustment in rural delivery of mail, subject to the requirements of section 3661.”.

SA 2012. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —REGULATION OF POLITICAL ROBOCALLS

SEC. .01. SHORT TITLE.

This title may be cited as the “Robocall Privacy Act of 2012”.

SEC. .02. FINDINGS.

Congress makes the following findings:

(1) Abusive political robocalls harass voters and discourage them from participating in the political process.

(2) Abusive political robocalls infringe on the privacy rights of individuals by disturbing them in their homes.

SEC. .03. DEFINITIONS.

For purposes of this title—

(1) **POLITICAL ROBOCALL.**—The term “political robocall” means any outbound telephone call—

(A) in which a person is not available to speak with the person answering the call, and the call instead plays a recorded message; and

(B) which promotes, supports, attacks, or opposes a candidate for Federal office.

(2) **IDENTITY.**—The term “identity” means, with respect to any individual making a political robocall or causing a political robocall to be made, the name of the sponsor or originator of the call.

(3) **SPECIFIED PERIOD.**—The term “specified period” means, with respect to any candidate for Federal office who is promoted, supported, attacked, or opposed in a political robocall—

(A) the 60-day period ending on the date of any general, special, or run-off election for the office sought by such candidate; and

(B) the 30-day period ending on the date of any primary or preference election, or any convention or caucus of a political party that has authority to nominate a candidate, for the office sought by such candidate.

(4) **OTHER DEFINITIONS.**—The terms “candidate” and “Federal office” have the respective meanings given such terms under section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431).

SEC. .04. REGULATION OF POLITICAL ROBOCALLS.

It shall be unlawful for any person during the specified period to make a political robocall or to cause a political robocall to be made—

(1) to any person during the period beginning at 9 p.m. and ending at 8 a.m. in the place which the call is directed; and

(2) to the same telephone number more than twice on the same day;

(3) without disclosing, at the beginning of the call—

(A) that the call is a recorded message; and

(B) the identity of the person making the call or causing the call to be made; or

(4) without transmitting the telephone number and the name of the person making the political robocall or causing the political robocall to be made to the caller identification service of the recipient.

SEC. .05. ENFORCEMENT.

(a) **ENFORCEMENT BY FEDERAL ELECTION COMMISSION.**—

(1) **IN GENERAL.**—Any person aggrieved by a violation of section .04 may file a complaint with the Federal Election Commission under rules similar to the rules under section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)).

(2) **CIVIL PENALTY.**—

(A) **IN GENERAL.**—If the Federal Election Commission or any court determines that there has been a violation of section .04, there shall be imposed a civil penalty of not more than \$1,000 per violation.

(B) **WILLFUL VIOLATIONS.**—In the case the Federal Election Commission or any court determines that there has been a knowing or willful violation of section .04, the amount of any civil penalty under subparagraph (A) for such violation may be increased to not more than 300 percent of the amount under subparagraph (A).

(b) **PRIVATE RIGHT OF ACTION.**—Any person may bring in an appropriate district court of the United States an action based on a violation of section .04 to enjoin such violation without regard to whether such person has filed a complaint with the Federal Election Commission.

SA 2013. Mr. REID proposed an amendment to amendment SA 2000 proposed by Mr. REID (for Mr. LIEBERMAN

(for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts)) to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; as follows:

At the end, add the following new section:

SEC. ____

This Act shall become effective 7 days after enactment.

SA 2014. Mr. REID proposed an amendment to amendment SA 2013 proposed by Mr. REID to the amendment SA 2000 proposed by Mr. REID (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts)) to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; as follows:

In the amendment, strike “7 days” and insert “6 days”.

SA 2015. Mr. REID proposed an amendment to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; as follows:

At the end, add the following new section:

SEC. ____

This Act shall become effective 5 days after enactment.

SA 2016. Mr. REID proposed an amendment to amendment SA 2015 proposed by Mr. REID to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; as follows:

In the amendment, strike “5 days” and insert “4 days”.

SA 2017. Mr. REID proposed an amendment to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; as follows:

At the end, add the following new section:

SEC. ____

This Act shall become effective 3 days after enactment.

SA 2018. Mr. REID proposed an amendment to amendment SA 2017 proposed by Mr. REID to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; as follows:

In the amendment, strike “3 days” and insert “2 days”.

SA 2019. Mr. REID proposed an amendment to amendment SA 2018 proposed by Mr. REID to the amendment SA 2017 proposed by Mr. REID to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; as follows:

In the amendment, strike “2 days” and insert “1 day”.

SA 2020. Mr. WYDEN (for himself, Mrs. FEINSTEIN, Mr. MERKLEY, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 28, strike lines 20 through 24 and insert the following:

“(i) conduct an area mail processing study relating to that postal facility that includes—

“(I) a plan to reduce the capacity of the postal facility, but not close the postal facility; and

“(II) consideration of the effect of the closure or consolidation of the postal facility on the ability of individuals served by the postal facility to vote by mail and the ability of the Postal Service to timely deliver ballots by mail in accordance with the deadline to return ballots established under applicable State law;

On page 29, line 13, strike “and” and all that follows through “publish” on line 14 and insert the following:

“(II) consider the effect of the closure or consolidation of the postal facility on the ability of individuals served by the postal facility to vote by mail and the ability of the Postal Service to timely deliver ballots by mail in accordance with the deadline to return ballots established under applicable State law; and

“(III) publish

On page 30, line 1, after “the facility” insert the following: “or consideration of the effect of the closure or consolidation of the postal facility on the ability of individuals served by the postal facility to vote by mail and the ability of the Postal Service to timely deliver ballots by mail in accordance with the deadline to return ballots established under applicable State law”.

On page 45, strike line 3 and all that follows through “(c)” on line 11 and insert the following:

(b) MORATORIUM ON CLOSING OF POST OFFICES AND POSTAL FACILITIES.—

(1) GENERAL MORATORIUM.—Notwithstanding section 404(d) of title 39, United States Code, during the period beginning on the date of enactment of this Act and ending on the date on which the Postal Service establishes the service standards under subsection (b), the Postal Service may not close a post office, except as required for the immediate protection of health and safety.

(2) MORATORIUM TO PROTECT THE ABILITY OF VOTERS TO VOTE ABSENTEE OR BY MAIL.—Notwithstanding paragraph (1) or subsection (d) or (f) of section 404 of title 39, United States Code, during the period beginning on the date of enactment of this Act and ending on November 13, 2012, the Postal Service may not close or consolidate a post office or postal facility located in a State that conducts all elections by mail or permits no-excuse absentee voting, except as required for the immediate protection of health and safety.

(c) NOTIFICATION OF ELECTION OFFICIALS.—Section 404 of title 39, United States Code, as amended by this Act, is amended by adding at the end the following:

“(g) NOTIFICATION OF ELECTION OFFICIALS.—Not later than 120 days before the date on which the Postal Service closes or consolidates a post office or postal facility (as defined in subsection (f)), the Postal Service shall notify each State and local election official for the area affected by the closing or consolidation of the closing or consolidation.”.

(d)

SA 2021. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . BOARD OF GOVERNORS.

(a) IN GENERAL.—Section 202 of title 39, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in the first sentence, by striking “11” and inserting “9”;

(B) in the second sentence—

(i) by striking “Nine” and inserting “Seven”; and

(ii) by striking “5” and inserting “4”; and

(C) in the fourth sentence, by striking “at least 4” and inserting “not fewer than 3”;

(2) in subsection (b)(1), by striking “The terms of the 9 Governors” and all that follows and inserting the following: “(A) The term of a Governor shall be 7 years.

“(B) A Governor appointed to fill a vacancy before the expiration of the term for which the predecessor of that Governor was appointed shall serve for the remainder of such term.

“(C) A Governor may continue to serve after the expiration of a term until the successor to that Governor has qualified, but may not serve for more than 1 year after the expiration of such term.”; and

(3) in subsection (e)(3), in the first sentence, by striking “at least 7” and inserting “not fewer than 5”.

(b) INCUMBENT.—Notwithstanding the amendments made by subsection (a), an individual serving as a Governor under section 202 of title 39, United States Code, on the date of enactment of this Act may serve as a Governor until the expiration of the term of the individual.

SA 2022. Mr. BENNET (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CITIZEN'S SERVICE PROTECTION ADVOCATES.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by adding at the end the following:

“§ 417. Citizen's service protection advocates

“(a) APPOINTMENT OF ADVOCATE.—

“(1) IN GENERAL.—The chief executive of a State affected by the closure or consolidation of a rural post office or postal facility (as defined in section 404(f)) may appoint a citizen's service protection advocate to represent the interests of postal customers affected by the closure or consolidation.

“(2) CONSULTATION.—In making an appointment under this subsection, the chief executive of a State shall consult with—

“(A) the mayor (or equivalent official) of any city affected by the closure or consolidation; and

“(B) the commissioner (or equivalent official) of any county, parish, or equivalent political subdivision affected by the closure or consolidation.

“(b) NOTICE.—The Postal Service shall transmit to the chief executive of a State notice of any determination by the Postal Service to close or consolidate a rural post office or postal facility that affects postal customers in the State.

“(c) APPEALS.—

“(1) IN GENERAL.—Notwithstanding section 404(d), a citizen's service protection advocate may appeal to the Postal Regulatory Commission a decision by the Postal Service to close or consolidate a rural post office or postal facility, if the citizen's service protection advocate finds that the closure or consolidation would result in a failure by the Postal Service to comply with the retail

service standards established under section 204(b) of the 21st Century Postal Service Act of 2012.

“(2) TIME FOR APPEAL.—An appeal under paragraph (1) shall be submitted to the Postal Regulatory Commission not later than 30 days after the date on which the Postal Service transmits the notice under subsection (b).

“(3) POSTAL REGULATORY COMMISSION.—

“(A) DETERMINATION REQUIRED.—Not later than 90 days after the date on which the Postal Regulatory Commission receives an appeal under paragraph (1), the Postal Regulatory Commission shall determine whether to grant or deny the appeal.

“(B) EFFECT OF DETERMINATION.—A determination by the Postal Regulatory Commission under subparagraph (A) shall be binding upon the Postal Service.

“(4) PROHIBITION ON CLOSURE OR CONSOLIDATION DURING APPEAL.—Notwithstanding section 404(d), during the period beginning on the date on which a citizen's service protection advocate submits an appeal under paragraph (1) and ending on the date on which the Postal Regulatory Commission makes a determination under paragraph (3), the Postal Service may not close or consolidate the rural post office or postal facility that is the subject of the appeal, except as required for the immediate protection of health and safety.

“(d) ACCESS TO INFORMATION AND ASSISTANCE.—

“(1) IN GENERAL.—Subject to paragraph (2), upon the request of any citizen's service protection advocate appointed under this section, the Postal Service shall provide to the citizen's service protection advocate—

“(A) access to any records, reports, audits, reviews, documents, papers, recommendations, or other materials of the Postal Service relating to the closure or consolidation of the relevant post office or postal facility; and

“(B) assistance in carrying out the duties of the citizen's service protection advocate.

“(2) PRIVACY PROTECTIONS.—The Postal Service may not provide to a citizen's service protection advocate any information, or compilation of information, that is a means of identification, as defined in section 1028(d)(7) of title 18, United States Code.

“(e) COMMUNICATION AND CONSULTATION.—The Postal Service shall—

“(1) provide for regular and efficient communication between a citizen's service protection advocate and the officer or employee of the Postal Service responsible for the closure or consolidation of the relevant post office or postal facility; and

“(2) consult with the citizen's service protection advocate in developing and implementing service changes that affect postal customers affected by the closure or consolidation of the relevant post office or postal facility.

“(f) TERMINATION OF SERVICE.—An individual may not serve as a citizen's service protection advocate with respect to the closure or consolidation of a rural post office or postal facility after the later of—

“(1) the date on which the Postal Service determines not to close or consolidate the rural post office or postal facility;

“(2) the date on which the Postal Regulatory Commission makes a determination under subsection (c)(3); and

“(3) if a citizen's service protection advocate does not submit an appeal under subsection (c), the date on which the Postal Service determines to close or consolidate the rural post office or postal facility; and”.

(b) TABLE OF SECTIONS.—The table of sections for chapter 4 of title 39, United States

Code, is amended by adding at the end the following:

“417. Citizen's service protection advocate.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date on which the Postal Service establishes retail service standards under section 204(b).

SA 2023. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON FOREIGN ASSISTANCE TO EGYPT.

(a) PROHIBITION.—No amounts may be obligated or expended to provide any direct United States assistance to the Government of Egypt unless the President certifies to Congress that—

(1) the Government of Egypt is not holding, detaining, prosecuting, harassing, or preventing the exit from Egypt of any person working for a nongovernmental organization supported by the United States Government on the basis of the person's association with or work for the nongovernmental organization;

(2) the Government of Egypt is not holding any property of a nongovernmental organization described in paragraph (1) or of a person associated with such a nongovernmental organization; and

(3) the Government of Egypt—

(A) has dropped all charges against the persons described in paragraph (1);

(B) is no longer seeking the arrest of such persons; and

(C) is no longer seeking the extradition of such persons to Egypt for trial.

(b) RESCISSION OF FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), of any amounts previously appropriated for direct United States assistance to the Government of Egypt and available for obligation as of the date of the enactment of this Act, \$5,000,000 is hereby rescinded.

(2) CERTIFICATION.—If the President certifies to Congress the total amount of funds paid by the United States Government, nongovernmental organizations supported by the United States Government, and individuals working for such nongovernmental organizations to obtain the release of persons working for nongovernmental organizations detained by the Government of Egypt, the amount rescinded under paragraph (1) shall instead be the amount so certified.

(3) INSUFFICIENT FUNDS.—If the President certifies to Congress that the amount of funds required to be rescinded under paragraph (1) or paragraph (2) is greater than the amount of funds available to be rescinded, the President shall withhold from future funding available for direct United States assistance to the Government of Egypt an amount equal to the difference between the amount required to be rescinded and the amount available to be rescinded and transfer such amount to the Treasury of the United States to be used for deficit reduction.

SA 2024. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

Strike section 105 and insert the following:

SEC. 105. ENROLLING SENIORS IN THE SAME HEALTH CARE PLANS AS MEMBERS OF CONGRESS.

(a) IN GENERAL.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8901—

(A) in paragraph (10), by striking “and” at the end;

(B) in paragraph (11), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(12) the term ‘covered individual’ means an individual who, taking into account section 226(k) of the Social Security Act, would have been entitled to, or could have enrolled for, benefits under part A of title XVIII of such Act or could have enrolled under part B of such title if section 1899B had not been enacted.”;

(2) by inserting after section 8901 the following:

“SUBCHAPTER I—FEDERAL EMPLOYEES”;

(3) in section 8902—

(A) in subsection (a)—

(i) by inserting “(1)” after “(a)”; and

(ii) by adding at the end the following:

“(2)(A) In this paragraph, the term ‘equivalent health benefits plan’ means a health benefits plan proposed to be provided that offers benefits that the Director of the Office of Personnel Management determines are substantially equivalent or superior to benefits offered under, and does not impose requirements that are substantially different than requirements under, a health benefits plan in which an employee could enroll on the date of enactment of this paragraph if the employee resided—

“(i) anywhere in the United States; or

“(ii) in the same region of the United States as the health benefits plan proposed to be provided.

“(B) For contract years beginning on or after January 1, 2014, if a carrier offers to provide an equivalent health benefits plan, the Director shall enter into a contract with the carrier to provide the equivalent health benefits plan.”;

(B) in subsection (e), by striking “The Office may prescribe” and inserting “Subject to subsection (a)(2), the Office may prescribe”; and

(C) by adding at the end the following:

“(p) A contract under this chapter for a contract year beginning on or after January 1, 2014, shall offer benefits for employees, annuitants, members of their families, former spouses, persons having continued coverage under section 8905a of this title, and covered individuals. In administering this subchapter and subchapter II, employees, annuitants, members of their families, former spouses, persons having continued coverage under section 8905a of this title, and covered individuals shall be in the same risk pool.”;

(4) in section 8904—

(A) by striking “(a) The benefits” and inserting “The benefits”;

(B) by striking “this subsection” each place it appears and inserting “this section”; and

(C) by striking subsection (b);

(5) in section 8909(a)(1), by inserting “and for all payments under section 8921(d)” before the semicolon;

(6) in section 8910, by striking subsection (d); and

(7) by adding at the end the following:

“SUBCHAPTER II—COVERED INDIVIDUALS

“§ 8921. Health insurance for covered individuals

“(a) For contract years beginning on or after January 1, 2014, and except as otherwise provided in this subchapter, the Director of the Office of Personnel Management shall

ensure that to the greatest extent possible health benefits plans provide benefits for covered individuals to the same extent and in the same manner as provided under subchapter I for employees, annuitants, members of their families, former spouses, and persons having continued coverage under section 8905a of this title.

“(b)(1) The Director shall establish the deadline by which a covered individual shall elect to—

“(A) enroll in a health benefits plan under this chapter based on the status of the individual as a covered individual; and

“(B) with the concurrence of the employer or former employer of the covered individual, receive payments under subsection (d) to assist in paying for health insurance provided through the employer or former employer of the covered individual; or

“(C) not enroll in a health benefits plan or receive payments under this chapter.

“(2) Failure to make a timely election under this subsection shall be deemed as an election to not enroll in a health benefits plan or receive payment under this chapter.

“(3) A covered individual—

“(A) may elect to enroll in a health benefits plan as an individual; and

“(B) may not enroll in a health benefits plan for self and family.

“(4)(A) A covered individual who elects not to enroll, or who elects not to continue enrollment, in a health benefits plan under this chapter (including a covered individual who elects to receive payments under subsection (d)) may subsequently enroll in a health benefits plan under this chapter based on the status of the covered individual as a covered individual in accordance with such procedures, and after paying such fees, as the Director of the Office of Personnel Management may establish.

“(B) The fact that a covered individual elects not to enroll, or elects not to continue enrollment, in a health benefits plan under this chapter shall not affect the eligibility of the covered individual for benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.).

“(c)(1)(A) A covered individual who elects to enroll in a health benefits plan under this chapter based on the status of the covered individual as a covered individual shall pay a monthly individual premium payment determined in accordance with subparagraph (B).

“(B) The individual premium payment under subparagraph (A) shall be determined based on income, as follows:

“(i) For an individual with an adjusted gross income (as defined under section 62 of the Internal Revenue Code of 1986) of not more than \$85,000, the individual premium payment shall be in an amount equal to the employee contribution for the health benefits plan, as determined under section 8906.

“(ii) For an individual with an adjusted gross income of more than \$85,000 and not more than \$107,000, the individual premium payment shall be in an amount equal to the sum of—

“(I) the employee contribution for the health benefits plan, as determined under section 8906; and

“(II) the product obtained by multiplying—

“(aa) the Government contribution (as determined under section 8906(b)); by

“(bb) 0.05.

“(iii) For an individual with an adjusted gross income of more than \$107,000 and not more than \$160,000, the individual premium payment shall be in an amount equal to the sum of—

“(I) the employee contribution for the health benefits plan, as determined under section 8906; and

“(II) the product obtained by multiplying—

“(aa) the Government contribution (as determined under section 8906(b)); by

“(bb) 0.1.

“(iv) For an individual with an adjusted gross income of more than \$160,000 and not more than \$250,000, the individual premium payment shall be in an amount equal to the sum of—

“(I) the employee contribution for the health benefits plan, as determined under section 8906; and

“(II) the product obtained by multiplying—

“(aa) the Government contribution (as determined under section 8906(b)); by

“(bb) 0.15.

“(v) For an individual with an adjusted gross income of more than \$250,000 and not more than \$1,000,000, the individual premium payment shall be in an amount equal to the sum of—

“(I) the employee contribution for the health benefits plan, as determined under section 8906; and

“(II) the product obtained by multiplying—

“(aa) the Government contribution (as determined under section 8906(b)); by

“(bb) 0.5.

“(vi) For an individual with an adjusted gross income of more than \$1,000,000, the individual premium payment shall be in an amount equal to the sum of—

“(I) the employee contribution for the health benefits plan, as determined under section 8906; and

“(II) the Government contribution (as determined under section 8906(b)).

“(C) The Director of the Office of Personnel Management shall adjust the income amounts under subparagraph (B) annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

“(2)(A) For a covered individual who is entitled to monthly benefits under section 202 or 223 of the Social Security Act (42 U.S.C. 402 and 423), the monthly premiums of the covered individual under this subchapter shall (except as provided in subparagraph (B) or (C)) be collected by deducting the amount of the premium from the amount of such monthly benefits.

“(B) For a covered individual who is entitled to receive for a month an annuity under the Railroad Retirement Act of 1974 (whether or not the covered individual is also entitled for such month to a monthly insurance benefit under section 202 of the Social Security Act (42 U.S.C. 402)), the monthly premiums of the covered individual under this subchapter shall (except as provided in subparagraph (C)) be collected by deducting the amount thereof from such annuity or pension.

“(C) If a covered individual to whom subparagraph (A) or (B) applies estimates that the amount which will be available for deduction under such subparagraph for any premium payment period will be less than the amount of the monthly premiums for such period, the covered individual may pay to the Director of the Office of Personnel Management such portion of the monthly premiums for such period as the covered individual desires.

“(D) For a covered individual who is not described in subparagraph (A) or (B) and who elects to enroll in a health benefits plan under this chapter, or with respect to whom subparagraph (C) applies, the covered individual shall pay monthly premiums to the Director of the Office of Personnel Management at such times, and in such manner, as the Director shall by regulations prescribe.

“(E) Amounts deducted or paid under this paragraph shall be deposited in the Treasury to the credit of the Employees Health Benefits Fund established under section 8909.

“(F) After consultation with the Director of the Office of Personnel Management, the Secretary of Health and Human Services

shall establish procedures for making and depositing deductions under this paragraph.

“(3) The Director of the Office of Personnel Management shall establish procedures for terminating the enrollment of a covered individual in a health benefits plan if the covered individual fails to make timely payment of premiums, which shall allow such a covered individual to reenroll in a health benefits plan under such terms and conditions as the Director may prescribe.

“(d) The Director of the Office of Personnel Management shall make periodic payments to the employer or former employer providing health insurance to a covered individual who makes an election under subsection (b)(1)(B) in a total amount not to exceed the lesser of—

“(1) the cost to the employer or former employer of providing health insurance to the covered individual; and

“(2) the average Government contribution for an individual enrolled in a health benefits plan under this chapter that is available to individuals residing anywhere in the United States.

“(e) For fiscal year 2014 and each fiscal year thereafter, there are appropriated to the Employees Health Benefits Fund established under section 8909, out of any funds in the Treasury not otherwise appropriated—

“(1) an amount equal to—

“(A) the taxes imposed by sections 3101(b) and 3111(b) of the Internal Revenue Code of 1986 with respect to wages reported to the Secretary of the Treasury pursuant to subtitle F of such Code after December 31, 2013, as determined by the Secretary of the Treasury by applying the applicable rates of tax under such sections to such wages, which wages shall be certified by the Commissioner of Social Security on the basis of records of wages established and maintained by the Commissioner of Social Security in accordance with such reports;

“(B) the taxes imposed by section 1401(b) of the Internal Revenue Code of 1986 with respect to self-employment income reported to the Secretary of the Treasury on tax returns under subtitle F of such Code, as determined by the Secretary of the Treasury by applying the applicable rate of tax under such section to such self-employment income, which self-employment income shall be certified by the Commissioner of Social Security on the basis of records of self-employment established and maintained by the Commissioner of Social Security in accordance with such returns; and

“(C) any amounts that, on or after January 1, 2014, are to be deposited in the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) under any other provision of law; and

“(2) a Government contribution equal to the difference obtained by subtracting—

“(A) the sum of—

“(i) the total amount of premiums paid by covered individuals under subsection (c)(2) for the fiscal year; and

“(ii) the amount appropriated under paragraph (1); from

“(B) the sum of—

“(i) the total cost for the fiscal year of subscription charges for health benefits plans for covered individuals enrolled in a health benefits plan based on the status of the covered individuals as covered individuals; and

“(ii) the total amount of payments for the fiscal year under subsection (d).

“(f) The Director of the Office of Personnel Management shall establish, in consultation with the Secretary of Health and Human Services acting through the Administrator of the Centers for Medicare & Medicaid Services, procedures to ensure that health benefits plans coordinate with State Medicaid

programs with respect to the provision of cost-sharing and other medical assistance for covered individuals enrolled in health benefit plans who are also eligible for medical assistance and enrolled in a State Medicaid program.

"SUBCHAPTER III—HIGH RISK POOL

"§ 8941. Reimbursement of costs for high risk individuals

"(a) In this section, the term 'high risk individual' means an individual—

"(1) enrolled in a health benefits plan under this chapter for a contract year; and

"(2) who, of all individuals enrolled in a health benefits plan under this chapter for the contract year, is in the highest 5 percent in terms of benefits paid by a carrier under a health benefits plan relating to the contract year.

"(b) After the end of each contract year beginning on or after January 1, 2014, the Director of the Office of Personnel Management shall—

"(1) identify the high risk individuals for the contract year; and

"(2) pay to a carrier contracting to provide a health benefits plan to a high risk individual for the contract year 90 percent of the benefits paid by the carrier relating to the high risk individual.

"(c)(1) For fiscal year 2014 and each fiscal year thereafter, there are appropriated to the Director of the Office of Personnel Management from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) such sums as are necessary to carry out this section.

"(2) If the amounts appropriated under paragraph (1) are insufficient to carry out this section, for fiscal year 2014 and each fiscal year thereafter, there are appropriated to the Director of the Office of Personnel Management, out of any funds in the Treasury not otherwise appropriated, such sums as are necessary to carry out this section."

(b) EXEMPTION FROM INSURANCE REQUIREMENTS.—

(1) AMENDMENT TO TITLE 5.—Chapter 89 of title 5, United States Code, is amended by inserting after section 8901 the following:

"§ 8901A. Exemption from insurance requirements

"Title I of the Patient Protection and Affordable Care Act, subtitle A of title X of such Act, and the amendments made by such title I and subtitle A shall not apply to health benefits plans."

(2) CONFORMING AMENDMENT.—Section 2709 of the Public Health Service Act (42 U.S.C. 300gg-8) (as added by section 10103 of the Patient Protection and Affordable Care Act) is amended—

(A) by striking subsection (g); and

(B) by redesignating subsection (h) as subsection (g).

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 89 of title 5, United States Code, is amended—

(1) in the table of sections—

(A) by inserting after the item relating to section 8901 the following:

"8901A. Exemption from insurance requirements.

"SUBCHAPTER I—FEDERAL EMPLOYEES"; and

(B) by adding at the end the following:

"SUBCHAPTER II—COVERED INDIVIDUALS

"8921. Health insurance for covered individuals.

"SUBCHAPTER III—HIGH RISK POOL

"8941. Reimbursement of costs for high risk individuals."

(2) in section 8902a(d)(1)—

(A) in subparagraph (A), by adding "or" at the end;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(3) by striking section 8910(d).

(d) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section shall take effect on the date of enactment of this Act and apply on and after January 1, 2014.

SA 2025. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. ____ . ENDING THE MAILBOX USE MONOPOLY.

Section 1725 of title 18, United States Code, is amended by striking "established, approved, or accepted" and all that follows through "mail route" and inserting "or post office box owned by the Postal Service or located on Postal Service property".

SA 2026. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PERFORMANCE-BASED PAY FOR POSTMASTER GENERAL; POSTAL SERVICE BONUS AUTHORITY.

(a) IN GENERAL.—Chapter 10 of title 39, United States Code, is amended by adding at the end the following:

"§ 1012. Performance-based pay for Postmaster General; Postal Service bonus authority

"(a) PERFORMANCE-BASED PAY FOR POSTMASTER GENERAL.—

"(1) DEFINITION.—In this subsection, the term 'base rate' means the annual rate of pay for the Postmaster General in effect on the date of enactment of the 21st Century Postal Service Act of 2012.

"(2) ANNUAL RATE OF PAY.—Except as provided under paragraph (3), the annual rate of pay for the Postmaster General shall be the base rate.

"(3) ADJUSTMENTS.—

"(A) IN GENERAL.—The annual rate of pay for the Postmaster General shall be adjusted only in accordance with this paragraph. An adjustment under this paragraph may be made notwithstanding section 1003(a).

"(B) FISCAL YEARS WITH SURPLUSES.—If there was a surplus in the preceding fiscal year as determined under subsection (c)(1) and the individual serving as the Postmaster General served in that position for all of the preceding fiscal year, the annual rate of pay for the Postmaster General for pay periods beginning on or after October 1 in any fiscal year shall be equal to the base rate increased by the percentage of the surplus for the preceding fiscal year as determined under subsection (c)(2).

"(C) FISCAL YEAR WITH DEFICITS.—If there was a deficit in the preceding fiscal year as determined under subsection (c)(1), the annual rate of pay for the Postmaster General for pay periods beginning on or after October 1 in any fiscal year shall be equal to the base rate decreased by the percentage of the deficit for the preceding fiscal year as determined under subsection (c)(2).

"(b) BONUS AUTHORITY.—

"(1) FISCAL YEARS WITH SURPLUSES.—If there was a surplus in the preceding fiscal year as determined under subsection (c)(1), the Postal Service may provide incentive or performance award payments to employees

during a fiscal year, which may not increase the total compensation of an employee relative to the base salary of the employee by a percentage greater than the percentage of the surplus for the preceding fiscal year as determined under subsection (c)(2).

"(2) FISCAL YEARS WITH DEFICITS.—If there was a deficit in the preceding fiscal year as determined under subsection (c)(1), the Postal Service may not provide incentive or performance award payments to employees during a fiscal year.

"(c) DETERMINATIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—At the end each fiscal year the Director of the Office of Management and Budget shall—

"(1) make a determination of whether there is a surplus or a deficit in the annual budget of the Postal Service submitted under section 2009 for that fiscal year;

"(2) make a determination of the surplus or deficit described under paragraph (1) expressed as a percentage of the budget for that fiscal year; and

"(3) submit notification to the Board of Governors and Congress of the determinations made under paragraphs (1) and (2)."

(b) FIXING PAY BY BOARD OF GOVERNORS.—Sections 202(c) of title 39, United States Code, is amended in the second sentence by striking "pay and".

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 10 of title 39, United States Code, is amended by adding after the item relating to section 1011 the following:

"1012. Performance-based pay for Postmaster General; Postal Service bonus authority."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) ADJUSTMENTS; BONUSES.—

(A) ADJUSTMENTS.—Adjustments under section 1012(a) of title 39, United States Code, (as added by subsection (a) of this section) shall apply to pay periods occurring on or after October 1, 2012.

(B) BONUSES.—The limitation on the provision of incentive or performance award payments under Adjust section 1012(b) of title 39, United States Code, (as added by subsection (a) of this section) shall apply to fiscal year 2013 and each fiscal year thereafter.

SA 2027. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CAPITOL COMPLEX POST OFFICES.

(a) HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—The Postal Service shall not maintain or operate more than 1 post office in the United States Capitol Complex, as defined in section 310(a)(3)(B) of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e(a)(3)(B)), which shall be located in a House Office Building.

(2) CLOSING OF CAPITOL POST OFFICES.—The Postal Service shall close any post office in the United States Capitol Complex, as defined in section 310(a)(3)(B) of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e(a)(3)(B)), not permitted under this subsection, without regard to the requirements under section 404(d) of title 39, United States Code.

(b) SENATE.—

(1) IN GENERAL.—The Sergeant at Arms and Doorkeeper of the Senate may not enter

into, modify, or renew a contract with the Postal Service to maintain or operate more than 1 post office in a Senate Office Building.

(2) **EXISTING CONTRACTS.**—Nothing in paragraph (1) may be construed to affect a contract entered into by the Sergeant at Arms and Doorkeeper of the Senate and the Postal Service before the date of enactment of this Act.

SA 2028. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. PILOT PROGRAM TO TEST ALTERNATIVE METHODS FOR THE DELIVERY OF POSTAL SERVICES.

(a) **DEFINITION.**—In this section, the term “review board” means a postal performance review board established under subsection (c)(2).

(b) **PILOT PROGRAM.**—

(1) **IN GENERAL.**—The United States Postal Service may conduct a pilot program to test the feasibility and desirability of alternative methods for the delivery of postal services. Subject to the provisions of this section, the pilot program shall not be limited by any lack of specific authority under title 39, United States Code, to take any action contemplated under the pilot program.

(2) **WAIVERS.**—

(A) **IN GENERAL.**—The Postal Service may waive any provision of law, rule, or regulation inconsistent with any action contemplated under the pilot program.

(B) **CONTENT.**—A waiver granted by the Postal Service under subparagraph (A) may include a waiver of requirements relating to—

- (i) days of mail delivery;
- (ii) the use of cluster-boxes;
- (iii) alternative uses of mailboxes; and
- (iv) potential customer charges for daily at-home delivery.

(C) **REGULATIONS AND CONSULTATION.**—The Postal Service shall issue any waiver under subparagraph (A)—

- (i) in accordance with regulations under subsection (h); and
- (ii) with respect to a waiver involving a provision of title 18, United States Code, in consultation with the Attorney General.

(c) **REQUIREMENTS.**—

(1) **IN GENERAL.**—

(A) **APPLICATION.**—Under the pilot program, alternative methods for the delivery of postal services may be tested only in a community that submits an appropriate application (together with a written plan)—

- (i) in such time, form, and manner as the Postal Service by regulation requires; and
- (ii) that is approved by the Postal Service.

(B) **CONTENTS.**—Any application under this paragraph shall include—

- (i) a description of the postal services that would be affected;
- (ii) the alternative providers selected and the postal services each would furnish (or the manner in which those decisions would be made);
- (iii) the anticipated costs and benefits to the Postal Service and users of the mail;
- (iv) the anticipated duration of the participation of the community in the pilot program;
- (v) a specific description of any actions contemplated for which there is a lack of specific authority or for which a waiver under subsection (b)(2) would be necessary; and
- (vi) any other information as the Postal Service may require.

(2) **REVIEW BOARDS.**—

(A) **IN GENERAL.**—Under the pilot program, a postmaster within a community may, in accordance with regulations prescribed by the Postal Service, establish a postal performance review board.

(B) **FUNCTIONS.**—A review board shall—

- (i) submit any application under paragraph (1) on behalf of the community that the review board represents; and
- (ii) carry out the plan on the basis of which any application with respect to that community is approved.

(C) **MEMBERSHIP.**—A review board shall consist of—

- (i) the postmaster for the community (or, if there is more than 1, the postmaster designated in accordance with regulations under subsection (h));
- (ii) at least 1 individual who shall represent the interests of business concerns; and
- (iii) at least 1 individual who shall represent the interests of users of the class of mail for which the most expeditious handling and transportation is afforded by the Postal Service.

(iv) **CHAIRPERSON.**—The postmaster for the community (or postmaster so designated) shall serve as chairperson of the review board.

(3) **ALTERNATIVE PROVIDERS.**—To be eligible to be selected as an alternative provider of postal services, a provider shall be a commercial enterprise, nonprofit organization, labor organization, or other person that—

- (A) possesses the personnel, equipment, and other capabilities necessary to furnish the postal services concerned;
- (B) satisfies any security and other requirements as may be necessary to safeguard the mail, users of the mail, and the general public;
- (C) submits a bid to the appropriate review board in such time, form, and manner (together with such accompanying information) as the review board may require; and
- (D) meets such other requirements as the review board may require, consistent with any applicable regulations under subsection (h).

(4) **USE OF POSTAL FACILITIES AND EQUIPMENT.**—A postmaster may, at the discretion of the postmaster, allow alternative providers to use facilities and equipment of the Postal Service. Any such use proposed by a person in a bid submitted under paragraph (3)(C) shall, for purposes of the competitive bidding process, be taken into account using the fair market value of such use.

(5) **APPLICATIONS FROM COMMUNITIES WITH POTENTIAL CLOSURES.**—When reviewing and granting applications, the Postal Service shall give priority to applications from communities identified for potential post office closures.

(d) **LIMITATION ON APPLICATIONS.**—

(1) **IN GENERAL.**—Except as provided under paragraph (2), no more than 250 applications may be approved for participation in the pilot program under this section at any 1 time.

(2) **INCREASED LIMITATION.**—If more than 250 applications for participation in the pilot program are filed during the 90-day period beginning on the date of enactment of this Act, no more than 500 applications may be approved for participation in the pilot program under this section at any 1 time.

(e) **TERMINATION OF COMMUNITY PARTICIPATION.**—Subject to such conditions as the Postal Service may by regulation prescribe and the terms of any written agreement or contract entered into in conformance with such regulations, the participation of a community in the pilot program may be terminated by the Postal Service or by the review board for that community if the Postal Service or the review board determines that the

continued participation of the community is not in the best interests of the public or the Government of the United States.

(f) **EVALUATIONS.**—

(1) **IN GENERAL.**—The Postal Service shall evaluate the operation of the pilot program within each community that participates in the pilot program.

(2) **CONTENTS.**—An evaluation under this subsection shall include an examination, as applicable, of—

- (A) the reliability of mail delivery (including the rate of misdeliveries) in the community;
- (B) the timeliness of mail delivery (including the time of day that mail is delivered and the time elapsing from the postmarking to delivery of mail) in the community;
- (C) the volume of mail delivered in the community; and
- (D) any cost savings or additional costs to the Postal Service attributable to the use of alternative providers.

(3) **ANALYSIS OF DATA.**—Data included in any evaluation under this subsection shall be analyzed—

- (A) by community characteristics, time of year, and type of postal service;
- (B) by residential, business, and any other type of mail user; and
- (C) on any other basis as the Postal Service may determine.

(4) **SUBMISSION OF EVALUATIONS.**—Not later than 90 days after the date on which the pilot program terminates, the Postal Service shall submit each evaluation under this subsection and an overall evaluation of the pilot program to the President and Congress.

(g) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to affect the obligation of the Postal Service to continue providing universal service, in accordance with otherwise applicable provisions of law, in all aspects not otherwise provided for under this section.

(h) **REGULATIONS.**—The Postal Service may prescribe any regulations necessary to carry out this section.

(i) **TERMINATION.**—

(1) **TERMINATION BY THE POSTAL SERVICE.**—The Postmaster General may terminate the pilot program under this section before the date described in paragraph (2)(A), if—

- (A) the Postmaster General determines that continuation of the pilot program is not in the best interests of the public or the Government of the United States; and
- (B) the Postal Regulatory Commission approves the termination.

(2) **TERMINATION AFTER 5 YEARS.**—

(A) **IN GENERAL.**—Except as provided under subparagraph (B), the authority to conduct the pilot program under this section shall terminate 5 years after the date of enactment of this Act.

(B) **EXTENSIONS.**—

(i) **IN GENERAL.**—The Postmaster General may extend the authority to conduct the pilot program under this section, if before the date that the authority to conduct the pilot program would otherwise terminate, the Postmaster General submits a notice of extension to Congress that includes—

- (I) the term of the extension; and
- (II) the reasons that the extension is in the best interests of the public or the Government of the United States.

(ii) **MULTIPLE EXTENSIONS.**—The Postmaster General may provide for more than 1 extension under this subparagraph.

SA 2029. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

In section 401(b), strike paragraphs (3) and (4) and insert the following:

(3) any cost savings that the Postal Service anticipates will be achieved through negotiations with employees of the Postal Service;

(4) projected changes in mail volume; and

(5) the impact of—

(A) regulations the Postmaster General was required by Congress to promulgate; and

(B) congressional action required to facilitate the profitability of the Postal Service.

SA 2030. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

Strike section 302 and insert the following:

SEC. 302. FEDERAL WORKERS COMPENSATION REFORMS FOR RETIREMENT-AGE EMPLOYEES.

(a) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

(1) DEFINITIONS.—Section 8101 is amended—
(A) in paragraph (18), by striking “and” at the end;

(B) in paragraph (19), by striking “and” at the end;

(C) in paragraph (20), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(21) ‘retirement age’ has the meaning given that term under section 216(1)(1) of the Social Security Act (42 U.S.C. 416(1)(1));

“(22) ‘covered claim for total disability’ means a claim for a period of total disability that commenced before the date of enactment of the Workers’ Compensation Reform Act of 2012;

“(23) ‘covered claim for partial disability’ means a claim for a period of partial disability that commenced before the date of enactment of the Workers’ Compensation Reform Act of 2012; and

“(24) ‘individual who has an exempt disability condition’ means an individual—

“(A) who—

“(i) is eligible to receive continuous periodic compensation for total disability under section 8105 on the date of enactment of the Workers’ Compensation Reform Act of 2012; and

“(ii) meets the criteria under section 8105(c);

“(B) who, on the date of enactment of the Workers’ Compensation Reform Act of 2012—

“(i) is eligible to receive continuous periodic compensation for total disability under section 8105; and

“(ii) has sustained a currently irreversible severe mental or physical disability for which the Secretary of Labor has authorized, for at least the 1-year period ending on the date of enactment of the Workers’ Compensation Reform Act of 2012, constant in-home care or custodial care, such as placement in a nursing home; or

“(C) who is eligible to receive continuous periodic compensation for total disability under section 8105—

“(i) for not less than the 3-year period ending on the date of enactment of the Workers’ Compensation Reform Act of 2012; or

“(ii) if the individual became eligible to receive continuous periodic compensation for total disability under section 8105 during the period beginning on the date that is 3 years before the date of enactment of the Workers’ Compensation Reform Act of 2012 and ending on such date of enactment, for not less than the 3-year period beginning on the date on which the individual became eligible.”.

(2) TOTAL DISABILITY.—Section 8105 is amended—

(A) in subsection (a), by striking “If” and inserting “IN GENERAL.—Subject to subsection (b), if”;

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

“(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for total disability for an employee who has attained retirement age shall be 50 percent of the monthly pay of the employee.

“(2) EXCEPTIONS.—

“(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE, HAVE AN EXEMPT DISABILITY CONDITION, OR FACE FINANCIAL HARDSHIP.—Paragraph (1) shall not apply to a covered claim for total disability by an employee if the employee—

“(i) on the date of enactment of the Workers’ Compensation Reform Act of 2012, has attained retirement age;

“(ii) is an individual who has an exempt disability condition; or

“(iii) is a member of a household that would meet the income and assets requirements for the supplemental nutrition assistance program as described in section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) (not including any provisions permitting eligibility due to benefits received under any other law) if the basic compensation for total disability of the employee were provided in accordance with paragraph (1).

“(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for total disability by an employee who is not an employee described in subparagraph (A), the employee shall receive the basic compensation for total disability provided under subsection (a) until the later of—

“(i) the date on which the employee attains retirement age; and

“(ii) the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2012.”.

(3) PARTIAL DISABILITY.—Section 8106 is amended—

(A) in subsection (a), by striking “If” and inserting “IN GENERAL.—Subject to subsection (b), if”;

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

“(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for partial disability for an employee who has attained retirement age shall be 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability.

“(2) EXCEPTIONS.—

“(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE OR FACE FINANCIAL HARDSHIP.—Paragraph (1) shall not apply to a covered claim for partial disability by an employee if the employee—

“(i) on the date of enactment of the Workers’ Compensation Reform Act of 2012, has attained retirement age; or

“(ii) is a member of a household that would meet the income and assets requirements for eligibility for the supplemental nutrition assistance program as described in section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) (not including any provisions permitting eligibility due to benefits received under any other law) if the basic compensation for total disability of the employee were provided in accordance with paragraph (1).

“(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for partial disability by an employee who is not an employee described in subparagraph (A), the employee shall receive basic compensation for partial disability in accordance with subsection (a) until the later of—

“(i) the date on which the employee attains retirement age; and

“(ii) the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2012.”.

After section 313, insert the following:

SEC. 314. TERRORISM INJURIES; ZONES OF ARMED CONFLICT.

(a) COVERING TERRORISM INJURIES.—Section 8102(b) of title 5, United States Code, is amended in the matter preceding paragraph (1)—

(1) by inserting “or from an attack by a terrorist or terrorist organization, either known or unknown,” after “force or individual,”; and

(2) by striking “outside” and all that follows through “1979” and inserting “outside of the United States”.

(b) CONTINUATION OF PAY IN A ZONE OF ARMED CONFLICT.—Section 8118 of title 5, United States Code, as amended by section 308(b) of this Act, is amended—

(1) in subsection (b), by striking “Continuation” and inserting “Except as provided under subsection (d)(2), continuation”;

(2) in subsection (c), as redesignated by section 308(b)(4) of this Act, by striking “subsection (a)” and inserting “subsection (a) or (d)”;

(3) by redesignating subsection (d), as redesignated by section 308(b)(4) of this Act, as subsection (e); and

(4) inserting after subsection (c) the following:

“(d) CONTINUATION OF PAY IN A ZONE OF ARMED CONFLICT.—

“(1) IN GENERAL.—Notwithstanding subsection (a), the United States shall authorize the continuation of pay of an employee described in subparagraph (A), (C), (D), or (F) of section 8101(1), who—

“(A) files a claim for a period of wage loss due to an injury in performance of duty in a zone of armed conflict (as determined by the Secretary of Labor under paragraph (3)); and

“(B) files the claim for such wage loss benefit with the immediate superior of the employee not later than 45 days after the later of—

“(i) the termination of the assignment of the employee to the zone of armed conflict; or

“(ii) the return of the employee to the United States.

“(2) CONTINUATION OF PAY.—Notwithstanding subsection (b), continuation of pay under this subsection shall be furnished for a period not to exceed 135 days without any break in time or waiting period, unless controverted under regulations prescribed by the Secretary of Labor.

“(3) DETERMINATION OF ZONES OF ARMED CONFLICT.—For purposes of this subsection, the Secretary of Labor, in consultation with the Secretary of State and the Secretary of Defense, shall determine whether a foreign country or other foreign geographic area outside of the United States (as defined in section 202(a)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(a)(7)) is a zone of armed conflict based on whether—

“(A) the Armed Forces of the United States are involved in hostilities in the country or area;

“(B) the incidence of civil insurrection, civil war, terrorism, or wartime conditions threatens physical harm or imminent danger to the health or well-being of United States civilian employees in the country or area;

“(C) the country or area has been designated a combat zone by the President under section 112(c) of the Internal Revenue Code of 1986;

“(D) a contingency operation involving combat operations directly affects civilian employees in the country or area; or

“(E) there exist other relevant conditions and factors.”.

SA 2031. Mrs. MCCASKILL (for herself, Mr. MERKLEY, Mr. BAUCUS, Mr. BEGICH, Mr. TESTER, and Mr. SANDERS) submitted an amendment intended to be proposed by her to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . RURAL POST OFFICES.

(a) CONDITIONS FOR CLOSING RURAL POST OFFICES.—Section 404(d) of title 39, United States Code, as amended by section 205 of this Act, is amended—

(1) in paragraph (3)—

(A) in the first sentence, by inserting “and, with respect to a rural post office, a summary of the determinations required under paragraph (9)” after “paragraph (2) of this subsection”; and

(B) in the second sentence, by striking “determination and findings” and inserting “determination, findings, and summary”; and

(2) by adding at the end the following:

“(9) The Postal Service may not make a determination under subsection (a)(3) to close a post office located in a rural area, as defined by the Census Bureau, unless the Postal Service determines that—

“(A) seniors served by the post office would continue to receive the same or substantially similar access to prescription medication sent through the mail as before the closing;

“(B) businesses located in the community served by the post office would not suffer financial loss as a result of the closing;

“(C) the economic loss to the community served by the post office as a result of the closing does not exceed the cost to the Postal Service of not closing the post office;

“(D) the area served by the post office has adequate access to wired broadband Internet service, as identified on the National Broadband Map of the National Telecommunications and Information Administration;

“(E) seniors and persons with disabilities who live near the post office would continue to receive the same or substantially similar access to postal services as before the closing; and

“(F) the closing would not result in more than 10 miles distance (as measured on roads with year-round access) between any 2 post offices.”.

(b) MORATORIUM.—Notwithstanding section 205(b) of this Act, or any other provision of law, during the 24-month period beginning on the date of enactment of this Act, the Postal Service may not close a post office located in a rural area, as defined by the Census Bureau, except as required for the immediate protection of health and safety.

SA 2032. Mr. TESTER (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . EXECUTIVE COMPENSATION.

(a) LIMITATIONS ON COMPENSATION.—Section 1003 of title 39, United States Code, is amended—

(1) in subsection (a), by striking the last sentence; and

(2) by adding at the end the following:

“(e) LIMITATIONS ON COMPENSATION.—

“(1) RATES OF BASIC PAY.—

“(A) IN GENERAL.—Subject to subparagraph (B), an officer or employee of the Postal Service may not be paid at a rate of basic pay that exceeds the rate of basic pay for level II of the Executive Schedule under section 5313 of title 5.

“(B) VERY SENIOR EXECUTIVES.—Not more than 6 officers or employees of the Postal Service that are in very senior executive positions, as determined by the Board of Governors, may be paid at a rate of basic pay that does not exceed the rate of basic pay for level I of the Executive Schedule under section 5312 of title 5.

“(2) BENEFITS.—For any fiscal year, an officer or employee of the Postal Service who is in a critical senior executive or equivalent position, as designated under section 3686(c), may not receive fringe benefits (within the meaning given that term under section 1005(f)) that are greater than the fringe benefits received by supervisory and other managerial personnel who are not subject to collective-bargaining agreements under chapter 12.”.

(b) LIMITATION ON BONUS AUTHORITY.—Section 3686 of title 39, United States Code, is amended—

(1) in subsection (a), by striking “The Postal Service” and inserting “Subject to subsection (f), the Postal Service”; and

(2) by adding at the end the following:

“(f) LIMITATION ON BONUS AUTHORITY.—

“(1) DEFINITION.—In this subsection, the term ‘covered year’ means the fiscal year following a fiscal year relating to which the Office of Management and Budget determines the Postal Service has not implemented the measures needed to achieve long-term solvency, as defined in section 208(e) of the 21st Century Postal Service Act of 2012.

“(2) LIMITATION.—The Postal Service may not provide a bonus or other reward under this section to an officer or employee of the Postal service in a critical senior executive or equivalent position, as designated under subsection (c), during a covered year.”.

(c) EFFECTIVE DATE; APPLICABILITY.—The amendments made by subsections (a) and (b) shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to any contract entered or modified by the Postal Service on or after the date of enactment of this Act.

(d) SUNSET.—Effective 2 years after the date of enactment of this Act—

(1) section 1003 of title 39, United States Code, is amended—

(A) in subsection (a), by adding at the end the following: “No officer or employee shall be paid compensation at a rate in excess of the rate for level I of the Executive Schedule under section 5312 of title 5.”; and

(B) by striking subsection (e); and

(2) section 3686 of title 39, United States Code, is amended—

(A) in subsection (a), by striking “Subject to subsection (f), the Postal Service” and inserting “The Postal Service”; and

(B) by striking subsection (f).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 17, 2012, at 10 a.m., to conduct a committee hearing entitled “Export-Import Bank Reauthorization: Saving American Jobs and Supporting American Exporters.”

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 17, 2012, at 2:30 p.m.

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

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 17, 2012, at 10:30 a.m. to conduct a hearing entitled, “The Comprehensive Contingency Contracting Reform Act of 2012 (S. 2139).”

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 17, 2012 at 10 in Dirksen 406 to conduct a hearing entitled, “Review of Mercury Pollution’s Impacts to Public Health and the Environment.”

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

SUBCOMMITTEE ON COMPETITIVENESS, INNOVATION, AND EXPORT PROMOTION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Competitiveness, Innovation, and Export Promotion of the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on April 17, 2012, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, “Promoting American Competitiveness: Filling Jobs Today and Training Workers for Tomorrow.”

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on April 17, 2012, at 2:30 p.m.

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

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Human Rights, be authorized to meet during the session of the Senate, on April 17, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Ending Racial Profiling in America.”

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

21ST CENTURY POSTAL SERVICE ACT

AMENDMENT NO. 2000, AS MODIFIED

Mr. REID. Mr. President, due to a clerical error, the printout of amendment No. 2000, which was filed at the desk last evening, had missing pages.

I ask unanimous consent that the amendment be modified with the additional pages at the desk; further, that the cloture motion filed earlier today with respect to amendment No. 2000 be applicable to amendment No. 2000, as modified.

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

The amendment (No. 2000), as modified, is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “21st Century Postal Service Act of 2012”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

TITLE I—POSTAL WORKFORCE MATTERS

- Sec. 101. Treatment of postal funding surplus for Federal Employees Retirement System.
- Sec. 102. Incentives for voluntary separation.
- Sec. 103. Restructuring of payments for retiree health benefits.
- Sec. 104. Postal Service Health Benefits Program.
- Sec. 105. Medicare coordination efforts for Postal Service employees and retirees.
- Sec. 106. Arbitration; labor disputes.

TITLE II—POSTAL SERVICES AND OPERATIONS

- Sec. 201. Maintenance of delivery service standards.
- Sec. 202. Preserving mail processing capacity.
- Sec. 203. Establishment of retail service standards.
- Sec. 204. Expanded retail access.
- Sec. 205. Preserving community post offices.
- Sec. 206. Area and district office structure.
- Sec. 207. Conversion of door delivery points.
- Sec. 208. Limitations on changes to mail delivery schedule.
- Sec. 209. Time limits for consideration of service changes.
- Sec. 210. Public procedures for significant changes to mailing specifications.
- Sec. 211. Nonpostal products and services.

Sec. 212. Chief Innovation Officer; innovation strategy.

Sec. 213. Strategic Advisory Commission on Postal Service Solvency and Innovation.

TITLE III—FEDERAL EMPLOYEES’ COMPENSATION ACT

- Sec. 301. Short title; references.
- Sec. 302. Federal workers compensation reforms for retirement-age employees.
- Sec. 303. Augmented compensation for dependents.
- Sec. 304. Schedule compensation payments.
- Sec. 305. Vocational rehabilitation.
- Sec. 306. Reporting requirements.
- Sec. 307. Disability management review; independent medical examinations.
- Sec. 308. Waiting period.
- Sec. 309. Election of benefits.
- Sec. 310. Sanction for noncooperation with field nurses.
- Sec. 311. Subrogation of continuation of pay.
- Sec. 312. Integrity and compliance.
- Sec. 313. Amount of compensation.
- Sec. 314. Technical and conforming amendments.
- Sec. 315. Regulations.
- Sec. 316. Effective date.

TITLE IV—OTHER MATTERS

- Sec. 401. Solvency plan.
- Sec. 402. Postal rates.
- Sec. 403. Co-location with Federal agencies.
- Sec. 404. Cooperation with State and local governments; intra-Service agreements.
- Sec. 405. Shipping of wine, beer, and distilled spirits.
- Sec. 406. Annual report on United States mailing industry.
- Sec. 407. Use of negotiated service agreements.
- Sec. 408. Contract disputes.
- Sec. 409. Contracting provisions.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COMMISSION.—The term “Commission” means the Postal Regulatory Commission.

(2) POSTAL SERVICE.—The term “Postal Service” means the United States Postal Service.

TITLE I—POSTAL WORKFORCE MATTERS**SEC. 101. TREATMENT OF POSTAL FUNDING SURPLUS FOR FEDERAL EMPLOYEES RETIREMENT SYSTEM.**

Section 8423(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

“(5)(A) In this paragraph, the term ‘postal funding surplus’ means the amount by which the amount computed under paragraph (1)(B) is less than zero.

“(B)(i) Beginning with fiscal year 2011, for each fiscal year in which the amount computed under paragraph (1)(B) is less than zero, upon request of the Postmaster General, the Director shall transfer to the United States Postal Service from the Fund an amount equal to the postal funding surplus for that fiscal year for use in accordance with this paragraph.

“(ii) The Office shall calculate the amount under paragraph (1)(B) for a fiscal year by not later than June 15 after the close of the fiscal year, and shall transfer any postal funding surplus to the United States Postal Service within 10 days after a request by the Postmaster General.

“(C) For each of fiscal years 2011, 2012, 2013, and 2014 if the amount computed under paragraph (1)(B) is less than zero, a portion of the

postal funding surplus for the fiscal year shall be used by the United States Postal Service for the cost of providing incentives for voluntary separation, in accordance with section 102 of the 21st Century Postal Service Act of 2012 and sections 8332(p) and 8411(m) of this title, to employees of the United States Postal Service who voluntarily separate from service before October 1, 2015.

“(D) Any postal funding surplus for a fiscal year not expended under subparagraph (C) may be used by the United States Postal Service for the purposes of—

“(i) repaying any obligation issued under section 2005 of title 39; or

“(ii) making required payments to—

“(I) the Employees’ Compensation Fund established under section 8147;

“(II) the Postal Service Retiree Health Benefits Fund established under section 8909a;

“(III) the Employees Health Benefits Fund established under section 8909; or

“(IV) the Civil Service Retirement and Disability Fund.”

SEC. 102. INCENTIVES FOR VOLUNTARY SEPARATION.

(a) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—The Postal Service may provide voluntary separation incentive payments to employees of the Postal Service who voluntarily separate from service before October 1, 2015 (including payments to employees who retire under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code, before October 1, 2015), which may not exceed the maximum amount provided under section 3523(b)(3)(B) of title 5, United States Code, for any employee.

(b) ADDITIONAL SERVICE CREDIT.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

“(p)(1)(A) For an employee of the United States Postal Service who is covered under this subchapter and voluntarily separates from service before October 1, 2015, the Office, if so directed by the United States Postal Service, shall add not more than 1 year to the total creditable service of the employee for purposes of determining entitlement to and computing the amount of an annuity under this subchapter (except for a disability annuity under section 8337).

“(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.

“(2) The United States Postal Service shall ensure that the average actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from additional creditable service provided under paragraph (1) or section 8411(m)(1) is not more than \$25,000 per employee provided additional creditable service under paragraph (1) or section 8411(m)(1).

“(3)(A) Subject to subparagraph (B), and notwithstanding any other provision of law, no deduction, deposit, or contribution shall be required for service credited under this subsection.

“(B) The actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from this subsection shall be included in the amount calculated under section 8348(h)(1)(A).”

(2) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

“(m)(1)(A) For an employee of the United States Postal Service who is covered under this chapter and voluntarily separates from service before October 1, 2015, the Office, if so directed by the United States Postal Service, shall add not more than 2 years to the total

creditable service of the employee for purposes of determining entitlement to and computing the amount of an annuity under this chapter (except for a disability annuity under subchapter V of that chapter).

“(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.

“(2) The United States Postal Service shall ensure that the average actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from additional creditable service provided under paragraph (1) or section 8332(p)(1) is not more than \$25,000 per employee provided additional creditable service under paragraph (1) or section 8332(p)(1).

“(3)(A) Subject to subparagraph (B), and notwithstanding any other provision of law, no deduction, deposit, or contribution shall be required for service credited under this subsection.

“(B) The actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from this subsection shall be included in the amount calculated under section 8423(b)(1)(B).”.

(C) GOALS.—

(1) IN GENERAL.—The Postal Service shall offer incentives for voluntary separation under this section and the amendments made by this section as a means of ensuring that the size and cost of the workforce of the Postal Service is appropriate to the work required of the Postal Service, including consideration of—

(A) the closure and consolidation of postal facilities;

(B) the ability to operate existing postal facilities more efficiently, including by reducing the size or scope of operations of postal facilities in lieu of closing postal facilities; and

(C) the number of employees eligible, or projected in the near-term to be eligible, for retirement, including early retirement.

(2) PERCENTAGE GOAL.—The Postal Service shall offer incentives for voluntary separation under this section to a sufficient number of employees as would reasonably be expected to lead to an 18 percent reduction in the total number of career employees of the Postal Service by the end of fiscal year 2015.

(3) DEFINITION.—In this subsection, the term “career employee of the Postal Service” means an employee of the Postal Service—

(A) whose appointment is not for a limited period; and

(B) who is eligible for benefits, including retirement coverage under chapter 83 or 84 of title 5, United States Code.

(d) FUNDING.—The Postal Service shall carry out subsection (a) and sections 8332(p) and 8411(m) of title 5, United States Code, as added by subsection (b) of this section, using funds made available under section 8423(b)(5)(C) of title 5, United States Code, as amended by section 101 of this Act.

SEC. 103. RESTRUCTURING OF PAYMENTS FOR RETIREE HEALTH BENEFITS.

(a) CONTRIBUTIONS.—Section 8906(g)(2)(A) of title 5, United States Code, is amended by striking “through September 30, 2016, be paid by the United States Postal Service, and thereafter shall” and inserting “after the date of enactment of the 21st Century Postal Service Act of 2012”.

(b) POSTAL SERVICE RETIREE HEALTH BENEFITS FUND.—Section 8909a of title 5, United States Code, is amended—

(1) in subsection (d)—

(A) by striking paragraph (2) and inserting the following:

“(2)(A) Not later than 180 days after the date of enactment of the 21st Century Postal

Service Act of 2012, or March 31, 2013, whichever is later, the Office shall compute, and by June 30 of each succeeding year, the Office shall recompute, a schedule including a series of annual installments which provide for the liquidation of the amount described under subparagraph (B) (regardless of whether the amount is a liability or surplus) by September 30, 2052, or within 15 years, whichever is later, including interest at the rate used in the computations under this subsection.

“(B) The amount described in this subparagraph is the amount, as of the date on which the applicable computation or recomputation under subparagraph (A) is made, that is equal to the difference between—

“(i) 80 percent of the Postal Service actuarial liability as of September 30 of the most recently ended fiscal year; and

“(ii) the value of the assets of the Postal Retiree Health Benefits Fund as of September 30 of the most recently ended fiscal year.”.

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (iii), by adding “and” at the end;

(II) in clause (iv), by striking the semicolon at the end and inserting a period; and

(III) by striking clauses (v) through (x); and

(ii) in subparagraph (B), by striking “2017”

and inserting “2013”;

(C) by amending paragraph (4) to read as follows:

“(4) Computations under this subsection shall be based on—

“(A) economic and actuarial methods and assumptions consistent with the methods and assumptions used in determining the Postal surplus or supplemental liability under section 8348(h); and

“(B) any other methods and assumptions, including a health care cost trend rate, that the Director of the Office determines to be appropriate.”; and

(D) by adding at the end the following:

“(7) In this subsection, the term ‘Postal Service actuarial liability’ means the difference between—

“(A) the net present value of future payments required under section 8906(g)(2)(A) for current and future United States Postal Service annuitants; and

“(B) the net present value as computed under paragraph (1) attributable to the future service of United States Postal Service employees.”; and

(2) by adding at the end the following:

“(e) Subsections (a) through (d) of this section shall be subject to section 104 of the 21st Century Postal Service Act of 2012.”.

SEC. 104. POSTAL SERVICE HEALTH BENEFITS PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term “covered employee” means an employee of the Postal Service who is represented by a bargaining representative recognized under section 1203 of title 39, United States Code;

(2) the term “Federal Employee Health Benefits Program” means the health benefits program under chapter 89 of title 5, United States Code; and

(3) the term “Postal Service Health Benefits Program” means the health benefits program that may be agreed to under subsection (b)(1).

(b) COLLECTIVE BARGAINING.—

(1) IN GENERAL.—Consistent with section 1005(f) of title 39, United States Code, the Postal Service may negotiate jointly with all bargaining representatives recognized under section 1203 of title 39, United States Code, and enter into a joint collective bargaining agreement with those bargaining representatives to establish the Postal Serv-

ice Health Benefits Program that satisfies the conditions under subsection (c). The Postal Service and the bargaining representatives shall negotiate in consultation with the Director of the Office of Personnel Management.

(2) CONSULTATION WITH SUPERVISORY AND MANAGERIAL PERSONNEL.—In the course of negotiations under paragraph (1), the Postal Service shall consult with each of the organizations of supervisory and other managerial personnel that are recognized under section 1004 of title 39, United States Code, concerning the views of the personnel represented by each of those organizations.

(3) ARBITRATION LIMITATION.—Notwithstanding chapter 12 of title 39, United States Code, there shall not be arbitration of any dispute in the negotiations under this subsection.

(4) TIME LIMITATION.—The authority under this subsection shall extend until September 30, 2012.

(c) POSTAL SERVICE HEALTH BENEFITS PROGRAM.—The Postal Service Health Benefits Program—

(1) shall—

(A) be available for participation by all covered employees;

(B) be available for participation by any officer or employee of the Postal Service who is not a covered employee, at the option solely of that officer or employee;

(C) provide adequate and appropriate health benefits;

(D) be administered in a manner determined in a joint agreement reached under subsection (b); and

(E) provide for transition of coverage under the Federal Employee Health Benefits Program of covered employees to coverage under the Postal Service Health Benefits Program on January 1, 2013;

(2) may provide dental benefits; and

(3) may provide vision benefits.

(d) AGREEMENT AND IMPLEMENTATION.—If a joint agreement is reached under subsection (b)—

(1) the Postal Service shall implement the Postal Service Health Benefits Program;

(2) the Postal Service Health Benefits Program shall constitute an agreement between the collective bargaining representatives and the Postal Service for purposes of section 1005(f) of title 39, United States Code; and

(3) covered employees may not participate as employees in the Federal Employees Health Benefits Program.

(e) GOVERNMENT PLAN.—The Postal Service Health Benefits Program shall be a government plan as that term is defined under section 3(32) of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(32)).

(f) REPORT.—Not later than June 30, 2013, the Postal Service shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives that—

(1) reports on the implementation of this section; and

(2) requests any additional statutory authority that the Postal Service determines is necessary to carry out the purposes of this section.

SEC. 105. MEDICARE COORDINATION EFFORTS FOR POSTAL SERVICE EMPLOYEES AND RETIREES.

(a) ADDITIONAL ENROLLMENT OPTIONS UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PLANS.—Chapter 89 of title 5, United States Code, is amended by inserting after section 8903b the following:

“SEC. 8903c. COORDINATION WITH MEDICARE FOR POSTAL SERVICE EMPLOYEES AND ANNUITANTS.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘contract year’ means a calendar year in which health benefits plans are administered under this chapter;

“(2) the term ‘Medicare part A’ means the Medicare program for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.);

“(3) the term ‘Medicare part B’ means the Medicare program for supplementary medical insurance benefits under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.); and

“(4) the term ‘Postal Service employee or annuitant’ means an individual who is—

“(A) an employee of the Postal Service; or

“(B) an annuitant covered under this chapter whose Government contribution is paid by the Postal Service under section 8906(g)(2).

“(b) ENROLLMENT OPTIONS.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—For contract years beginning on or after January 1, 2014, the Office shall establish enrollment options for health benefits plans that are open only to Postal Service employees and annuitants, and family members of a Postal Service employee or annuitant, who are enrolled in Medicare part A and Medicare part B.

“(B) ADDITIONAL PLANS.—The enrollment options established under this subsection shall be in addition to any other health benefit plan or enrollment option otherwise available to Postal Service employees or annuitants under this chapter and shall not affect the eligibility of a Postal Service employee or annuitant for any another health benefit plan or enrollment option under this chapter.

“(2) ENROLLMENT ELIGIBILITY.—Any Postal Service employee or annuitant, or family member of a Postal Service employee or annuitant, who is enrolled in Medicare part A and Medicare part B may enroll in 1 of the enrollment options established under paragraph (1).

“(3) VALUE OF COVERAGE.—The Office shall ensure that the aggregate actuarial value of coverage under the enrollment options established under this subsection, in combination with the value of coverage under Medicare part A and Medicare part B, shall be not less than the actuarial value of the most closely corresponding enrollment options for each plan available under section 8905, in combination with the value of coverage under Medicare part A and Medicare part B.

“(4) ENROLLMENT OPTIONS.—

“(A) IN GENERAL.—The enrollment options established under paragraph (1) shall include—

“(i) an individual option, for Postal Service employees or annuitants enrolled in Medicare part A and Medicare part B;

“(ii) a self and family option, for Postal Service employees or annuitants and family members who are each enrolled in Medicare part A and Medicare part B; and

“(iii) a self and family option, for Postal Service employees or annuitants—

“(I) who are enrolled in Medicare part A and Medicare part B; and

“(II) the family members of whom are not enrolled in Medicare part A or Medicare part B.

“(B) SPECIFIC SUB-OPTIONS.—The Office may establish more specific enrollment options within the types of options described under subparagraph (A).

“(5) REDUCED PREMIUMS TO ACCOUNT FOR MEDICARE COORDINATION.—In determining the premiums for the enrollment options under paragraph (4), the Office shall—

“(A) establish a separate claims pool for individuals eligible for coverage under any of those options; and

“(B) ensure that—

“(i) the premiums are reduced from the premiums otherwise established under this chapter to directly reflect the full cost savings to the health benefits plans due to the complete coordination of benefits with Medicare part A and Medicare part B for Postal Service employees or annuitants, or family members of Postal Service employees or annuitants, who are enrolled in Medicare part A and Medicare part B; and

“(ii) the cost savings described under clause (i) result solely in the reduction of—

“(I) the premiums paid by the Postal Service employee or annuitant; and

“(II) the Government contributions paid by the Postal Service or other employer.

“(c) POSTAL SERVICE CONSULTATION.—The Office shall establish the enrollment options and premiums under this section in consultation with the Postal Service.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 of title 5, United States Code, is amended by inserting after the item relating to section 8903b the following:

“8903c. Coordination with Medicare for Postal Service employees and annuitants.”.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to contract years beginning on or after January 1, 2014.

(d) SPECIAL ENROLLMENT PERIOD FOR POSTAL SERVICE EMPLOYEES AND ANNUITANTS.—

(1) SPECIAL ENROLLMENT PERIOD.—Section 1837 of the Social Security Act (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:

“(m)(1) In the case of any individual who, as of the date of enactment of the 21st Century Postal Service Act of 2012, is a Postal Service employee or annuitant (as defined in section 8903c(a) of title 5, United States Code) at the time the individual is entitled to part A under section 226 or section 226A and who is eligible to enroll but who has elected not to enroll (or to be deemed enrolled) during the individual’s initial enrollment period, there shall be a special enrollment period described in paragraph (2).

“(2) The special enrollment period described in this paragraph, with respect to an individual, is the 1-year period beginning on July 1, 2013.

“(3) In the case of an individual who enrolls during the special enrollment period provided under paragraph (1), the coverage period under this part shall begin on the first day of the month in which the individual enrolls.”.

(2) WAIVER OF INCREASE OF PREMIUM.—Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended by striking “(i)(4) or (l)” and inserting “(i)(4), (l), or (m)”.

(e) EDUCATIONAL PROGRAM.—The Postmaster General, in consultation with the Director of the Office of Personnel Management and the Administrator of the Centers for Medicare & Medicaid Services, shall develop an educational program to encourage the voluntary use of the Medicare program for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) (commonly known as “Medicare Part A”) and the Medicare program for supplementary medical insurance benefits under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) (commonly known as “Medicare Part B”) for eligible Postal Service employees and annuitants that may benefit from enrollment, the objective of which shall be to—

(1) educate employees and annuitants on how Medicare benefits interact with and can supplement the benefits of the employee or annuitant under the Federal Employees Health Benefit Program; and

(2) reduce costs to the Federal Employees Health Benefit Program, beneficiaries, and the Postal Service by coordinating services with the Medicare program.

SEC. 106. ARBITRATION; LABOR DISPUTES.

Section 1207(c) of title 39, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting “(A)” after “(2)”;

(B) by striking the last sentence and inserting “The arbitration board shall render a decision not later than 45 days after the date of its appointment.”; and

(C) by adding at the end the following:

“(B) In rendering a decision under this paragraph, the arbitration board shall consider such relevant factors as the financial condition of the Postal Service.”; and

(2) by adding at the end the following:

“(4) Nothing in this section may be construed to limit the relevant factors that the arbitration board may take into consideration in rendering a decision under paragraph (2).”.

TITLE II—POSTAL SERVICES AND OPERATIONS

SEC. 201. MAINTENANCE OF DELIVERY SERVICE STANDARDS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term “plant service area” means the geographic area served by a single sectional center facility, or a corresponding successor facility, as designated by the Postal Service; and

(2) the term “continental United States” means the 48 contiguous States and the District of Columbia.

(b) INTERIM MAINTENANCE OF STANDARDS.—During the 3-year period beginning on the date of enactment of this Act, the Postal Service—

(1) shall maintain the service standards described in subsection (c);

(2) may not establish a new or revised service standard for market-dominant products under section 3691 of title 39, United States Code, that is inconsistent with the requirements under subsection (c); and

(3) shall include in any new or revised overnight service standard established for market-dominant products under section 3691 of title 39, United States Code, a policy on changes to critical entry times at post offices and business mail entry units that ensures that any such changes maintain meaningful access to the services provided under the service standard required to be maintained under subsection (c).

(c) SERVICE STANDARDS.—

(1) OVERNIGHT STANDARD FOR FIRST-CLASS MAIL AND PERIODICALS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Postal Service shall maintain an overnight service standard that provides overnight service for first-class mail and periodicals that—

(i) originate and destinate in the same plant service area; and

(ii) enter the mails before the critical entry time established and published by the Postal Service.

(B) AREAS OUTSIDE THE CONTINENTAL UNITED STATES.—The requirements of subparagraph (A) shall not apply to areas outside the continental United States—

(i) in the case of mail that originates or destinate in a territory or possession of the United States that is part of a plant service area having a sectional center facility that—

(I) is not located in the territory or possession; and

(II) was not located in the territory or possession on January 1, 2012; and

(ii) in the case of mail not described in clause (i), except to the extent that the requirements are consistent with the service

standards under part 121 of title 39, Code of Federal Regulations, as in effect on January 1, 2012.

(2) **TWO-DAY DELIVERY FOR FIRST-CLASS MAIL.**—The Postal Service shall maintain a service standard that provides that first-class mail not delivered overnight will be delivered within 2 delivery days, to the maximum extent feasible using the network of postal facilities maintained to meet the requirements under paragraph (1).

(3) **MAXIMUM DELIVERY TIME FOR FIRST-CLASS MAIL.**—

(A) **IN GENERAL.**—The Postal Service shall maintain a service standard that provides that first-class mail will be delivered—

(i) within a maximum of 3 delivery days, for mail that originates and destines within the continental United States; and

(ii) within a maximum period of time consistent with service standards under part 121 of title 39, Code of Federal Regulations, as in effect on January 1, 2012, for mail originating or destinating outside the continental United States.

(B) **REVISIONS.**—Notwithstanding subparagraph (A)(ii), the Postal Service may revise the service standards under part 121 of title 39, Code of Federal Regulations for mail described in subparagraph (A)(ii) to take into account transportation conditions (including the availability of transportation) or other circumstances outside the control of the Postal Service.

SEC. 202. PRESERVING MAIL PROCESSING CAPACITY.

Section 404 of title 39, United States Code, is amended by adding after subsection (e) the following:

“(f) **CLOSING OR CONSOLIDATION OF CERTAIN POSTAL FACILITIES.**—

“(1) **POSTAL FACILITY.**—In this subsection, the term ‘postal facility’—

“(A) means any Postal Service facility that is primarily involved in the preparation, dispatch, or other physical processing of mail; and

“(B) does not include—

“(i) any post office, station, or branch; or

“(ii) any facility used only for administrative functions.

“(2) **AREA MAIL PROCESSING STUDY.**—

“(A) **NEW AREA MAIL PROCESSING STUDIES.**—After the date of enactment of this subsection, before making a determination under subsection (a)(3) as to the necessity for the closing or consolidation of any postal facility, the Postal Service shall—

“(i) conduct an area mail processing study relating to that postal facility that includes a plan to reduce the capacity of the postal facility, but not close the postal facility;

“(ii) publish the study on the Postal Service website; and

“(iii) publish a notice that the study is complete and available to the public, including on the Postal Service website.

“(B) **COMPLETED OR ONGOING AREA MAIL PROCESSING STUDIES.**—

“(i) **IN GENERAL.**—In the case of a postal facility described in clause (ii), the Postal Service shall—

“(I) consider a plan to reduce the capacity of the postal facility without closing the postal facility; and

“(II) publish the results of the consideration under subclause (I) with or as an amendment to the area mail processing study relating to the postal facility.

“(ii) **POSTAL FACILITIES.**—A postal facility described in this clause is a postal facility for which, on or before the date of enactment of this subsection—

“(I) an area mail processing study that does not include a plan to reduce the capacity of the postal facility without closing the postal facility has been completed;

“(II) an area mail processing study is in progress; or

“(III) a determination as to the necessity for the closing or consolidation of the postal facility has not been made.

“(3) **NOTICE, PUBLIC COMMENT, AND PUBLIC HEARING.**—If the Postal Service makes a determination under subsection (a)(3) to close or consolidate a postal facility, the Postal Service shall—

“(A) provide notice of the determination to—

“(i) Congress; and

“(ii) the Postal Regulatory Commission;

“(B) provide adequate public notice of the intention of the Postal Service to close or consolidate the postal facility;

“(C) ensure that interested persons have an opportunity to submit public comments during a 45-day period after the notice of intention is provided under subparagraph (B);

“(D) before the 45-day period described in subparagraph (C), provide for public notice of that opportunity by—

“(i) publication on the Postal Service website;

“(ii) posting at the affected postal facility; and

“(iii) advertising the date and location of the public community meeting under subparagraph (E); and

“(E) during the 45-day period described in subparagraph (C), conduct a public community meeting that provides an opportunity for public comments to be submitted verbally or in writing.

“(4) **FURTHER CONSIDERATIONS.**—Not earlier than 30 days after the end of the 45-day period for public comment under paragraph (3), the Postal Service, in making a determination to close or consolidate a postal facility, shall consider—

“(A) the views presented by interested persons under paragraph (3);

“(B) the effect of the closing or consolidation on the affected community, including any disproportionate impact the closing or consolidation may have on a State, region, or locality;

“(C) the effect of the closing or consolidation on the travel times and distances for affected customers to access services under the proposed closing or consolidation;

“(D) the effect of the closing or consolidation on delivery times for all classes of mail;

“(E) any characteristics of certain geographical areas, such as remoteness, broadband internet availability, and weather-related obstacles to using alternative facilities, that may result in the closing or consolidation having a unique effect; and

“(F) any other factor the Postal Service determines is necessary.

“(5) **JUSTIFICATION STATEMENT.**—Before the date on which the Postal Service closes or consolidates a postal facility, the Postal Service shall post on the Postal Service website a closing or consolidation justification statement that includes—

“(A) a response to all public comments received with respect to the considerations described under paragraph (4);

“(B) a description of the considerations made by the Postal Service under paragraph (4); and

“(C) the actions that will be taken by the Postal Service to mitigate any negative effects identified under paragraph (4).

“(6) **CLOSING OR CONSOLIDATION OF POSTAL FACILITIES.**—

“(A) **IN GENERAL.**—Not earlier than the 15 days after posting the final determination and the justification statement under paragraph (5) with respect to a postal facility, the Postal Service may close or consolidate the postal facility.

“(B) **ALTERNATIVE INTAKE OF MAIL.**—If the Postal Service closes or consolidates a postal

facility under subparagraph (A), the Postal Service shall make reasonable efforts to ensure continued mail receipt from customers of the closed or consolidated postal facility at the same location or at another appropriate location in close geographic proximity to the closed or consolidated postal facility.

“(C) **LIMITATIONS.**—During the 3-year period beginning on the date of enactment of the 21st Century Postal Service Act of 2012, the Postal Service may not close or consolidate a postal facility if the closing or consolidation prevents the Postal Service from maintaining service standards as required under section 201 of the 21st Century Postal Service Act of 2012.

“(7) **REVIEW BY POSTAL REGULATORY COMMISSION.**—In accordance with section 3662—

“(A) an interested person may lodge a complaint with the Postal Regulatory Commission if the person believes that the closure or consolidation of a postal facility is not in conformance with applicable service standards, including the service standards established under section 201 of the 21st Century Postal Service Act of 2012; and

“(B) if the Postal Regulatory Commission finds a complaint lodged by an interested person to be justified, the Commission shall order the Postal Service to take appropriate action to achieve compliance with applicable service standards, including the service standards established under section 201 of the 21st Century Postal Service Act of 2012, or to remedy the effects of any noncompliance.

“(8) **POSTAL SERVICE WEBSITE.**—For purposes of any notice required to be published on the Postal Service website under this subsection, the Postal Service shall ensure that the Postal Service website—

“(A) is updated routinely; and

“(B) provides any person, at the option of the person, the opportunity to receive relevant updates by electronic mail.

“(9) **PROTECTION OF CERTAIN INFORMATION.**—Nothing in this subsection may be construed to require the Postal Service to disclose—

“(A) any proprietary data, including any reference or citation to proprietary data; or

“(B) any information relating to the security of a postal facility.”

SEC. 203. ESTABLISHMENT OF RETAIL SERVICE STANDARDS.

(a) **DEFINITION.**—In this section, the term “retail postal service” means service that allows a postal customer to—

(1) purchase postage;

(2) enter packages into the mail; and

(3) procure other services offered by the Postal Service.

(b) **ESTABLISHMENT OF RETAIL SERVICE STANDARDS.**—Not later than 6 months after the date of enactment of this Act, the Postal Service shall exercise its authority under section 3691 of title 39, United States Code, to establish service standards for market-dominant products in order to guarantee customers of the Postal Service regular and effective access to retail postal services nationwide (including in territories and possessions of the United States) on a reasonable basis.

(c) **CONTENTS.**—The service standards established under subsection (b) shall—

(1) be consistent with—

(A) the obligations of the Postal Service under section 101(b) of title 39, United States Code; and

(B) the contents of the plan developed under section 302 of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note), and any updated or revised plan developed under section 204 of this Act; and

(2) take into account factors including—

(A) geography, including the establishment of standards for the proximity of retail postal services to postal customers, including a consideration of the reasonable maximum time a postal customer should expect to travel to access a postal retail location;

(B) the importance of facilitating communications for communities with limited or no access to Internet, broadband, or cellular telephone services;

(C) population, including population density, demographic factors such as the age, disability status, and degree of poverty of individuals in the area to be served by a location providing postal retail services, and other factors that may impact the ability of postal customers, including businesses, to travel to a postal retail location;

(D) the feasibility of offering retail access to postal services in addition to post offices, as described in section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note);

(E) the requirement that the Postal Service serve remote areas and communities with transportation challenges, including communities in which the effects of inclement weather or other natural conditions might obstruct or otherwise impede access to retail postal services; and

(F) the ability of postal customers to access retail postal services in areas that were served by a post office that was closed or consolidated during the 1 year period ending on the date of enactment of this Act.

SEC. 204. EXPANDED RETAIL ACCESS.

(a) **UPDATED PLAN.**—Not later than 1 year after the date of enactment of this Act, the Postal Service shall, in consultation with the Commission, develop and submit to Congress a revised and updated version of the plan to expand and market retail access to postal services required under section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note).

(b) **CONTENTS.**—The plan required under subsection (a) shall—

(1) include a consideration of methods to expand and market retail access to postal services described in paragraphs (1) through (8) of section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note);

(2) where possible, provide for an improvement in customer access to postal services;

(3) consider the impact of any decisions by the Postal Service relating to the implementation of the plan on rural areas, communities, and small towns; and

(4) ensure that—

(A) rural areas, communities, and small towns continue to receive regular and effective access to retail postal services after implementation of the plan; and

(B) the Postal Service solicits community input in accordance with applicable provisions of Federal law.

(c) **FURTHER UPDATES.**—The Postal Service, in consultation with the Commission, shall—

(1) update the plan required under subsection (a) as the Postal Service determines is appropriate; and

(2) submit each update under paragraph (1) to Congress.

SEC. 205. PRESERVING COMMUNITY POST OFFICES.

(a) **CLOSING POST OFFICES.**—Section 404(d) of title 39, United States Code, is amended to read as follows:

“(d)(1) The Postal Service, prior to making a determination under subsection (a)(3) of this section as to the necessity for the closing or consolidation of any post office, shall—

“(A) consider whether—

“(i) to close the post office or consolidate the post office and another post office located within a reasonable distance;

“(ii) instead of closing or consolidating the post office—

“(I) to reduce the number of hours a day that the post office operates; or

“(II) to continue operating the post office for the same number of hours a day;

“(iii) to procure a contract providing full, or less than full, retail services in the community served by the post office; or

“(iv) to provide postal services to the community served by the post office through a rural carrier;

“(B) provide postal customers served by the post office an opportunity to participate in a nonbinding survey conducted by mail on a preference for an option described in subparagraph (A); and

“(C) if the Postal Service determines to close or consolidate the post office, provide adequate notice of its intention to close or consolidate such post office at least 60 days prior to the proposed date of such closing or consolidation to persons served by such post office to ensure that such persons will have an opportunity to present their views.

“(2) The Postal Service, in making a determination whether or not to close or consolidate a post office—

“(A) shall consider—

“(i) the effect of such closing or consolidation on the community served by such post office;

“(ii) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

“(iii) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

“(iv) the extent to which the community served by the post office lacks access to Internet, broadband and cellular phone service;

“(v) the economic savings to the Postal Service resulting from such closing or consolidation; and

“(vi) such other factors as the Postal Service determines are necessary; and

“(B) may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

“(3) Any determination of the Postal Service to close or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (2) of this subsection. Such determination and findings shall be made available to persons served by such post office.

“(4) The Postal Service shall take no action to close or consolidate a post office until 60 days after its written determination is made available to persons served by such post office.

“(5) A determination of the Postal Service to close or consolidate any post office, station, or branch may be appealed by any person served by such office, station, or branch to the Postal Regulatory Commission within 30 days after such determination is made available to such person. The Commission shall review such determination on the basis of the record before the Postal Service in the making of such determination. The Commission shall make a determination based upon such review no later than 120 days after receiving any appeal under this paragraph. The Commission shall set aside any determination, findings, and conclusions found to be—

“(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

“(B) without observance of procedure required by law;

“(C) not in conformance with the retail service standards established under section 203 of the 21st Century Postal Service Act of 2012; or

“(D) unsupported by substantial evidence on the record.

The Commission may affirm the determination of the Postal Service or order that the entire matter be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal. The provisions of section 556, section 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

“(6) For purposes of paragraph (5), any appeal received by the Commission shall—

“(A) if sent to the Commission through the mails, be considered to have been received on the date of the Postal Service postmark on the envelope or other cover in which such appeal is mailed; or

“(B) if otherwise lawfully delivered to the Commission, be considered to have been received on the date determined based on any appropriate documentation or other indicia (as determined under regulations of the Commission).

“(7) Nothing in this subsection shall be construed to limit the right under section 3662—

“(A) of an interested person to lodge a complaint with the Postal Regulatory Commission under section 3662 concerning non-conformance with service standards, including the retail service standards established under section 203 of the 21st Century Postal Service Act of 2012; or

“(B) of the Postal Regulatory Commission, if the Commission finds a complaint lodged by an interested person to be justified, to order the Postal Service to take appropriate action to achieve compliance with applicable requirements, including the retail service standards established under section 203 of the 21st Century Postal Service Act of 2012, or to remedy the effects of any noncompliance.”.

(b) **PROHIBITION ON CLOSING POST OFFICES.**—Notwithstanding section 404(d) of title 39, United States Code, as amended by this section, during the period beginning on the date of enactment of this Act and ending on the date on which the Postal Service establishes the retail service standards under section 203 of this Act, the Postal Service may not close a post office, except as required for the immediate protection of health and safety.

(c) **HISTORIC POST OFFICES.**—Section 404(d) of title 39, United States Code, as amended by this section, is amended by adding at the end the following:

“(8)(A) In this paragraph, the term ‘historic post office building’ means a post office building that is a certified historic structure, as that term is defined in section 47(c)(3) of the Internal Revenue Code of 1986.

“(B) In the case of a post office that has been closed and that is located within a historic post office building, the Postal Service shall provide Federal agencies and State and local government entities the opportunity to lease the historic post office building, if—

“(i) the Postal Service is unable to sell the building at an acceptable price within a reasonable period of time after the post office has been closed; and

“(ii) the Federal agency or State or local government entity that leases the building agrees to—

“(I) restore the historic post office building at no cost to the Postal Service;

“(II) assume responsibility for the maintenance of the historic post office building; and

“(III) make the historic post office building available for public use.”.

SEC. 206. AREA AND DISTRICT OFFICE STRUCTURE.

(a) PLAN REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Postal Service shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Governmental Reform of the House of Representatives—

(1) a comprehensive strategic plan to govern decisions relating to area and district office structure that considers efficiency, costs, redundancies, mail volume, technological advancements, operational considerations, and other issues that may be relevant to establishing an effective area and district office structure; and

(2) a 10-year plan, including a timetable, that provides for consolidation of area and district offices within the continental United States (as defined in section 201(a)) wherever the Postal Service determines a consolidation would—

(A) be cost effective; and

(B) not substantially and adversely affect the operations of the Postal Service.

(b) CONSOLIDATION.—Beginning not later than 1 year after the date of enactment of this Act, the Postal Service shall, consistent with the plans required under and the criteria described in subsection (a)—

(1) consolidate district offices that are located within 50 miles of each other;

(2) consolidate area and district offices that have less than the mean mail volume and number of work hours for all area and district offices; and

(3) relocate area offices to headquarters.

(c) UPDATES.—The Postal Service shall update the plans required under subsection (a) not less frequently than once every 5 years.

(d) STATE LIAISON.—If the Postal Service does not maintain a district office in a State, the Postal Service shall designate at least 1 employee of the district office responsible for Postal Service operations in the State to represent the needs of Postal Service customers in the State.

SEC. 207. CONVERSION OF DOOR DELIVERY POINTS.

(a) IN GENERAL.—Subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

“§ 3692. Conversion of door delivery points

“(a) DEFINITIONS.—In this section, the following definitions shall apply:

“(1) CENTRALIZED DELIVERY POINT.—The term ‘centralized delivery point’ means a group or cluster of mail receptacles at 1 delivery point that is within reasonable proximity of the street address associated with the delivery point.

“(2) CURBLINE DELIVERY POINT.—The term ‘curbline delivery point’ means a delivery point that is—

“(A) adjacent to the street address associated with the delivery point; and

“(B) accessible by vehicle on a street that is not a private driveway.

“(3) DOOR DELIVERY POINT.—The term ‘door delivery point’ means a delivery point at a door of the structure at a street address.

“(4) SIDEWALK DELIVERY POINT.—The term ‘sidewalk delivery point’ means a delivery point on a sidewalk adjacent to the street address associated with the delivery point.

“(b) CONVERSION.—Except as provided in subsection (c), and in accordance with the solvency plan required under section 401 of the 21st Century Postal Service Act of 2012 and standards established by the Postal Service, the Postal Service is authorized to, to the maximum extent feasible, convert door delivery points to—

“(1) curbline delivery points;

“(2) sidewalk delivery points; or

“(3) centralized delivery points.

“(c) EXCEPTIONS.—

“(1) CONTINUED DOOR DELIVERY.—The Postal Service may allow for the continuation of door delivery due to—

“(A) a physical hardship of a customer;

“(B) weather, in a geographic area where snow removal efforts could obstruct access to mailboxes near a road;

“(C) circumstances in an urban area that preclude efficient use of curbline delivery points;

“(D) other exceptional circumstances, as determined in accordance with regulations issued by the Postal Service; or

“(E) other circumstances in which the Postal Service determines that alternatives to door delivery would not be practical or cost effective.

“(2) NEW DOOR DELIVERY POINTS.—The Postal Service may provide door delivery to a new delivery point in a delivery area that received door delivery on the day before the date of enactment of this section, if the delivery point is established before the delivery area is converted from door delivery under subsection (b).

“(d) SOLICITATION OF COMMENTS.—The Postal Service shall establish procedures to solicit, consider, and respond to input from individuals affected by a conversion under this section.

“(e) REVIEW.—Subchapter V of this chapter shall not apply with respect to any action taken by the Postal Service under this section.

“(f) REPORT.—Not later than 60 days after the end of each fiscal year through fiscal year 2015, the Postal Service shall submit to Congress and the Inspector General of the Postal Service a report on the implementation of this section during the preceding fiscal year that—

“(1) includes the number of door delivery points—

“(A) that existed at the end of the fiscal year preceding the preceding fiscal year;

“(B) that existed at the end of the preceding fiscal year;

“(C) that, during the preceding fiscal year, converted to—

“(i) curbline delivery points or sidewalk delivery points;

“(ii) centralized delivery points; and

“(iii) any other type of delivery point; and

“(D) for which door delivery was continued under subsection (c)(1);

“(2) estimates any cost savings, revenue loss, or decline in the value of mail resulting from the conversions from door delivery that occurred during the preceding fiscal year;

“(3) describes the progress of the Postal Service toward achieving the conversions authorized under subsection (b); and

“(4) provides such additional information as the Postal Service considers appropriate.”.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

“3692. Conversion of door delivery points.”.

SEC. 208. LIMITATIONS ON CHANGES TO MAIL DELIVERY SCHEDULE.

(a) LIMITATION ON CHANGE IN SCHEDULE.—Notwithstanding any other provision of law—

(1) the Postal Service may not establish a general, nationwide delivery schedule of 5 or fewer days per week to street addresses under the authority of the Postal Service under title 39, United States Code, earlier than the date that is 24 months after the date of enactment of this Act; and

(2) on or after the date that is 24 months after the date of enactment of this Act, the

Postal Service may establish a general, nationwide 5-day-per-week delivery schedule to street addresses under the authority of the Postal Service under section 3691 of title 39, United States Code, only in accordance with the requirements and limitations under this section.

(b) PRECONDITIONS.—If the Postal Service intends to establish a change in delivery schedule under subsection (a)(2), the Postal Service shall—

(1) identify customers and communities for whom the change may have a disproportionate, negative impact, including the customers identified as “particularly affected” in the Advisory Opinion on Elimination of Saturday Delivery issued by the Commission on March 24, 2011;

(2) develop, to the maximum extent possible, measures to ameliorate any disproportionate, negative impact the change would have on customers and communities identified under paragraph (1), including, where appropriate, providing or expanding access to mailboxes for periodical mailers on days on which the Postal Service does not provide delivery;

(3) implement measures to increase revenue and reduce costs, including the measures authorized under the amendments made by sections 101, 102, 103, 207, and 211 of this Act;

(4) evaluate whether any increase in revenue or reduction in costs resulting from the measures implemented under paragraph (3) are sufficient to allow the Postal Service, without implementing a change in delivery schedule under subsection (a), to achieve long-term solvency; and

(5) not earlier than 15 months after the date of enactment of this Act and not later than 9 months before the effective date proposed by the Postal Service for the change, submit a report on the steps the Postal Service has taken to carry out this subsection to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Governmental Reform of the House of Representatives;

(B) the Comptroller General of the United States; and

(C) the Commission.

(c) REVIEW.—

(1) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 3 months after the date on which the Postal Service submits a report under subsection (b)(5), the Comptroller General shall submit to the Commission and to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Governmental Reform of the House of Representatives a report that contains findings relating to each of the following:

(A) Whether the Postal Service has adequately complied with subsection (b)(3), taking into consideration the statutory authority of and limitations on the Postal Service.

(B) The accuracy of any statement by the Postal Service that the measures implemented under subsection (b)(3) have increased revenues or reduced costs, and the accuracy of any projection by the Postal Service relating to increased revenue or reduced costs resulting from the measures implemented under subsection (b)(3).

(C) The adequacy and methodological soundness of any evaluation conducted by the Postal Service under subsection (b)(4) that led the Postal Service to assert the necessity of a change in delivery schedule under subsection (a)(2).

(D) Whether, based on an analysis of the measures implemented by the Postal Service

to increase revenues and reduce costs, projections of increased revenue and cost savings, and the details of the profitability plan required under section 401, a change in delivery schedule is necessary to allow the Postal Service to achieve long-term solvency.

(2) **POSTAL REGULATORY COMMISSION.**—

(A) **REQUEST.**—Not later than 6 months before the proposed effective date of a change in delivery schedule under subsection (a), the Postal Service shall submit to the Commission a request for an advisory opinion relating to the change.

(B) **ADVISORY OPINION.**—

(i) **IN GENERAL.**—The Commission shall—

(I) issue an advisory opinion with respect to a request under subparagraph (A), in accordance with the time limits for the issuance of advisory opinions under section 3661(b)(2) of title 39, United States Code, as amended by this Act; and

(II) submit the advisory opinion to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(ii) **REQUIRED DETERMINATIONS.**—An advisory opinion under clause (i) shall determine—

(I) whether the measures developed under subsection (b)(2) ameliorate any disproportionate, negative impact that a change in schedule may have on customers and communities identified under subsection (b)(1); and

(II) based on the report submitted by the Comptroller General under paragraph (1)—

(aa) whether the Postal Service has implemented measures to increase revenue and reduce costs as required under subsection (b)(3);

(bb) whether the implementation of the measures described in item (aa) has increased revenues or reduced costs, or is projected to further increase revenues or reduce costs in the future; and

(cc) whether a change in schedule under subsection (a)(2) is necessary to allow the Postal Service to achieve long-term solvency.

(3) **PROHIBITION ON IMPLEMENTATION OF CHANGE IN SCHEDULE.**—The Postal Service may not implement a change in delivery schedule under subsection (a)(2)—

(A) before the date on which the Comptroller General submits the report required under paragraph (1); and

(B) unless the Commission determines under paragraph (2)(B)(ii)(II)(cc) that the Comptroller General has concluded that the change is necessary to allow the Postal Service to become profitable by fiscal year 2015 and to achieve long-term solvency, without regard to whether the Commission determines that the change is advisable.

(d) **ADDITIONAL LIMITATIONS.**—

(1) **RULES OF CONSTRUCTION.**—Nothing in this subsection shall be construed to—

(A) authorize the reduction, or require an increase, in delivery frequency for any route for which the Postal Service provided delivery on fewer than 6 days per week on the date of enactment of this Act;

(B) authorize any change in—

(i) the days and times that postal retail service or any mail acceptance is available at postal retail facilities or processing facilities; or

(ii) the locations at which postal retail service or mail acceptance occurs at postal retail facilities or processing facilities;

(C) authorize any change in the frequency of delivery to a post office box;

(D) prohibit the collection or delivery of a competitive mail product on a weekend, a recognized Federal holiday, or any other specific day of the week; or

(E) prohibit the Postal Service from exercising its authority to make changes to processing or retail networks.

(2) **PROHIBITION ON CONSECUTIVE DAYS WITHOUT MAIL DELIVERY.**—The Postal Service shall ensure that, under any change in schedule under subsection (a)(2), at no time shall there be more than 2 consecutive days without mail delivery to street addresses, including recognized Federal holidays.

(e) **DEFINITION.**—In this section, the term “long-term solvency” means the ability of the Postal Service to pay debts and meet expenses, including the ability to perform maintenance and repairs, make investments, and maintain financial reserves, as necessary to fulfill the requirements and comply with the policies of title 39, United States Code, and other obligations of the Postal Service over the long term.

SEC. 209. TIME LIMITS FOR CONSIDERATION OF SERVICE CHANGES.

Section 3661 of title 39, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

“(b) **PROPOSED CHANGES FOR MARKET-DOMINANT PRODUCTS.**—

“(1) **SUBMISSION OF PROPOSAL.**—If the Postal Service determines that there should be a change in the nature of postal services relating to market-dominant products that will generally affect service on a nationwide or substantially nationwide basis, the Postal Service shall submit a proposal to the Postal Regulatory Commission requesting an advisory opinion on the change.

“(2) **ADVISORY OPINION.**—Upon receipt of a proposal under paragraph (1), the Postal Regulatory Commission shall—

“(A) provide an opportunity for public comment on the proposal; and

“(B) issue an advisory opinion not later than—

“(i) 90 days after the date on which the Postal Regulatory Commission receives the proposal; or

“(ii) a date that the Postal Regulatory Commission and the Postal Service may, not later than 1 week after the date on which the Postal Regulatory Commission receives the proposal, determine jointly.

“(3) **RESPONSE TO OPINION.**—The Postal Service shall submit to the President and to Congress a response to an advisory opinion issued under paragraph (2) that includes—

“(A) a statement of whether the Postal Service plans to modify the proposal to address any concerns or implement any recommendations made by the Commission; and

“(B) for any concern that the Postal Service determines not to address and any recommendation that the Postal Service determines not to implement, the reasons for the determination.

“(4) **ACTION ON PROPOSAL.**—The Postal Service may take action regarding a proposal submitted under paragraph (1)—

“(A) on or after the date that is 30 days after the date on which the Postal Service submits the response required under paragraph (3);

“(B) on or after a date that the Postal Regulatory Commission and the Postal Service may, not later than 1 week after the date on which the Postal Regulatory Commission receives a proposal under paragraph (2), determine jointly; or

“(C) after the date described in paragraph (2)(B), if—

“(i) the Postal Regulatory Commission fails to issue an advisory opinion on or before the date described in paragraph (2)(B); and

“(ii) the action is not otherwise prohibited under Federal law.

“(5) **MODIFICATION OF TIMELINE.**—At any time, the Postal Service and the Postal Regulatory Commission may jointly redeter-

mine a date determined under paragraph (2)(B)(ii) or (4)(B).”.

SEC. 210. PUBLIC PROCEDURES FOR SIGNIFICANT CHANGES TO MAILING SPECIFICATIONS.

(a) **NOTICE AND OPPORTUNITY FOR COMMENT REQUIRED.**—Effective on the date on which the Postal Service issues a final rule under subsection (c), before making a change to mailing specifications that could pose a significant burden to the customers of the Postal Service and that is not reviewed by the Commission, the Postal Service shall—

(1) publish a notice of the proposed change to the specification in the Federal Register;

(2) provide an opportunity for the submission of written comments concerning the proposed change for a period of not less than 30 days;

(3) after considering any comments submitted under paragraph (2) and making any modifications to the proposed change that the Postal Service determines are necessary, publish—

(A) the final change to the specification in the Federal Register;

(B) responses to any comments submitted under paragraph (2); and

(C) an analysis of the financial impact that the proposed change would have on—

(i) the Postal Service; and

(ii) the customers of the Postal Service that would be affected by the proposed change; and

(4) establish an effective date for the change to mailing specifications that is not earlier than 30 days after the date on which the Postal Service publishes the final change under paragraph (3).

(b) **EXCEPTION FOR GOOD CAUSE.**—If the Postal Service determines that there is an urgent and compelling need for a change to a mailing specification described in subsection (a) in order to avoid demonstrable harm to the operations of the Postal Service or to the public interest, the Postal Service may—

(1) change the mailing specifications by—

(A) issuing an interim final rule that—

(i) includes a finding by the Postal Service that there is good cause for the interim final rule;

(ii) provides an opportunity for the submission of written comments on the interim final rule for a period of not less than 30 days; and

(iii) establishes an effective date for the interim final rule that is not earlier than 30 days after the date on which the interim final rule is issued; and

(B) publishing in the Federal Register a response to any comments submitted under subparagraph (A)(ii); and

(2) waive the requirement under paragraph (1)(A)(iii) or subsection (a)(4).

(c) **RULES RELATING TO NOTICE AND COMMENT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Postal Service shall issue rules governing the provision of notice and opportunity for comment for changes in mailing specifications under subsection (a).

(2) **RULES.**—In issuing the rules required under paragraph (1), the Postal Service shall—

(A) publish a notice of proposed rule-making in the Federal Register that includes proposed definitions of the terms “mailing specifications” and “significant burden”;

(B) provide an opportunity for the submission of written comments concerning the proposed change for a period of not less than 30 days; and

(C) publish—

(i) the rule in final form in the Federal Register; and

(ii) responses to the comments submitted under subparagraph (B).

SEC. 211. NONPOSTAL PRODUCTS AND SERVICES.

(a) IN GENERAL.—Section 404 of title 39, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(B) by inserting after paragraph (5) the following:

“(6) after the date of enactment of the 21st Century Postal Service Act of 2012, and except as provided in subsection (e), to provide other services that are not postal services, after the Postal Regulatory Commission—

“(A) makes a determination that the provision of such services—

“(i) uses the processing, transportation, delivery, retail network, or technology of the Postal Service;

“(ii) is consistent with the public interest and a demonstrated or potential public demand for—

“(I) the Postal Service to provide the services instead of another entity providing the services; or

“(II) the Postal Service to provide the services in addition to another entity providing the services;

“(iii) would not create unfair competition with the private sector, taking into consideration the extent to which the Postal Service will not, either by legal obligation or voluntarily, comply with any State or local requirements that are generally applicable to persons that provide the services;

“(iv) will be undertaken in accordance with all Federal laws generally applicable to the provision of such services; and

“(v) has the potential to improve the net financial position of the Postal Service, based on a market analysis provided to the Postal Regulatory Commission by the Postal Service; and

“(B) for services that the Postal Regulatory Commission determines meet the criteria under subparagraph (A), classifies each such service as a market-dominant product, competitive product, or experimental product, as required under chapter 36 of title 39, United States Code;”;

(2) in subsection (e)(2), by striking “Nothing” and all that follows through “except that the” and inserting “The”.

(b) COMPLAINTS.—Section 3662(a) of title 39, United States Code, is amended by inserting “404(a)(6)(A),” after “403(c),”.

(c) MARKET ANALYSIS.—During the 5-year period beginning on the date of enactment of this Act, the Postal Service shall submit a copy of any market analysis provided to the Commission under section 404(a)(6)(A)(v) of title 39, United States Code, as amended by this section, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

SEC. 212. CHIEF INNOVATION OFFICER; INNOVATION STRATEGY.

(a) CHIEF INNOVATION OFFICER.—

(1) IN GENERAL.—Chapter 2 of title 39, United States Code, is amended by adding at the end the following:

“§ 209. Chief innovation officer

“(a) ESTABLISHMENT.—There shall be in the Postal Service a Chief Innovation Officer appointed by the Postmaster General.

“(b) QUALIFICATIONS.—The Chief Innovation Officer shall have proven expertise and a record of accomplishment in areas such as—

“(1) the postal and shipping industry;

“(2) innovative product research and development;

“(3) brand marketing strategy;

“(4) new and emerging technology, including communications technology; or

“(5) business process management.

“(c) DUTIES.—The Chief Innovation Officer shall lead the development and implementation of—

“(1) innovative postal products and services, particularly products and services that use new and emerging technology, including communications technology, to improve the net financial position of the Postal Service; and

“(2) nonpostal products and services authorized under section 404(a)(6) that have the potential to improve the net financial position of the Postal Service.

“(d) DEADLINE.—The Postmaster General shall appoint a Chief Innovation Officer not later than 90 days after the date of enactment of the 21st Century Postal Service Act of 2012.

“(e) CONDITION.—

“(1) IN GENERAL.—The Chief Innovation Officer may not hold any other office or position in the Postal Service while serving as Chief Innovation Officer.

“(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit an individual who holds another office or position in the Postal Service at the time the individual is appointed Chief Innovation Officer from serving as the Chief Innovation Officer under this section.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 2 of title 39, United States Code, is amended by adding at the end the following:

“209. Chief innovation officer.”.

(b) INNOVATION STRATEGY.—

(1) INITIAL REPORT ON INNOVATION STRATEGY.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Postmaster General, acting through the Chief Innovation Officer, shall submit a report that contains a comprehensive strategy (referred to in this subsection as the “innovation strategy”) for improving the net financial position of the Postal Service through innovation, including the offering of new postal and nonpostal products and services, to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives.

(B) MATTERS TO BE ADDRESSED.—At a minimum, the report on innovation strategy required under subparagraph (A) shall describe—

(i) the specific innovative postal and nonpostal products and services to be developed and offered by the Postal Service, including—

(I) the nature of the market demand to be satisfied by each product or service; and

(II) the estimated date by which each product or service will be introduced;

(ii) the cost of developing and offering each product or service;

(iii) the anticipated sales volume for each product or service;

(iv) the anticipated revenues and profits to be generated by each product or service;

(v) the likelihood of success of each product or service and the risks associated with the development and sale of each product or service;

(vi) the trends anticipated in market conditions that may affect the success of each product or service during the 5-year period beginning on the date of the submission of the report under subparagraph (A);

(vii) any innovations designed to improve the net financial position of the Postal Service, other than the offering of new products and services; and

(viii) the metrics that will be used to assess the effectiveness of the innovation strategy.

(2) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the submission of the initial report containing the innovation strategy under paragraph (1), and annually thereafter for 10 years, the Postmaster General, acting through the Chief Innovation Officer, shall submit a report on the implementation of the innovation strategy to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives.

(B) MATTERS TO BE ADDRESSED.—At a minimum, an annual report submitted under subparagraph (A) shall include—

(i) an update of the initial report on innovation strategy submitted under paragraph (1);

(ii) a description of the progress made by the Postal Service in implementing the products, services, and other innovations described in the initial report on innovation strategy;

(iii) an analysis of the performance of each product, service, or other innovation described in the initial report on innovation strategy, including—

(I) the revenue generated by each product or service developed in accordance with the innovation strategy under this section and the cost of developing and offering each product or service for the preceding year;

(II) trends in each market in which a product or service is intended to satisfy a demand;

(III) each product or service identified in the innovation strategy that is to be discontinued, the date on which each discontinuance will occur, and the reasons for each discontinuance;

(IV) each alteration that the Postal Service plans to make to a product or service identified in the innovation strategy to address changing market conditions and an explanation of how each alteration will ensure the success of the product or service;

(V) the performance of innovations other than new products and services that are designed to improve the net financial position of the Postal Service; and

(VI) the performance of the innovation strategy according to the metrics described in paragraph (1)(B)(viii).

SEC. 213. STRATEGIC ADVISORY COMMISSION ON POSTAL SERVICE SOLVENCY AND INNOVATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Postal Service a Strategic Advisory Commission on Postal Service Solvency and Innovation (in this section referred to as the “Advisory Commission”).

(2) INDEPENDENCE.—The Advisory Commission shall not be subject to the supervision of the Board of Governors of the Postal Service (in this section referred to as the “Board of Governors”), the Postmaster General, or any other officer or employee of the Postal Service.

(b) PURPOSE.—The purpose of the Advisory Commission is—

(1) to provide strategic guidance to the President, Congress, the Board of Governors, and the Postmaster General on enhancing the long-term solvency of the Postal Service; and

(2) to foster innovative thinking to address the challenges facing the Postal Service.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Advisory Commission shall be composed of 7 members, of whom—

(A) 3 members shall be appointed by the President, who shall designate 1 member appointed under this subparagraph to serve as Chairperson of the Advisory Commission; and

(B) 1 member shall be appointed by each of—

- (i) the majority leader of the Senate;
- (ii) the minority leader of the Senate;
- (iii) the Speaker of the House of Representatives; and
- (iv) the minority leader of the House of Representatives.

(2) **QUALIFICATIONS.**—Members of the Advisory Commission shall be prominent citizens having—

- (A) significant depth of experience in such fields as business and public administration;
- (B) a reputation for innovative thinking;
- (C) familiarity with new and emerging technologies; and
- (D) experience with revitalizing organizations that experienced significant financial challenges or other challenges.

(3) **INCOMPATIBLE OFFICES.**—An individual who is appointed to the Advisory Commission may not serve as an elected official or an officer or employee of the Federal Government while serving as a member of the Advisory Commission, except in the capacity of that individual as a member of the Advisory Commission.

(4) **DEADLINE FOR APPOINTMENT.**—Each member of the Advisory Commission shall be appointed not later than 45 days after the date of enactment of this Act.

(5) **MEETINGS; QUORUM; VACANCIES.**—

(A) **MEETINGS.**—The Advisory Commission shall meet at the call of the Chairperson or a majority of the members of the Advisory Commission.

(B) **QUORUM.**—4 members of the Advisory Commission shall constitute a quorum.

(C) **VACANCIES.**—Any vacancy in the Advisory Commission shall not affect the powers of the Advisory Commission, but shall be filled as soon as practicable in the same manner in which the original appointment was made.

(d) **DUTIES AND POWERS.**—

(1) **DUTIES.**—The Advisory Commission shall—

(A) study matters that the Advisory Commission determines are necessary and appropriate to develop a strategic blueprint for the long-term solvency of the Postal Service, including—

- (i) the financial, operational, and structural condition of the Postal Service;
- (ii) alternative strategies and business models that the Postal Service could adopt;
- (iii) opportunities for additional postal and nonpostal products and services that the Postal Service could offer;
- (iv) innovative services that postal services in foreign countries have offered, including services that respond to the increasing use of electronic means of communication; and

(v) the governance structure, management structure, and management of the Postal Service, including—

(I) the appropriate method of appointment, qualifications, duties, and compensation for senior officials of the Postal Service, including the Postmaster General; and

(II) the number and functions of senior officials of the Postal Service and the number of levels of management of the Postal Service; and

(B) submit the report required under subsection (f).

(2) **HEARINGS.**—The Advisory Commission may hold such hearings, take such testimony, and receive such evidence as is necessary to carry out this section.

(3) **ACCESS TO INFORMATION.**—The Advisory Commission may secure directly from the

Postal Service, the Board of Governors, the Postal Regulatory Commission, and any other Federal department or agency such information as the Advisory Commission considers necessary to carry out this section. Upon request of the Chairperson of the Advisory Commission, the head of the department or agency shall furnish the information described in the preceding sentence to the Advisory Commission.

(e) **PERSONNEL MATTERS.**—

(1) **ADVISORY COMMISSION MEMBERS.**—

(A) **COMPENSATION OF MEMBERS.**—Each member of the Advisory Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Advisory Commission.

(B) **TRAVEL EXPENSES.**—Members of the Advisory Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees serving intermittently in the Government service under section 5703 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Advisory Commission.

(2) **STAFF.**—

(A) **APPOINTMENT AND COMPENSATION.**—The Chairperson, in accordance with rules agreed upon by the Advisory Commission, shall appoint and fix the compensation of an executive director and such other personnel as may be necessary to enable the Advisory Commission to carry out the functions of the Advisory Commission, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification of positions and General Schedule pay rates, except that a rate of pay fixed under this subsection may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) **DETAILS.**—Any Federal employee, including an employee of the Postal Service, may be detailed to the Advisory Commission without reimbursement, and such detail shall be without interruption or loss of the civil service rights, status, or privilege of the employee.

(C) **CONSULTANT SERVICES.**—The Advisory Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of such title.

(f) **STRATEGIC BLUEPRINT FOR LONG-TERM SOLVENCY.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Advisory Commission shall submit a report that contains a strategic blueprint to—

- (A) the President;
- (B) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (C) the Committee on Oversight and Government Reform of the House of Representatives;
- (D) the Board of Governors; and
- (E) the Postmaster General.

(2) **CONTENTS.**—The report submitted under paragraph (1) shall contain a strategic blueprint for the long-term solvency of the Postal Service that includes—

(A) an assessment of the business model of the Postal Service as of the date on which the report is submitted;

(B) an assessment of potential future business models for the Postal Service, including

an evaluation of the appropriate balance between—

- (i) necessary reductions in costs and services; and
- (ii) additional opportunities for growth and revenue;

(C) a strategy for addressing significant current and future liabilities;

(D) identification of opportunities for further reductions in costs;

(E) identification of opportunities for new and innovative products and services;

(F) a strategy for future growth;

(G) a vision of how the Postal Service will operate in a sustainable manner 20 years after the date of enactment of this Act; and

(H) recommendations for any legislative changes necessary to implement the strategic blueprint described in this paragraph.

(g) **TERMINATION.**—The Advisory Commission shall terminate 90 days after the date on which the Advisory Commission submits the report under subsection (f).

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for fiscal years 2013 and 2014 such sums as may be necessary to carry out this section.

TITLE III—FEDERAL EMPLOYEES' COMPENSATION ACT

SEC. 301. SHORT TITLE; REFERENCES.

(a) **SHORT TITLE.**—This title may be cited as the “Workers’ Compensation Reform Act of 2012”.

(b) **REFERENCES.**—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 5, United States Code.

SEC. 302. FEDERAL WORKERS COMPENSATION REFORMS FOR RETIREMENT-AGE EMPLOYEES.

(a) **CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.**—

(1) **DEFINITIONS.**—Section 8101 is amended—

(A) in paragraph (18), by striking “and” at the end;

(B) in paragraph (19), by striking “and” at the end;

(C) in paragraph (20), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(21) ‘retirement age’ has the meaning given that term under section 216(l)(1) of the Social Security Act (42 U.S.C. 416(l)(1));

“(22) ‘covered claim for total disability’ means a claim for a period of total disability that commenced before the date of enactment of the Workers’ Compensation Reform Act of 2012;

“(23) ‘covered claim for partial disability’ means a claim for a period of partial disability that commenced before the date of enactment of the Workers’ Compensation Reform Act of 2012; and

“(24) ‘individual who has an exempt disability condition’ means an individual—

“(A) who—

“(i) is eligible to receive continuous periodic compensation for total disability under section 8105 on the date of enactment of the Workers’ Compensation Reform Act of 2012; and

“(ii) meets the criteria under section 8105(c);

“(B) who, on the date of enactment of the Workers’ Compensation Reform Act of 2012—

“(i) is eligible to receive continuous periodic compensation for total disability under section 8105; and

“(ii) has sustained a currently irreversible severe mental or physical disability for which the Secretary of Labor has authorized, for at least the 1-year period ending on the date of enactment of the Workers’ Compensation Reform Act of 2012, constant in-

home care or custodial care, such as placement in a nursing home; or

“(C) who is eligible to receive continuous periodic compensation for total disability under section 8105—

“(i) for not less than the 3-year period ending on the date of enactment of the Workers’ Compensation Reform Act of 2012; or

“(ii) if the individual became eligible to receive continuous periodic compensation for total disability under section 8105 during the period beginning on the date that is 3 years before the date of enactment of the Workers’ Compensation Reform Act of 2012 and ending on such date of enactment, for not less than the 3-year period beginning on the date on which the individual became eligible.”.

(2) TOTAL DISABILITY.—Section 8105 is amended—

(A) in subsection (a), by striking “If” and inserting “IN GENERAL.—Subject to subsection (b), if”;

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

“(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for total disability for an employee who has attained retirement age shall be 50 percent of the monthly pay of the employee.

“(2) EXCEPTIONS.—

“(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE OR HAVE AN EXEMPT DISABILITY CONDITION.—Paragraph (1) shall not apply to a covered claim for total disability by an employee if the employee—

“(i) on the date of enactment of the Workers’ Compensation Reform Act of 2012, has attained retirement age; or

“(ii) is an individual who has an exempt disability condition.

“(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for total disability by an employee who is not an employee described in subparagraph (A), the employee shall receive the basic compensation for total disability provided under subsection (a) until the later of—

“(i) the date on which the employee attains retirement age; and

“(ii) the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2012.”.

(3) PARTIAL DISABILITY.—Section 8106 is amended—

(A) in subsection (a), by striking “If” and inserting “IN GENERAL.—Subject to subsection (b), if”;

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

“(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for partial disability for an employee who has attained retirement age shall be 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability.

“(2) EXCEPTIONS.—

“(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE.—Paragraph (1) shall not apply to a covered claim for partial disability by an employee if, on the date of enactment of the Workers’ Compensation Reform Act of 2012, the employee has attained retirement age.

“(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for partial disability by an employee who is not an employee described in subparagraph (A), the employee shall receive basic compensation

for partial disability in accordance with subsection (a) until the later of—

“(i) the date on which the employee attains retirement age; and

“(ii) the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2012.”.

SEC. 303. AUGMENTED COMPENSATION FOR DEPENDENTS.

(a) IN GENERAL.—Section 8110 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b) TERMINATION OF AUGMENTED COMPENSATION.—

“(1) IN GENERAL.—Subject to paragraph (2), augmented compensation for dependants under subsection (c) shall not be provided.

“(2) EXCEPTIONS.—

“(A) TOTAL DISABILITY.—For a covered claim for total disability by an employee—

“(i) the employee shall receive augmented compensation under subsection (c) if the employee is an individual who has an exempt disability condition; and

“(ii) the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2012 if the employee is not an employee described in clause (i).

“(B) PARTIAL DISABILITY.—For a covered claim for partial disability by an employee, the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2012.

“(C) PERMANENT DISABILITY COMPENSATED BY A SCHEDULE.—For a claim for a permanent disability described in section 8107(a) by an employee that commenced before the date of enactment of the Workers’ Compensation Reform Act of 2012, the employee shall receive augmented compensation under subsection (c).”.

(b) MAXIMUM AND MINIMUM MONTHLY PAYMENTS.—Section 8112 is amended—

(1) in subsection (a)—

(A) by inserting “subsections (b) and (c) and” before “section 8138”;

(B) by striking “including augmented compensation under section 8110 of this title but”;

(C) by striking “75 percent” each place it appears and inserting “66% percent”;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

“(b) EXCEPTIONS.—

“(1) COVERED DISABILITY CONDITION.—For a covered claim for total disability by an employee, if the employee is an individual who has an exempt disability condition—

“(A) the monthly rate of compensation for disability that is subject to the maximum and minimum monthly amounts under subsection (a) shall include any augmented compensation under section 8110; and

“(B) subsection (a) shall be applied by substituting ‘75 percent’ for ‘66% percent’ each place it appears.

“(2) PARTIAL DISABILITY.—For a covered claim for partial disability by an employee, until the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2012—

“(A) the monthly rate of compensation for disability that is subject to the maximum and minimum monthly amounts under subsection (a) shall include any augmented compensation under section 8110; and

“(B) subsection (a) shall be applied by substituting ‘75 percent’ for ‘66% percent’ each place it appears.”; and

(4) in subsection (c), as redesignated by paragraph (2), by striking “subsection (a)” and inserting “subsections (a) and (b)”.

(c) DEATH BENEFITS GENERALLY.—Section 8133 is amended—

(1) in subsections (a) and (e), by striking “75 percent” each place it appears and inserting “66% percent (except as provided in subsection (g))”; and

(2) by adding at the end the following:

“(g) If the death occurred before the date of enactment of the Workers’ Compensation Reform Act of 2012, subsections (a) and (e) shall be applied by substituting ‘75 percent’ for ‘66% percent’ each place it appears.”.

(d) DEATH BENEFITS FOR CIVIL AIR PATROL VOLUNTEERS.—Section 8141 is amended—

(1) in subsection (b)(2)(B) by striking “75 percent” and inserting “66% percent (except as provided in subsection (c))”; and

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

“(c) If the death occurred before the date of enactment of the Workers’ Compensation Reform Act of 2012, subsection (b)(2)(B) shall be applied by substituting ‘75 percent’ for ‘66% percent’.”.

SEC. 304. SCHEDULE COMPENSATION PAYMENTS.

Section 8107 is amended—

(1) in subsection (a), by striking “at the rate of 66% percent of his monthly pay” and inserting “at the rate specified under subsection (d)”; and

(2) by adding at the end the following:

“(d) RATE FOR COMPENSATION.—

“(1) ANNUAL SALARY.—

“(A) IN GENERAL.—Except as provided in paragraph (2), the rate under subsection (a) shall be the rate of 66% percent of the annual salary level established under subparagraph (B), in a lump sum equal to the present value (as calculated under subparagraph (C)) of the amount of compensation payable under the schedule.

“(B) ESTABLISHMENT.—

“(i) IN GENERAL.—The Secretary of Labor shall establish an annual salary for purposes of subparagraph (A) in the amount the Secretary determines will result in the aggregate cost of payments made under this section being equal to what would have been the aggregate cost of payments under this section if the amendments made by section 304(a) of the Workers’ Compensation Reform Act of 2012 had not been enacted.

“(ii) COST OF LIVING ADJUSTMENT.—The annual salary established under clause (i) shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.

“(C) PRESENT VALUE.—The Secretary of Labor shall calculate the present value for purposes of subparagraph (A) using a rate of interest equal to the average market yield for outstanding marketable obligations of the United States with a maturity of 2 years on the first business day of the month in which the compensation is paid or, in the event that such marketable obligations are not being issued on such date, at an equivalent rate selected by the Secretary of Labor, true discount compounded annually.

“(2) CERTAIN INJURIES.—For an injury that occurred before the date of enactment of the Workers’ Compensation Reform Act of 2012, the rate under subsection (a) shall be 66% percent of the employee’s monthly pay.

“(e) SIMULTANEOUS RECEIPT.—

“(1) TOTAL DISABILITY.—An employee who receives compensation for total disability

under section 8105 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for total disability after the earlier of—

“(A) the date on which the basic compensation for total disability of the employee becomes 50 percent of the monthly pay of the employee under section 8105(b); or

“(B) the date on which augmented compensation of the employee terminates under section 8110(b)(2)(A)(ii), if the employee receives such compensation.

“(2) **PARTIAL DISABILITY.**—An employee who receives benefits for partial disability under section 8106 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for partial disability after the earlier of—

“(A) the date on which the basic compensation for partial disability of the employee becomes 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability under section 8106(b); or

“(B) the date on which augmented compensation of the employee terminates under section 8110(b)(2)(B), if the employee receives such compensation.”.

SEC. 305. VOCATIONAL REHABILITATION.

(a) **IN GENERAL.**—Section 8104 is amended—

(1) in subsection (a)—

(A) by striking “(a) The Secretary of Labor may” and all that follows through “undergo vocational rehabilitation.” and inserting the following:

“(a) **IN GENERAL.**—

“(1) **DIRECTION.**—Except as provided in paragraph (2), not earlier than the date that is 6 months after the date on which an individual eligible for wage-loss compensation under section 8105 or 8106 is injured, or by such other date as the Secretary of Labor determines it would be reasonable under the circumstances for the individual to begin vocational rehabilitation, and if vocational rehabilitation may enable the individual to become capable of more gainful employment, the Secretary of Labor shall direct the individual to participate in developing a comprehensive return to work plan and to undergo vocational rehabilitation at a location a reasonable distance from the residence of the individual.”;

(B) by striking “the Secretary of Health, Education, and Welfare in carrying out the purposes of chapter 4 of title 29” and inserting “the Secretary of Education in carrying out the purposes of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.)”;

(C) by striking “under section 32(b)(1) of title 29” and inserting “under section 5 of the Rehabilitation Act of 1973 (29 U.S.C. 704)”;

(D) by adding at the end the following:

“(2) **EXCEPTION.**—The Secretary of Labor may not direct an individual who has attained retirement age to participate in developing a comprehensive return to work plan or to undergo vocational rehabilitation.”;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

“(b) **CONTENTS OF RETURN TO WORK PLAN.**—A return to work plan developed under subsection (a)—

“(1) shall—

“(A) set forth specific measures designed to increase the wage-earning capacity of an individual;

“(B) take into account the prior training and education of the individual and the training, educational, and employment op-

portunities reasonably available to the individual; and

“(C) provide that any employment undertaken by the individual under the return to work plan be at a location a reasonable distance from the residence of the individual;

“(2) may provide that the Secretary will pay out of amounts in the Employees’ Compensation Fund reasonable expenses of vocational rehabilitation (which may include tuition, books, training fees, supplies, equipment, and child or dependent care) during the course of the plan; and

“(3) may not be for a period of more than 2 years, unless the Secretary finds good cause to grant an extension, which may be for not more than 2 years.”;

(4) in subsection (c), as so redesignated—

(A) by inserting “COMPENSATION.—” before “Notwithstanding”; and

(B) by striking “, other than employment undertaken pursuant to such rehabilitation”; and

(5) by adding at the end the following:

“(d) **ASSISTED REEMPLOYMENT AGREEMENTS.**—

“(1) **IN GENERAL.**—The Secretary may enter into an assisted reemployment agreement with an agency or instrumentality of any branch of the Federal Government or a State or local government or a private employer that employs an individual eligible for wage-loss compensation under section 8105 or 8106 to enable the individual to return to productive employment.

“(2) **CONTENTS.**—An assisted reemployment agreement under paragraph (1)—

“(A) may provide that the Secretary will use amounts in the Employees’ Compensation Fund to reimburse an employer in an amount equal to not more than 100 percent of the compensation the individual would otherwise receive under section 8105 or 8106; and

“(B) may not be for a period of more than 3 years.

“(e) **LIST.**—To facilitate the hiring of individuals eligible for wage-loss compensation under section 8105 or 8106, the Secretary shall provide a list of such individuals to the Office of Personnel Management, which the Office of Personnel Management shall provide to all agencies and instrumentalities of the Federal Government.”.

(b) **EMPLOYEES’ COMPENSATION FUND.**—Section 8147 is amended by adding at the end:

“(d) Notwithstanding subsection (b), any benefits or other payments paid to or on behalf of an employee under this subchapter or any extension or application thereof for a recurrence of injury, consequential injury, aggravation of injury, or increase in percentage of impairment to a member for which compensation is provided under the schedule under section 8107 suffered in a permanent position with an agency or instrumentality of the United States while the employment with the agency or instrumentality is covered under an assisted reemployment agreement entered into under section 8104(d) shall not be included in total cost of benefits and other payments in the statement provided to the agency or instrumentality under subsection (b) if the injury was originally incurred in a position not covered by an assisted reemployment agreement.”.

(c) **TERMINATION OF VOCATIONAL REHABILITATION REQUIREMENT AFTER RETIREMENT AGE.**—Section 8113(b) is amended by adding at the end the following: “An individual who has attained retirement age may not be required to undergo vocational rehabilitation.”.

(d) **MANDATORY BENEFIT REDUCTION FOR NONCOMPLIANCE.**—Section 8113(b) is amended by striking “may reduce” and inserting “shall reduce”.

(e) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **IN GENERAL.**—Subchapter III of chapter 15 of title 31, United States Code, is amended by adding at the end the following:

“§ 1538. Authorization for assisted reemployment

“Funds may be transferred from the Employees’ Compensation Fund established under section 8147 of title 5 to the applicable appropriations account for an agency or instrumentality of any branch of the Federal Government for the purposes of reimbursing the agency or instrumentality in accordance with an assisted reemployment agreement entered into under section 8104 of title 5.”.

(2) **TABLE OF SECTIONS.**—The table of sections for chapter 15 of title 31, United States Code, is amended by inserting after the item relating to section 1537 the following:

“1538. Authorization for assisted reemployment.”.

SEC. 306. REPORTING REQUIREMENTS.

(a) **IN GENERAL.**—Chapter 81 is amended by inserting after section 8106 the following:

“§ 8106a. Reporting requirements

“(a) **DEFINITION.**—In this section, the term ‘employee receiving compensation’ means an employee who—

“(1) is paid compensation under section 8105 or 8106; and

“(2) has not attained retirement age.

“(b) **AUTHORITY.**—The Secretary of Labor shall require an employee receiving compensation to report the earnings of the employee receiving compensation from employment or self-employment, by affidavit or otherwise, in the manner and at the times the Secretary specifies.

“(c) **CONTENTS.**—An employee receiving compensation shall include in a report required under subsection (a) the value of housing, board, lodging, and other advantages which are part of the earnings of the employee receiving compensation in employment or self-employment and the value of which can be estimated.

“(d) **FAILURE TO REPORT AND FALSE REPORTS.**—

“(1) **IN GENERAL.**—An employee receiving compensation who fails to make an affidavit or other report required under subsection (b) or who knowingly omits or understates any part of the earnings of the employee in such an affidavit or other report shall forfeit the right to compensation with respect to any period for which the report was required.

“(2) **FORFEITED COMPENSATION.**—Compensation forfeited under this subsection, if already paid to the employee receiving compensation, shall be recovered by a deduction from the compensation payable to the employee or otherwise recovered under section 8129, unless recovery is waived under that section.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—The table of sections for chapter 81 is amended by inserting after the item relating to section 8106 the following:

“8106a. Reporting requirements.”.

SEC. 307. DISABILITY MANAGEMENT REVIEW; INDEPENDENT MEDICAL EXAMINATIONS.

Section 8123 is amended by adding at the end the following:

“(e) **DISABILITY MANAGEMENT REVIEW.**—

“(1) **DEFINITIONS.**—In this subsection—

“(A) the term ‘covered employee’ means an employee who is in continuous receipt of compensation for total disability under section 8105 for a period of not less than 6 months; and

“(B) the term ‘disability management review process’ means the disability management review process established under paragraph (2)(A).

“(2) **ESTABLISHMENT.**—The Secretary of Labor shall—

“(A) establish a disability management review process for the purpose of certifying and monitoring the disability status and extent of injury of each covered employee; and

“(B) promulgate regulations for the administration of the disability management review process.

“(3) **PHYSICAL EXAMINATIONS REQUIRED.**—Under the disability management review process, the Secretary of Labor shall periodically require covered employees to submit to physical examinations under subsection (a) by physicians selected by the Secretary. A physician conducting a physical examination of a covered employee shall submit to the Secretary a report regarding the nature and extent of the injury to and disability of the covered employee.

“(4) **FREQUENCY.**—

“(A) **IN GENERAL.**—The regulations promulgated under paragraph (2)(B) shall specify the process and criteria for determining when and how frequently a physical examination should be conducted for a covered employee.

“(B) **MINIMUM FREQUENCY.**—

“(i) **INITIAL.**—An initial physical examination shall be conducted not more than a brief period after the date on which a covered employee has been in continuous receipt of compensation for total disability under section 8015 for 6 months.

“(ii) **SUBSEQUENT EXAMINATIONS.**—After the initial physical examination, physical examinations of a covered employee shall be conducted not less than once every 3 years.

“(5) **EMPLOYING AGENCY OR INSTRUMENTALITY REQUESTS.**—

“(A) **IN GENERAL.**—The agency or instrumentality employing an employee who has made a claim for compensation for total disability under section 8105 may at any time submit a request for the Secretary of Labor to promptly require the employee to submit to a physical examination under this subsection.

“(B) **REQUESTING OFFICER.**—A request under subparagraph (A) shall be made on behalf of an agency or instrumentality by—

“(i) the head of the agency or instrumentality;

“(ii) the Chief Human Capital Officer of the agency or instrumentality; or

“(iii) if the agency or instrumentality does not have a Chief Human Capital Officer, an officer with responsibilities similar to those of a Chief Human Capital Officer designated by the head of the agency or instrumentality to make requests under this paragraph.

“(C) **INFORMATION.**—A request under subparagraph (A) shall be in writing and accompanied by—

“(i) a certification by the officer making the request that the officer has reviewed the relevant material in the employee's file;

“(ii) an explanation of why the officer has determined, based on the materials in the file and other information known to the officer, that requiring a physical examination of the employee under this subsection is necessary; and

“(iii) copies of the materials relating to the employee that are relevant to the officer's determination and request, unless the agency or instrumentality has a reasonable basis for not providing the materials.

“(D) **EXAMINATION.**—If the Secretary of Labor receives a request under this paragraph before an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall promptly require the physical examination of the employee. A physical examination under this subparagraph shall satisfy the requirement under paragraph (4)(B)(i) that an initial physical examination be conducted.

“(E) **AFTER INITIAL EXAMINATION.**—

“(i) **IN GENERAL.**—If the Secretary of Labor receives a request under this paragraph after an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall—

“(I) review the request and the information, explanation, and other materials submitted with the request; and

“(II) determine whether to require the physical examination of the employee who is the subject of the request.

“(ii) **NOT GRANTED.**—If the Secretary determines not to grant a request described in clause (i), the Secretary shall promptly notify the officer who made the request and provide an explanation of the reasons why the request was denied.”.

SEC. 308. WAITING PERIOD.

(a) **IN GENERAL.**—Section 8117 is amended—

(1) in the section heading, by striking “**Time of accrual of right**” and inserting “**Waiting period**”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “An employee” and all that follows through “is not entitled” and inserting “**IN GENERAL.**—An employee is not entitled to continuation of pay within the meaning of section 8118 for the first 3 days of temporary disability or, if section 8118 does not apply, is not entitled”;

(B) in paragraph (1), by adding “or” at the end;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2); and

(3) in subsection (b)—

(A) by striking “A Postal Service” the first place it appears and all that follows through “A Postal Service” the second place it appears and inserting “**USE OF LEAVE.**—An”;

(B) by striking “that 3-day period” and inserting “the first 3 days of temporary disability”; and

(C) by striking “or is followed by permanent disability”.

(b) **CONTINUATION OF PAY.**—Section 8118 is amended—

(1) in the section heading, by striking “; **election to use annual or sick leave**”;

(2) in subsection (b)(1), by striking “section 8117(b)” and inserting “section 8117”;

(3) by striking subsection (c); and

(4) by redesignating subsections (d) as subsection (c).

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—The table of sections for chapter 81 is amended by striking the items relating to sections 8117 and 8118 and inserting the following:

“8117. Waiting period.

“8118. Continuation of pay.”.

SEC. 309. ELECTION OF BENEFITS.

(a) **IN GENERAL.**—Section 8116 is amended by adding at the end the following:

“(e) **RETIREMENT BENEFITS.**—

“(1) **IN GENERAL.**—An individual entitled to compensation benefits payable under this subchapter and under chapter 83 or 84 or any other retirement system for employees of the Government, for the same period, shall elect which benefits the individual will receive.

“(2) **ELECTION.**—

“(A) **DEADLINE.**—An individual shall make an election under paragraph (1) in accordance with such deadlines as the Secretary of Labor shall establish, which shall be a reasonable period after the individual has received notice of a final determination that the individual is entitled to compensation benefits payable under this subchapter.

“(B) **REVOCABILITY.**—An election under paragraph (1) shall be revocable, notwithstanding any other provision of law, except for any period during which an individual—

“(i) was qualified for benefits payable under both this subchapter and under a retirement system described in paragraph (1); and

“(ii) was paid benefits under the retirement system after having been notified of eligibility for benefits under this subchapter.

“(3) **INFORMED CHOICE.**—The Secretary of Labor shall provide information, and shall ensure that information is provided, to an individual described in paragraph (1) about the benefits available to the individual under this subchapter or under chapter 83 or 84 or any other retirement system referred to in paragraph (1) the individual may elect to receive.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—Sections 8337(f)(3) and 8464a(a)(3) are each amended by striking “Paragraphs” and inserting “Except as provided under chapter 81, paragraphs”.

SEC. 310. SANCTION FOR NONCOOPERATION WITH FIELD NURSES.

Section 8123, as amended by section 307, is amended by adding at the end the following:

“(f) **FIELD NURSES.**—

“(1) **DEFINITION.**—In this subsection, the term ‘field nurse’ means a registered nurse that assists the Secretary in the medical management of disability claims under this subchapter and provides claimants with assistance in coordinating medical care.

“(2) **AUTHORIZATION.**—The Secretary may use field nurses to coordinate medical services and vocational rehabilitation programs for injured employees under this subchapter. If an employee refuses to cooperate with a field nurse or obstructs a field nurse in the performance of duties under this subchapter, the right to compensation under this subchapter shall be suspended until the refusal or obstruction stops.”.

SEC. 311. SUBROGATION OF CONTINUATION OF PAY.

(a) **IN GENERAL.**—Section 8131 is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting “continuation of pay or” before “compensation”;

(2) in subsection (b), by inserting “continuation of pay or” before “compensation”; and

(3) in subsection (c)—

(A) by inserting “continuation of pay or” before “compensation already paid”; and

(B) by inserting “continuation of pay or” before “compensation payable”.

(b) **ADJUSTMENT AFTER RECOVERY FROM A THIRD PERSON.**—Section 8132 is amended—

(1) in the first sentence—

(A) by inserting “continuation of pay or” before “compensation is payable”; and

(B) by inserting “continuation of pay or” before “compensation from the United States”;

(C) by striking “by him or in his behalf” and inserting “by the beneficiary or on behalf of the beneficiary”;

(D) by inserting “continuation of pay and” before “compensation paid by the United States”; and

(E) by striking “compensation payable to him” and inserting “continuation of pay or compensation payable to the beneficiary”;

(2) in the second sentence, by striking “his designee” and inserting “the designee of the beneficiary”;

(3) in the fourth sentence, by striking “If compensation” and all that follows through “payable to him by the United States” and inserting “If continuation of pay or compensation has not been paid to the beneficiary, the money or property shall be credited against continuation of pay or compensation payable to the beneficiary by the United States”.

(c) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 312. INTEGRITY AND COMPLIANCE.

(a) IN GENERAL.—Subchapter I of chapter 81 is amended by adding at the end the following:

“§ 153. Integrity and Compliance Program

“(a) DEFINITIONS.—In this section—

“(1) the term ‘FECA program’ means the Federal Employees Compensation Program administered under this subchapter;

“(2) the term ‘improper payment’ has the meaning given that term in section 2(f) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note);

“(3) the term ‘Inspector General’—

“(A) means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.); and

“(B) does not include the Inspector General of an entity having no employees covered under the FECA program.

“(4) the term ‘Integrity and Compliance Program’ means the Integrity and Compliance Program established under subsection (b);

“(5) the term ‘provider’ means a provider of medical or other services under the FECA program;

“(6) the term ‘Secretary’ means the Secretary of Labor; and

“(7) the term ‘Task Force’ means the FECA Integrity and Compliance Task Force established under subsection (c)(2)(A).

“(b) INTEGRITY AND COMPLIANCE PROGRAM.—Not later than 270 days after the date of enactment of this section, the Secretary shall establish an Integrity and Compliance Program for the purpose of preventing, identifying, and recovering fraudulent and other improper payments for the FECA program, which shall include—

“(1) procedures for identifying potentially improper payments before payment is made to claimants and providers, including, where appropriate, predictive analytics;

“(2) reviews after payment is made to identify potentially improper payments to claimants and providers;

“(3) on-going screening and verification procedures to ensure the continued eligibility of medical providers to provide services under the FECA program, including licensure, Federal disbarment, and the existence of relevant criminal convictions;

“(4) provision of appropriate information, education, and training to claimants and providers on requirements to ensure the integrity of the FECA program, including payments under the FECA program;

“(5) appropriate controls and audits to ensure that providers adopt internal controls and procedures for compliance with requirements under the FECA program;

“(6) procedures to ensure—

“(A) initial and continuing eligibility of claimants for compensation, benefits, or services under the FECA program; and

“(B) ongoing verification of information in databases relating to claimants to ensure accuracy and completeness; and

“(7) sharing and accessing data and information with other agencies and instrumentalities of the United States, including the United States Postal Service.

“(c) INTERAGENCY COOPERATION ON ANTI-FRAUD EFFORTS.—

“(1) IN GENERAL.—In administering the FECA program, including the Integrity and Compliance Program, the Secretary shall cooperate with other agencies and instrumentalities of the United States (including the United States Postal Service) and the Inspectors General of such agencies and instrumentalities to prevent, identify, and recover fraudulent and other improper payments under the FECA program.

“(2) TASK FORCE.—

“(A) IN GENERAL.—There is established a task force, which shall be known as the FECA Integrity and Compliance Task Force.

“(B) MEMBERSHIP.—The members of the Task Force shall be—

“(i) the Secretary, who shall serve as the Chairperson of the Task Force;

“(ii) the Postmaster General, who shall serve as the Vice Chairperson of the Task Force;

“(iii) the Attorney General;

“(iv) the Director of the Office of Management and Budget; and

“(v) other appropriate Federal officials, as determined by the Chairperson and Vice Chairperson of the Task Force.

“(C) ADVISORY MEMBERS.—The following officials shall attend meetings of the Task Force and participate as ad hoc, advisory members, to provide technical assistance and guidance to the Task Force with respect to the duties of the Task Force:

“(i) The Inspector General of the Department of Labor.

“(ii) The Inspector General of the United States Postal Service.

“(iii) The Inspectors General of other appropriate agencies and instrumentalities of the United States that employ a significant number of individuals receiving compensation, benefits, or services under the FECA program, as determined by the Chairperson of the Task Force.

“(D) DUTIES.—The Task Force shall—

“(i) set forth, in writing, a description of the respective roles and responsibilities in preventing, identifying, recovering, and prosecuting fraud under, and otherwise ensuring integrity and compliance of, the FECA program of—

“(I) the Secretary (including subordinate officials such as the Director of the Office of Workers’ Compensation Programs);

“(II) the Inspector General of the Department of Labor;

“(III) the Inspectors General of agencies and instrumentalities of the United States that employ claimants under the FECA program;

“(IV) the Attorney General; and

“(V) any other relevant officials;

“(ii) develop procedures for sharing information of possible fraud under the FECA program or other intentional misstatements by claimants or providers under the FECA program, including procedures addressing—

“(I) notification of appropriate officials of the Department of Labor of potential fraud or other intentional misstatements, including provision of supporting information;

“(II) timely and appropriate response by officials of the Department of Labor to notifications described in subclause (I);

“(III) the inclusion of information and evidence relating to fraud and other intentional misstatements in criminal, civil, and administrative proceedings relating to the provision of compensation, benefits, or medical services (including payments to providers) under the FECA program;

“(IV) the coordination of criminal investigations with the administration of the FECA program; and

“(V) the protection of information relating to an investigation of possible fraud under the FECA program from potential disclosure, including requirements that enable investigative files to be appropriately separated from case management files;

“(iii) not later than 1 year after the date of enactment of this section, submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on Education and the Workforce of the House of Representatives a report that includes the description

and procedures required under clauses (i) and (ii).

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit or restrict any authority of an Inspector General.

“(d) IMPROVEMENTS TO ACCESS OF FEDERAL DATABASES.—

“(1) IN GENERAL.—In order to improve compliance with the requirements under and the integrity of the FECA program, or as required to otherwise detect and prevent improper payments under the FECA program (including for purposes of computer matching under subsection (e)(1)(D)), upon written request—

“(A) the Commissioner of Social Security shall make available to the Secretary, the Postmaster General, and each Inspector General the Social Security earnings information of a living or deceased employee;

“(B) the Director of the Office of Personnel Management shall make available to the Secretary, the Postmaster General, and each Inspector General the information in the databases of Federal employees and retirees maintained by the Director; and

“(C) the Secretary of Veterans Affairs shall make available to the Secretary, the Postmaster General, and each Inspector General the information in the database of disabled individuals maintained by the Secretary of Veterans Affairs.

“(2) NATIONAL DIRECTORY OF NEW HIRES.—

Upon written request, the Secretary of Health and Human Services shall make available to the Secretary, the Postmaster General, each Inspector General, and the Comptroller General of the United States the information in the National Directory of New Hires for purposes of carrying out this subchapter, in order to improve compliance with the requirements under and the integrity of the FECA program, or as required to otherwise detect and prevent improper payments under the FECA program (including for purposes of computer matching under subsection (e)(1)(D)). The Comptroller General may obtain information from the National Directory of New Hires for purposes of any audit, evaluation, or investigation, including any audit, evaluation, or investigation relating to program integrity.

“(3) PROCEDURES.—The Secretary shall establish procedures for correlating the identity and status of recipients of compensation, benefits, or services under this subchapter with Social Security earnings information described in paragraph (1)(A).

“(4) PROVISION.—Information requested under this subsection shall be provided—

“(A) in a timely manner;

“(B) at a reasonable cost to the Secretary, the Postmaster General, or an Inspector General;

“(C) without cost to the Comptroller General of the United States; and

“(D) in the manner, frequency, and form reasonably specified by the officer making the request, which, upon request, shall include electronic form.

“(5) ASSESSMENT OF DATA COST-EFFECTIVENESS.—

“(A) IN GENERAL.—The Secretary shall consider and assess procedures for correlating the identity and status of recipients of compensation, benefits, or services under this subchapter with information relating to employees, retirees, and individuals described in subparagraphs (B) and (C) of paragraph (1) and paragraph (2).

“(B) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on Education and the Workforce

of the House of Representatives a report on the cost-effectiveness of the use of the databases described in subparagraphs (B) and (C) of paragraph (1) and paragraph (2) for program compliance and integrity. The report required under this subparagraph may be included as part of the report required under subsection (f).

“(6) UNITED STATES POSTAL SERVICE FECA ENROLLEE DATABASE.—Not later than 180 days after the date of enactment of this section, in order to track, verify, and communicate with the Secretary and other relevant entities, the Postmaster General shall establish an electronic database of information relating to employees of the United States Postal Service who have applied for or are receiving compensation, benefits, or services under this subchapter.

“(7) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of the Comptroller General of the United States under section 716 of title 31.

“(e) GENERAL PROTOCOLS AND SECURITY.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—In order to ensure strong information security and privacy standards, the Task Force shall establish protocols for the secure transfer and storage of any information provided to an individual or entity under this section.

“(B) CONSIDERATIONS.—In establishing protocols under subparagraph (A), the Task Force shall consider any recommendations submitted to the Secretary by the Inspector General of the Department of Health and Human Services with respect to the secure transfer and storage of information, and to comply with privacy laws and best practices.

“(C) FRAUD CASE PROTECTION.—The Task Force shall establish protocols and procedures to enable information and materials relating to an active investigation of possible fraud relating to the FECA program to be appropriately kept separate from the files for employees relating to the provision of compensation, benefits, or services under the FECA program.

“(D) COMPUTER MATCHING BY FEDERAL AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.—

“(i) IN GENERAL.—Except as provided in this subparagraph, in accordance with section 552a (commonly known as the Privacy Act of 1974), the Secretary, the Postmaster General, each Inspector General, and the head of each agency may enter into computer matching agreements that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments under the FECA program.

“(ii) REVIEW.—Not later than 60 days after a proposal for an agreement under clause (i) has been presented to a Data Integrity Board established under section 552a(u) for consideration, the Data Integrity Board shall approve or deny the agreement.

“(iii) TERMINATION DATE.—An agreement under clause (i)—

“(I) shall have a termination date of less than 3 years; and

“(II) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the agencies entering the agreement for not more than 3 years.

“(iv) MULTIPLE AGENCIES.—For purposes of this subparagraph, section 552a(o)(1) shall be applied by substituting ‘between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies’ for ‘between the source agency and the recipient agency or non-Federal agency’ in the matter preceding subparagraph (A).

“(v) COST-BENEFIT ANALYSIS.—An agreement under clause (i) may be entered without regard to section 552a(o)(1)(B), relating to a cost-benefit analysis of the proposed matching program.

“(vi) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Not later than 6 months after the date of enactment of the Workers’ Compensation Reform Act of 2012, and in consultation with the Council of Inspectors General on Integrity and Efficiency, the Secretary of Health and Human Services, the Commissioner of Social Security, and the head of any other relevant agency, the Director of the Office of Management and Budget shall—

“(I) issue guidance for agencies regarding implementing this subparagraph, which shall include standards for reimbursement costs, when necessary, between agencies; and

“(II) establish standards and develop standard matching agreements for the purpose of improving the process for establishing data use or computer matching agreements.

“(2) COMPLIANCE.—The Secretary, the Postmaster General, and each Inspector General shall ensure that any information provided to an individual or entity under this section is provided in accordance with protocols established under paragraph (1).

“(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the rights of an individual under section 552a(p).

“(f) REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter for 5 years, the Secretary shall submit a report on the activities of the Secretary under this section, including implementation of the Integrity and Compliance Program, to—

“(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(2) the Committee on Oversight and Government Reform and the Committee on Education and the Workforce of the House of Representatives.

“(g) GAO REVIEW.—The Comptroller General of the United States shall—

“(1) conduct periodic reviews of the Integrity and Compliance Program; and

“(2) submit reports on the results of the reviews under paragraph (1) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on Education and the Workforce of the House of Representatives not later than—

“(A) 2 years after the date of enactment of this section; and

“(B) 3 years after submission of the report under subparagraph (A).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 81 is amended by inserting after the item relating to section 8152 the following:

“8153. Integrity and Compliance Program.”.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 313. AMOUNT OF COMPENSATION.

(a) INJURIES TO FACE, HEAD, AND NECK.—Section 8107(c)(21) is amended—

(1) by striking “not to exceed \$3,500” and inserting “in proportion to the severity of the disfigurement, not to exceed \$50,000;” and

(2) by adding at the end the following: “The maximum amount of compensation under this paragraph shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding

year, adjusted to the nearest one-tenth of 1 percent.”.

(b) FUNERAL EXPENSES.—Section 8134(a) is amended—

(1) by striking “\$800” and inserting “\$6,000”; and

(2) by adding at the end the following: “The maximum amount of compensation under this subsection shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.”.

(c) APPLICATION.—The amendments made by this section shall apply to injuries or deaths, respectively, occurring on or after the date of enactment of this Act.

SEC. 314. TECHNICAL AND CONFORMING AMENDMENTS.

Chapter 81 is amended—

(1) in section 8101(D), by inserting “for an injury that occurred before the effective date of section 204(e) of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93-198; 87 Stat. 783; 5 U.S.C. 8101 note)” before the semicolon;

(2) in section 8139, by inserting “under this subchapter” after “Compensation awarded”; and

(3) in section 8148(a), by striking “section 8106” and inserting “section 8106a”.

SEC. 315. REGULATIONS.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Secretary of Labor shall promulgate regulations (which may include interim final regulations) to carry out this title.

(b) CONTENTS.—The regulations promulgated under subsection (a) shall include, for purposes of the amendments made by sections 302 and 303, clarification of—

(1) what is a claim; and

(2) what is the date on which a period of disability, for which a claim is made, commences.

SEC. 316. EFFECTIVE DATE.

Except as otherwise provided in this title, this title and the amendments made by this title shall take effect 60 days after the date of enactment of this Act.

TITLE IV—OTHER MATTERS

SEC. 401. SOLVENCY PLAN.

(a) PLAN REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Postal Service shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Comptroller General of the United States, and the Commission a plan describing, in detail, the actions the Postal Service will take to achieve long-term solvency (as defined in section 208(e) of this Act).

(b) CONSIDERATIONS.—The plan required under subsection (a) shall take into consideration—

(1) the legal authority of the Postal Service;

(2) the changes in the legal authority and responsibilities of the Postal Service under this Act;

(3) any cost savings that the Postal Service anticipates will be achieved through negotiations with employees of the Postal Service;

(4) projected changes in mail volume;

(5) projected changes in the number of employees needed to carry out the responsibilities of the Postal Service; and

(6) the long-term capital needs of the Postal Service, including the need to maintain, repair, and replace facilities and equipment.

(c) **UPDATES.**—The Postal Service shall update the plan required under subsection (a) not less frequently than quarterly, until the last quarter of fiscal year 2015.

SEC. 402. POSTAL RATES.

(a) COMMISSION STUDY.—

(1) **IN GENERAL.**—Not earlier than 3 years after the date of enactment of this Act, the Commission shall commence a study to determine—

(A) whether and to what extent any market-dominant classes, products, or types of mail services do not bear the direct and indirect costs attributable to those classes, products, or types of mail services; and

(B) the impact of any excess mail processing, transportation, or delivery capacity of the Postal Service on the direct and indirect costs attributable to any class, product, or type of mail service that bears less than 100 percent of the costs attributable to the class, product, or type of mail service, as determined under subparagraph (A).

(2) **REQUIREMENTS.**—The Commission shall conduct the study under paragraph (1) in a manner that protects confidential and proprietary business information.

(3) **HEARING.**—Before completing the study under paragraph (1), the Commission shall hold a public hearing, on the record, in order to better inform the conclusions of the study. The Postal Service, postal customers, and other interested persons may participate in the hearing under this paragraph.

(4) **COMPLETION.**—Not later than 6 months after the date on which the Commission commences the study under subsection (a), the Commission shall complete the study.

(b) **ANNUAL UPDATES REQUIRED.**—Not later than 1 year after the date of completion of the study under subsection (a), and annually thereafter, the Commission shall—

(1) determine whether any class of mail bears less than 100 percent of the direct and indirect costs attributable to the class, product, or type of mail service, in the same manner as under subsection (a)(1)(A);

(2) for any class of mail for which the Commission makes a determination under paragraph (1), update the study under subsection (a); and

(3) include the study updated under paragraph (2) in the annual written determination of the Commission under section 3653 of title 39, United States Code.

(c) POSTAL RATES.—

(1) **DEFINITION.**—In this subsection, the term “loss-making”, as used with respect to a class of mail, means a class of mail that bears less than 100 percent of the costs attributable to the class of mail, according to the most recent annual determination of the Commission under subsection (a)(1) or (b)(1), adjusted to account for the quantitative effect of excess mail processing, transportation, or delivery capacity of the Postal Service on the costs attributable to the class of mail.

(2) **IN GENERAL.**—Not later than 1 year after the date on which the study under subsection (a) is completed, and annually thereafter, the Postal Service shall establish postal rates for each loss-making class of mail.

(3) **CONSIDERATIONS.**—The Postal Service may establish postal rates under paragraph (2) in a manner that ensures, to the extent practicable, that a class of mail described in paragraph (2) is not loss-making by—

(A) using the authority to increase rates under section 3622(d)(1)(A) of title 39, United States Code;

(B) exhausting any unused rate adjustment authority, as defined in section 3622(d)(2)(C) of title 39, United States Code, subject to paragraph (4); and

(C) maximizing incentives to reduce costs and increase efficiency with regard to the

processing, transportation, and delivery of such mail by the Postal Service.

(4) **UNUSED RATE ADJUSTMENT AUTHORITY.**—Section 3622(d)(2)(C) of title 39, United States Code, shall be applied by annually increasing by 2 percentage points any unused rate adjustment authority for a class of mail that bears less than 90 percent of the costs attributable to the class of mail, according to the most recent annual determination of the Commission under subsection (a)(1) or (b)(1), adjusted to account for the quantitative effect of excess mail processing, transportation, or delivery capacity of the Postal Service on the costs attributable to the class of mail.

SEC. 403. CO-LOCATION WITH FEDERAL AGENCIES.

Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VII—FEDERAL REAL PROPERTY ASSET MANAGEMENT

“§ 701. Definitions

“In this subchapter:

“(1) **AGENCY FIELD OFFICE.**—The term ‘agency field office’ means the field office of a landholding agency.

“(2) **COUNCIL.**—The term ‘Council’ means the Federal Real Property Council established under section 702.

“(3) **LANDHOLDING AGENCY.**—The term ‘landholding agency’ has the same meaning as in section 501(i) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i)).

“(4) **POSTAL PROPERTY.**—The term ‘Postal property’ means real property owned by the United States Postal Service.

“§ 702. Establishment of a Federal Real Property Council

“(a) **ESTABLISHMENT.**—There is within the Office of Management and Budget a council to be known as the ‘Federal Real Property Council’.

“(b) **PURPOSE.**—The purpose of the Council shall be to develop guidance for the asset management program of each executive agency.

“(c) **COMPOSITION.**—

“(1) **IN GENERAL.**—The Council shall be composed of—

“(A) the senior real property officers of each executive agency;

“(B) the Deputy Director for Management of the Office of Management and Budget;

“(C) the Controller of the Office of Management and Budget;

“(D) the Administrator of General Services; and

“(E) any other full-time or permanent part-time Federal officials or employees, as the Chairperson determines to be necessary.

“(2) **CHAIRPERSON.**—The Deputy Director for Management of the Office of Management and Budget shall serve as Chairperson of the Council.

“(3) **ADMINISTRATIVE SUPPORT.**—The Office of Management and Budget shall provide funding and administrative support for the Council, as appropriate.

“§ 703. Co-location among Postal Service properties

“(a) **CO-LOCATION AMONG POSTAL SERVICE PROPERTIES.**—

“(1) **IDENTIFICATION OF REAL PROPERTY ASSETS.**—Each year, the Council shall—

“(A) identify and compile a list of agency field offices that are suitable for co-location with another Federal civilian real property asset; and

“(B) submit the list to the Director of the Office of Management and Budget and the Postmaster General of the United States.

“(2) **POSTAL PROPERTY.**—

“(A) **IN GENERAL.**—Not later than 30 days after the completion of a list under para-

graph (1), the Director of the Office of Management and Budget, in collaboration with the Postmaster General, shall identify agency field offices on the list that are within reasonable distance of a Postal property.

“(B) **REASONABLE DISTANCE.**—For purposes of this paragraph, an agency field office shall be considered to be within reasonable distance of a Postal property if the office would be able to fulfill the mission of the office if the office is located at the Postal property.

“(C) **REVIEW BY POSTAL SERVICE.**—Not later than 90 days after the receipt of the list submitted under subparagraph (B), the Postmaster General shall—

“(i) review the list; and

“(ii) submit to the Director of the Office of Management and Budget a report containing the conclusions of the review.

“(3) **TERMS OF CO-LOCATION.**—On approval of the recommendations under paragraph (2) by the Postmaster General and the applicable agency head, the co-location of a Postal property and an agency field office shall consist of the Executive agency that owns or leases the agency field office entering into a lease for space within the Postal property with United States Postal Service that has—

“(A) an initial lease term of not less than 5 years; and

“(B) a cost that is within 5 percent of the prevailing market lease rate for a similarly situated space.”.

SEC. 404. COOPERATION WITH STATE AND LOCAL GOVERNMENTS; INTRA-SERVICE AGREEMENTS.

(a) **COOPERATION WITH STATE AND LOCAL GOVERNMENTS.**—Section 411 of title 39, United States Code, is amended, in the first sentence, by striking “and the Government Printing Office” and inserting “, the Government Printing Office, and agencies and other units of State and local governments”.

(b) **INTRA-SERVICE AGREEMENTS.**—Section 411 of title 39, United States Code, as amended by subsection (a), is amended—

(1) in the section heading, by adding at the end the following: “**and within the Postal Service**”;

(2) in the second sentence, by striking “section” and inserting “subsection”;

(3) by striking “Executive agencies” and inserting the following:

“(a) **COOPERATION WITH STATE AND LOCAL GOVERNMENTS.**—Executive agencies”; and

(4) by adding at the end the following:

“(b) **COOPERATION WITHIN THE POSTAL SERVICE.**—The Office of the Inspector General and other components of the Postal Service may enter into agreements to furnish to each other property, both real and personal, and personal and nonpersonal services. The furnishing of property and services under this subsection shall be under such terms and conditions, including reimbursability, as the Inspector General and the head of the component concerned shall deem appropriate.”.

(c) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 4 of title 39, United States Code, is amended by striking the item relating to section 411 and inserting the following:

“411. Cooperation with other Government agencies and within the Postal Service.”.

SEC. 405. SHIPPING OF WINE, BEER, AND DISTILLED SPIRITS.

(a) **MAILABILITY.**—

(1) **NONMAILABLE ARTICLES.**—Section 1716(f) of title 18, United States Code, is amended by striking “mails” and inserting “mails, except to the extent that the mailing is allowable under section 3001(p) of title 39”.

(2) **APPLICATION OF LAWS.**—Section 1161 of title 18, United States Code, is amended, by inserting “, and, with respect to the mailing

of distilled spirits, wine, or malt beverages (as those terms are defined in section 117 of the Federal Alcohol Administration Act (27 U.S.C. 211)), is in conformity with section 3001(p) of title 39 "after 'Register'".

(b) REGULATIONS.—Section 3001 of title 39, United States Code, is amended by adding at the end the following:

"(p)(1) In this subsection, the terms 'distilled spirits', 'wine', and 'malt beverage' have the same meanings as in section 117 of the Federal Alcohol Administration Act (27 U.S.C. 211).

"(2) Distilled spirits, wine, or malt beverages shall be considered mailable if mailed—

"(A) in accordance with the laws and regulations of—

"(i) the State, territory, or district of the United States where the sender or duly authorized agent initiates the mailing; and

"(ii) the State, territory, or district of the United States where the addressee or duly authorized agent takes delivery; and

"(B) to an addressee who is at least 21 years of age—

"(i) who provides a signature and presents a valid, government-issued photo identification upon delivery; or

"(ii) the duly authorized agent of whom—

"(I) is at least 21 years of age; and

"(II) provides a signature and presents a valid, government-issued photo identification upon delivery.

"(3) The Postal Service shall prescribe such regulations as may be necessary to carry out this subsection."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) the date on which the Postal Service issues regulations under section 3001(p) of title 39, United States Code, as amended by this section; and

(2) 120 days after the date of enactment of this Act.

SEC. 406. ANNUAL REPORT ON UNITED STATES MAILING INDUSTRY.

(a) IN GENERAL.—Chapter 24 of title 39, United States Code, is amended by adding at the end the following:

"§2403. Annual report on the fiscal stability of the United States mailing industry

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Postal Regulatory Commission shall submit a report on the fiscal stability of the United States mailing industry with respect to the preceding fiscal year to—

"(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(2) the Committee on Oversight and Government Reform of the House of Representatives.

"(b) ASSISTANCE.—The United States Postal Service and any Federal agency involved in oversight or data collection regarding industry sectors relevant to the report under subsection (a) shall provide any assistance to the Postal Regulatory Commission that the Postal Regulatory Commission determines is necessary in the preparation of a report under subsection (a)."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 24 of title 39, United States Code, is amended by adding at the end the following:

"2403. Annual report on the fiscal stability of the United States mailing industry."

SEC. 407. USE OF NEGOTIATED SERVICE AGREEMENTS.

Section 3622 of title 39, United States Code, is amended—

(1) in subsection (c)(10)(A)—

(A) in the matter preceding clause (i), by striking "either" and inserting "will";

(B) in clause (i), by striking "or" at the end;

(C) in clause (ii), by striking "and" at the end and inserting "or"; and

(D) by adding at the end the following:

"(iii) preserve mail volume and revenue; and"; and

(2) by adding at the end the following:

"(g) COORDINATION.—The Postal Service and the Postal Regulatory Commission shall coordinate actions to identify methods to increase the use of negotiated service agreements for market-dominant products by the Postal Service consistent with subsection (c)(10)."

SEC. 408. CONTRACT DISPUTES.

Section 7101(8) of title 41, United States Code, is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) the United States Postal Service and the Postal Regulatory Commission."

SEC. 409. CONTRACTING PROVISIONS.

(a) IN GENERAL.—Part I of title 39, United States Code, is amended by adding at the end the following:

"CHAPTER 7—CONTRACTING PROVISIONS

"Sec.

"701. Definitions.

"702. Advocate for competition.

"703. Delegation of contracting authority.

"704. Posting of noncompetitive purchase requests for noncompetitive contracts.

"705. Review of ethical issues.

"706. Ethical restrictions on participation in certain contracting activity.

"707. Congressional oversight authority.

"§ 701. Definitions

"In this chapter—

"(1) the term 'contracting officer' means an employee of a covered postal entity who has authority to enter into a postal contract;

"(2) the term 'covered postal entity' means—

"(A) the Postal Service; or

"(B) the Postal Regulatory Commission;

"(3) the term 'head of a covered postal entity' means—

"(A) in the case of the Postal Service, the Postmaster General; or

"(B) in the case of the Postal Regulatory Commission, the Chairman of the Postal Regulatory Commission;

"(4) the term 'postal contract' means any contract (including any agreement or memorandum of understanding) entered into by a covered postal entity for the procurement of goods or services; and

"(5) the term 'senior procurement executive' means the senior procurement executive of a covered postal entity.

"§ 702. Advocate for competition

"(a) ESTABLISHMENT AND DESIGNATION.—

"(1) ESTABLISHMENT.—There is established in each covered postal entity an advocate for competition.

"(2) DESIGNATION.—The head of each covered postal entity shall designate for the covered postal entity 1 or more officers or employees (other than the senior procurement executive) to serve as the advocate for competition.

"(b) RESPONSIBILITIES.—The advocate for competition of each covered postal entity shall—

"(1) be responsible for promoting competition to the maximum extent practicable consistent with obtaining best value by promoting the acquisition of commercial items and challenging barriers to competition;

"(2) review the procurement activities of the covered postal entity; and

"(3) prepare and transmit to the head of each covered postal entity, the senior procurement executive of each covered postal entity, the Board of Governors, and Congress, an annual report describing—

"(A) the activities of the advocate under this section;

"(B) initiatives required to promote competition;

"(C) barriers to competition that remain; and

"(D) the number of waivers made by each covered postal entity under section 704(c).

"§ 703. Delegation of contracting authority

"(a) IN GENERAL.—

"(1) POLICY.—Not later than 60 days after the date of enactment of the 21st Century Postal Service Act of 2012, the head of each covered postal entity shall issue a policy on contracting officer delegations of authority for the covered postal entity.

"(2) CONTENTS.—The policy issued under paragraph (1) shall require that—

"(A) notwithstanding any delegation of authority with respect to postal contracts, the ultimate responsibility and accountability for the award and administration of postal contracts resides with the senior procurement executive; and

"(B) a contracting officer shall maintain an awareness of and engagement in the activities being performed on postal contracts of which that officer has cognizance, notwithstanding any delegation of authority that may have been executed.

"(b) POSTING OF DELEGATIONS.—

"(1) IN GENERAL.—The head of each covered postal entity shall make any delegation of authority for postal contracts outside the functional contracting unit readily available and accessible on the website of the covered postal entity.

"(2) EFFECTIVE DATE.—This paragraph shall apply to any delegation of authority made on or after 30 days after the date of enactment of the 21st Century Postal Service Act of 2012.

"§ 704. Posting of noncompetitive purchase requests for noncompetitive contracts

"(a) POSTING REQUIRED.—

"(1) POSTAL REGULATORY COMMISSION.—The Postal Regulatory Commission shall make the noncompetitive purchase request for any noncompetitive award, including the rationale supporting the noncompetitive award, publicly available on the website of the Postal Regulatory Commission—

"(A) not later than 14 days after the date of the award of the noncompetitive contract; or

"(B) not later than 30 days after the date of the award of the noncompetitive contract, if the basis for the award was a compelling business interest.

"(2) POSTAL SERVICE.—The Postal Service shall make the noncompetitive purchase request for any noncompetitive award of a postal contract valued at \$250,000 or more, including the rationale supporting the noncompetitive award, publicly available on the website of the Postal Service—

"(A) not later than 14 days after the date of the award; or

"(B) not later than 30 days after the date of the award, if the basis for the award was a compelling business interest.

"(3) ADJUSTMENTS TO THE POSTING THRESHOLD FOR THE POSTAL SERVICE.—

"(A) REVIEW AND DETERMINATION.—Not later than January 31 of each year, the Postal Service shall—

"(i) review the \$250,000 threshold established under paragraph (2); and

"(ii) based on any change in the Consumer Price Index for all-urban consumers of the Department of Labor, determine whether an adjustment to the threshold shall be made.

“(B) AMOUNT OF ADJUSTMENTS.—An adjustment under subparagraph (A) shall be made in increments of \$5,000. If the Postal Service determines that a change in the Consumer Price Index for a year would require an adjustment in an amount that is less than \$5,000, the Postal Service may not make an adjustment to the threshold for the year.

“(4) EFFECTIVE DATE.—This subsection shall apply to any noncompetitive contract awarded on or after the date that is 90 days after the date of enactment of the 21st Century Postal Service Act of 2012.

“(b) PUBLIC AVAILABILITY.—

“(1) IN GENERAL.—Subject to paragraph (2), the information required to be made publicly available by a covered postal entity under subsection (a) shall be readily accessible on the website of the covered postal entity.

“(2) PROTECTION OF PROPRIETARY INFORMATION.—A covered postal entity shall—

“(A) carefully screen any description of the rationale supporting a noncompetitive award required to be made publicly available under subsection (a) to determine whether the description includes proprietary data (including any reference or citation to the proprietary data) or security-related information; and

“(B) remove any proprietary data or security-related information before making publicly available a description of the rationale supporting a noncompetitive award.

“(c) WAIVERS.—

“(1) WAIVER PERMITTED.—If a covered postal entity determines that making a noncompetitive purchase request publicly available would risk placing the Postal Service at a competitive disadvantage relative to a private sector competitor, the senior procurement executive, in consultation with the advocate for competition of the covered postal entity, may waive the requirements under subsection (a).

“(2) FORM AND CONTENT OF WAIVER.—

“(A) FORM.—A waiver under paragraph (1) shall be in the form of a written determination placed in the file of the contract to which the noncompetitive purchase agreement relates.

“(B) CONTENT.—A waiver under paragraph (1) shall include—

“(i) a description of the risk associated with making the noncompetitive purchase request publicly available; and

“(ii) a statement that redaction of sensitive information in the noncompetitive purchase request would not be sufficient to protect the Postal Service from being placed at a competitive disadvantage relative to a private sector competitor.

“(3) DELEGATION OF WAIVER AUTHORITY.—A covered postal entity may not delegate the authority to approve a waiver under paragraph (1) to any employee having less authority than the senior procurement executive.

“§ 705. Review of ethical issues

“If a contracting officer identifies any ethical issues relating to a proposed contract and submits those issues and that proposed contract to the designated ethics official for the covered postal entity before the awarding of that contract, that ethics official shall—

“(1) review the proposed contract; and

“(2) advise the contracting officer on the appropriate resolution of ethical issues.

“§ 706. Ethical restrictions on participation in certain contracting activity

“(a) DEFINITIONS.—In this section—

“(1) the term ‘covered employee’ means—

“(A) a contracting officer; or

“(B) any employee of a covered postal entity whose decisionmaking affects a postal contract as determined by regulations pre-

scribed by the head of a covered postal entity;

“(2) the term ‘covered relationship’ means a covered relationship described in section 2635.502(b)(1) of title 5, Code of Federal Regulations, or any successor thereto; and

“(3) the term ‘final conviction’ means a conviction, whether entered on a verdict or plea, including a plea of nolo contendere, for which a sentence has been imposed.

“(b) IN GENERAL.—

“(1) REGULATIONS.—The head of each covered postal entity shall prescribe regulations that—

“(A) require a covered employee to include in the file of any noncompetitive purchase request for a noncompetitive postal contract a written certification that—

“(i) discloses any covered relationship of the covered employee; and

“(ii) the covered employee will not take any action with respect to the noncompetitive purchase request that affects the financial interests of a friend, relative, or person with whom the covered employee is affiliated in a nongovernmental capacity, or otherwise gives rise to an appearance of the use of public office for private gain, as described in section 2635.702 of title 5, Code of Federal Regulations, or any successor thereto;

“(B) require a contracting officer to consult with the ethics counsel for the covered postal entity regarding any disclosure made by a covered employee under subparagraph (A)(i), to determine whether participation by the covered employee in the noncompetitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the ‘Standards of Ethical Conduct for Employees of the Executive Branch’);

“(C) require the ethics counsel for a covered postal entity to review any disclosure made by a contracting officer under subparagraph (A)(i) to determine whether participation by the contracting officer in the noncompetitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the ‘Standards of Ethical Conduct for Employees of the Executive Branch’), or any successor thereto;

“(D) under subsections (d) and (e) of section 2635.50 of title 5, Code of Federal Regulations, or any successor thereto, require the ethics counsel for a covered postal entity to—

“(i) authorize a covered employee that makes a disclosure under subparagraph (A)(i) to participate in the noncompetitive postal contract; or

“(ii) disqualify a covered employee that makes a disclosure under subparagraph (A)(i) from participating in the noncompetitive postal contract;

“(E) require a contractor to timely disclose to the contracting officer in a bid, solicitation, award, or performance of a postal contract any conflict of interest with a covered employee; and

“(F) include authority for the head of the covered postal entity to grant a waiver or otherwise mitigate any organizational or personal conflict of interest, if the head of the covered postal entity determines that the waiver or mitigation is in the best interests of the Postal Service.

“(2) POSTING OF WAIVERS.—Not later than 30 days after the head of a covered postal entity grants a waiver described in paragraph (1)(F), the head of the covered postal entity shall make the waiver publicly available on the website of the covered postal entity.

“(c) CONTRACT VOIDANCE AND RECOVERY.—

“(1) UNLAWFUL CONDUCT.—In any case in which there is a final conviction for a violation of any provision of chapter 11 of title 18

relating to a postal contract, the head of a covered postal entity may—

“(A) void that contract; and

“(B) recover the amounts expended and property transferred by the covered postal entity under that contract.

“(2) OBTAINING OR DISCLOSING PROCUREMENT INFORMATION.—

“(A) IN GENERAL.—In any case where a contractor under a postal contract fails to timely disclose a conflict of interest to the appropriate contracting officer as required under the regulations promulgated under subsection (b)(1)(D), the head of a covered postal entity may—

“(i) void that contract; and

“(ii) recover the amounts expended and property transferred by the covered postal entity under that contract.

“(B) CONVICTION OR ADMINISTRATIVE DETERMINATION.—A case described under subparagraph (A) is any case in which—

“(i) there is a final conviction for an offense punishable under section 27(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(e)); or

“(ii) the head of a covered postal entity determines, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting an offense punishable under section 27(e) of that Act.

“§ 707. Congressional oversight authority

“The Postal Service may not enter into any contract that restricts the ability of Congress to exercise oversight authority.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 39, United States Code, is amended by adding at the end the following:

“7. Contracting Provisions 701”.

GOLD STAR WIVES DAY

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. Res. 420.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 420) designating April 5, 2012, as “Gold Star Wives Day.”

Without objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 420) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 420

Whereas the Senate honors the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, Gold Star Wives of America, Inc. was organized with the help of Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of Gold Star Wives of America, Inc. was held on April 5, 1945;

Whereas April 5, 2012, marks the 67th anniversary of the first meeting of Gold Star Wives of America, Inc.;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting the freedom of the people of the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 5, 2012, as “Gold Star Wives Day”;

(2) honors and recognizes—

(A) the contributions of the members of Gold Star Wives of America, Inc.; and

(B) the dedication of the members of Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe Gold Star Wives Day to promote awareness of—

(A) the contributions and dedication of the members of Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

GLOBAL YOUTH SERVICE DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to S. Res. 421.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 421) designating April 20 through 22, 2012, as “Global Youth Service Day.”

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, I rise to speak about a resolution I have submitted designating April 20 through 22, 2012, as Global Youth Service Day.” My resolution recognizes and commends the significant community service efforts that youth are making in communities across the country and around the world on this weekend in April and every day. This resolution also encourages the citizens of the United States to acknowledge and support these volunteer efforts. Passage of this resolution sends a very strong message of support to the thousands of youth across our great Nation who are contributing positively to their communities—your efforts are recognized and appreciated.

Beginning Friday, April 20, youth from across the United States and around the world will carry out community service projects in areas ranging from hunger to literacy to the environment. Through this service, many will embark on a lifelong path of serv-

ice and civic engagement in more than 100 countries around the world.

Mr. President, the participation of youth in service to their communities is more than just a way to spend a Saturday afternoon. All year long, young people across America, indeed—across the globe—identify and address the needs of their communities, make positive differences in the world around them, learn leadership and organizational skills, and gain insights into the problems of their fellow citizens.

The positive effects of this service are not limited to the projects our young people complete. Youth who are engaged in volunteer service and service-learning activities do better in school than their classmates who do not volunteer because they see a direct connection to what they are learning and the real world in which they live. Youth who engage in volunteering and other positive activities are also more likely to avoid risky behaviors, such as drug and alcohol use, crime, and promiscuity. Service within the community also contributes positively to young people’s character development, civic participation, and philanthropic activity as adults.

Youth service also plays a role in encouraging our young people to stay in school. A survey by Civic Enterprises found that 47 percent of high school dropouts reported that boredom in school was a primary reason why they dropped out. High quality service-learning activities can, however, help young people see that school matters to them personally.

It is important, therefore, that the Senate encourage youth to engage in community service and to congratulate them for the service they provide.

In an effort to recognize and support youth volunteers in my State, I am proud to acknowledge some of the young people who have participated in community service activities over the past year. Last year, the members of the Youth Advisory Board for Anchorage’s Promise partnered with various community and faith-based organizations in Anchorage and held a “Solidarity Sleep Out” event that taught both middle school and high school students what it means to be homeless and what can be done to help. I am told that the impact of this event was huge and long-lasting. This year, these young leaders have decided to focus on the problems of suicide and bullying—two major issues facing Anchorage and our entire State. Their goal is to find ways to bring more awareness, resources, and funding to these two issues.

In addition to these efforts, young people from across my home State and this country have and will continue to engage in projects such as helping the homeless, the hungry, and the elderly. In fact, young people from across Alaska turn their energy and initiative to projects such as restoring salmon streams, combating domestic violence, raising money for community needs,

and providing other significant acts of service for their peers and for adults.

I am so proud of all of these young Alaskans. I value their idealism, energy, creativity, and unique perspectives as they volunteer to make their communities better and assist those in need.

Many similarly wonderful activities will be taking place all across the Nation. I encourage all of my colleagues to learn about and applaud the selfless and creative youth who are contributing in their own States this year.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 421) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 421

Whereas Global Youth Service Day is an annual event that celebrates and mobilizes the millions of children and young people who improve their communities each day of the year through community service and service-learning projects;

Whereas Global Youth Service Day, a program of Youth Service America, is the largest and longest-running service event in the world dedicated to engaging youth ages 5 through 25;

Whereas, in 2012, Global Youth Service Day is being observed for the 24th consecutive year in the United States and for the 13th year globally in more than 100 countries;

Whereas nearly $\frac{1}{3}$ of the population of the United States (approximately 104,000,000 people) and nearly $\frac{1}{2}$ of population of the world is under the age of 25;

Whereas Global Youth Service Day assists children and young people to position themselves as active citizens and community leaders as they apply their knowledge, skills, idealism, energy, creativity, and unique perspectives to serve their communities and help address a myriad of critical issues;

Whereas thousands of students and teachers in conjunction with local schools, colleges, and universities are planning Global Youth Service Day activities as part of a Semester of Service, an extended service-learning campaign launched on Martin Luther King, Jr. Day of Service, in which young people spend the semester addressing a meaningful community need connected to intentional learning goals or academic standards over the course of not less than 70 hours;

Whereas Global Youth Service Day participants are serving in conjunction with other community events, including Earth Day, J-Serve, Great American Bake Sale National Challenge Weekend, National Volunteer Week, Kiwanis One Day, Alpha Phi Omega’s Spring Youth Service Day, Sigma Alpha Epsilon’s True Gentleman Day of Service, National Day of Silence, National Environmental Education Week, National Park Week, National Student Leadership Week, and World Malaria Day;

Whereas Global Youth Service Day engages millions of young people worldwide with the support of the Global Youth Service Network of Youth Service America, including more than 200 National and Global Partners, 125 State and local Lead Agencies and Lead Organizers, and thousands of local schools, afterschool programs, youth development organizations, community organizations, faith-

based organizations, government agencies, businesses, neighborhood associations, tribes, and families;

Whereas Youth Service America will provide support to more than 800 schools and community organizations, including State Farm GYSD Lead Agency and Good Neighbor grants, UnitedHealth Heroes grants, Sodexo Foundation Youth, Lead Organizer, and School Engagement grants, Disney Friends for Change grants, and Learn and Serve America STEMester of Service grants;

Whereas, in 2011, youth volunteers who engaged in Global Youth Service Day projects served an estimated 1,417,000 hours of service that benefitted at least 885,000 individuals and contributed \$30,267,120 worth of time to their communities;

Whereas high-quality community service and service-learning programs increase—

- (1) the academic engagement and achievement of young people;
- (2) the workforce readiness and 21st century skills of young people;
- (3) the civic knowledge and engagement of young people;
- (4) the intercultural understanding and global citizenship of young people; and
- (5) the connectedness and commitment of young people to their communities; and

Whereas the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) calls on the Corporation for National and Community Service, other Federal agencies and departments, and the President of the United States to recognize and support youth-led activities: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of young people of the United States and the world and encourages the continued engagement and support of young people dedicated to serving their neighbors, their communities, and their countries;

(2) designates April 20 through 22, 2012, as “Global Youth Service Day”; and

(3) calls on the people of the United States to observe Global Youth Service Day by—

(A) encouraging young people to participate in community service and service-learning projects and to join their peers in those projects;

(B) recognizing the volunteer efforts of the young people of the United States throughout the year; and

(C) supporting the volunteer efforts of young people and engaging them in meaningful community service, service-learning, and decision-making opportunities as an investment in the future of the United States.

CONGRATULATING THE UNIVERSITY OF KENTUCKY MEN'S BASKETBALL TEAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 422, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 422) commending and congratulating the University of Kentucky Men's Basketball Team for winning its eighth Division I National Collegiate Athletic Association Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to,

and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 422) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 422

Whereas on April 2, 2012, the University of Kentucky Wildcats defeated the University of Kansas Jayhawks, 67 to 59, in the final game of the National Collegiate Athletic Association (referred to in this preamble as “NCAA”) Division I Men's Basketball Tournament in New Orleans, Louisiana;

Whereas the Kentucky Wildcats have won 8 national titles, the second most in NCAA Division I men's basketball history;

Whereas the Kentucky Wildcats are the only men's Division I college basketball program to have won NCAA national championships under 5 different coaches;

Whereas freshman center Anthony Davis was—

(1) the recipient of the John R. Wooden Award, the Naismith Trophy, and the Adolph F. Rupp Trophy, all for national player of the year;

(2) named the United States Basketball Writers Association player of the year, Associated Press player of the year, and Basketball Times player of the year; and

(3) selected to the Associated Press All-America first team and as the Most Outstanding Player of the NCAA Final Four tournament;

Whereas forward Michael Kidd-Gilchrist, guard Doron Lamb, and center Anthony Davis were selected as members of the NCAA Final Four All-Tournament team;

Whereas senior guard Darius Miller of Maysville, Kentucky set a school record for career games played with the Kentucky Wildcats men's basketball team at 152;

Whereas each player, coach, athletic trainer, and staff member of the University of Kentucky basketball team dedicated their season and their tireless efforts to the successful season of the team and the NCAA championship;

Whereas residents of the Commonwealth of Kentucky and Wildcats fans worldwide are commended for their long-standing support, perseverance, and pride in the team; and

Whereas Coach John Calipari and the University of Kentucky Wildcats have brought pride and honor to the Commonwealth of Kentucky, which is rightly known as the college basketball capital of the world: Now, therefore, be it

Resolved, That the Senate—

(1) commends and congratulates the University of Kentucky Wildcats on its outstanding accomplishment; and

(2) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the president of the University of Kentucky.

CONGRATULATING WESTERN WASHINGTON UNIVERSITY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 423, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 423) congratulating Western Washington University for winning

the 2012 National Collegiate Athletic Association Division II Men's Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statement related to the measure be printed in the RECORD.

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

The resolution (S. Res. 423) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 423

Whereas, on March 24, 2012, for the first time in the 110-year history of the Western Washington University men's basketball program, the Western Washington University Vikings won the National Collegiate Athletic Association (commonly referred to as the “NCAA”) Division II Men's Basketball Championship with a victory over the University of Montevallo by a score of 72 to 65;

Whereas Western Washington University guard John Allen, one of the most accurate free-throw shooters in the country, with a free-throw percentage of 88.7 percent, made 4 free throws in a row to end a late comeback by the University of Montevallo in the fourth quarter;

Whereas the Vikings finished the 2012 season with an impressive record of 31 wins and 5 losses;

Whereas head coach Brad Jackson was named the National Association of Basketball Coaches Division II Coach of the Year;

Whereas the members of the 2012 Western Washington University men's basketball team are excellent representatives of a university that, as one of the premier academic institutions in the State of Washington, produces many outstanding student-athletes, leaders, and scholars; and

Whereas the members of the 2012 Western Washington University men's basketball team have brought great honor to themselves, their families, Western Washington University, and the State of Washington: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Western Washington University for winning the 2012 National Collegiate Athletic Association Division II Men's Basketball Championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped Western Washington University win the championship; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) Bruce Shepard, President of Western Washington University;

(B) Lynda Goodrich, Director of Athletics of Western Washington University; and

(C) Brad Jackson, head coach of the Western Washington University men's basketball team.

ORDERS FOR WEDNESDAY, APRIL 18, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Wednesday, April 18, at 9:30

a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to proceed to S. 1925, the Violence Against Women Reauthorization Act, with the first hour equally divided and controlled between the two leaders or their designees, with the majority control controlling the first 30 minutes and the Republicans the second 30 minutes.

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

amendments to the substitute, as modified, is 1 p.m.

PROGRAM

Mr. REID. Mr. President, today cloture was filed on the substitute amendment to the postal reform bill and the underlying bill. If no agreement is reached, the first cloture vote will be Thursday morning. I hope that agreement can be reached.

For the information of all Senators, the filing deadline for first-degree

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:49 p.m., adjourned until Wednesday, April 18, 2012, at 9:30 a.m.