our main competitors and trading partners—countries such as Germany, Japan, and Canada. We're tired of being second-class citizens in the industrial world of global competition.

Mr. President, I don't think any statement could have pulled together these themes better than Mr. Newby's. The theme of competition internationally, the theme of what religious and communities leaders have to say about this practice, and the theme of the actual heartbreaking stories of what happens to the people in these communities when their jobs are ripped away from them simply because they are trying to exercise their right to strike.

It is time that American workers have the same rights and protections that workers have in the industrialized countries that are our main international competitors and trading partners. American workers should not be second-class citizens in the industrial world of global competition.

The President's Executive order is only a small step in the right direction. We ought to provide these protections against permanent replacement workers for all Americans, but at a minimum, we should uphold President Clinton's action to provide these protections for those employed by Federal contractors.

Mr. KENNEDY. Will the Senator yield?

Mr. FEINGOLD. I yield.

Mr. KENNEDY. Mr. President, I want to commend my friend and colleague from Wisconsin for an excellent presentation. This presentation was, I thought, one of the most thoughtful and comprehensive reviews of the significance of the Kassebaum amendment and what its implications would be in the real world.

We have heard a great deal of speeches about Executive orders, the power of the President, whether this Executive order was issued to benefit a special interest. But I think the Senator has in a very comprehensive and thoughtful way provided an insight about what is really before the Senate in terms of the people of his State. I just want to commend him and thank him for his thoughtfulness and for his insight in analyzing this issue and for sharing with the Senate a superb presentation on what is a very, very important issue.

When this amendment was initially proposed, it was really what I would call a seat-of-the-pants amendment. The President signed an Executive order, and the ink was not even dry when there was an amendment to try to undermine what the President was attempting to do.

I hope the American people have gained an insight into the human dimension of this debate. If they have, it is because of the presentation of the Senator from Wisconsin. I am very grateful to him for his presentation and, most importantly, I think our colleagues will be if they take the time to read and study this superb speech. I thank the Senator.

Mr. FEINGOLD. Mr. President, I would just like to thank the Senator from Massachusetts and say he has truly been an inspiration on this issue and during this debate. Not only has he spent a lot of time out here debating the amendment, trying to defeat it, but he has brought passion to the issue that it deserves.

It is an issue that should involve passion. It is an issue that should involve condemnation and that should bring forth the human element, which the Senator from Massachusetts has done so well.

I would just like to reiterate, this amendment is slowing down the process in the Senate. It is not helping us get our work done; it is hurting us getting our work done. We have no choice but to fight it because we believe it is off the point and it is fundamentally damaging to the very families that we have based our careers on and trying to fight for.

So it can be ended right away if this amendment is taken back. We can get back to the Department of Defense bill, but that is not the choice that the majority has made.

I am eager to work with the majority on a number of issues, including even some that are in the Republican contract—some. But when it comes to this kind of conduct suggesting that Federal dollars should be used to break unions and break the families that are part of them, we will fight and we will resist such a harsh verdict for the American people.

So, again, I thank the Senator from Massachusetts for his kind comments but, more importantly, for his strong leadership on this issue.

I yield the floor, Mr. President.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Connecticut.

MEASURES PLACED ON THE CALENDAR—H.R. 988 AND H.R. 956

Mr. DODD. Mr. President, I understand there are two bills at the desk that are due to be read a second time.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the first bill for the second time.

The bill clerk read as follows:

A bill (H.R. 988) to reform the Federal civil justice system.

Mr. DODD. Mr. President, I object to further proceedings on the bill at this time.

The PRESIDING OFFICER. Pursuant to rule XIV, the bill will be placed on the calendar.

The clerk will now read the second bill for the second time.

The bill clerk read as follows:

A bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes.

Mr. DODD. Mr. President, I respectfully object to further proceedings on that bill at this time as well.

The PRESIDING OFFICER. Pursuant to rule XIV, the bill will be placed on the calendar.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank you. Those are procedural matters we just dealt with in order to clean up some business on the floor.

Quickly, before my colleague from Wisconsin leaves the floor, let me join in the comments of my colleague from Massachusetts. I want to commend Senator FEINGOLD for a very, very thoughtful set of remarks regarding the cloture motion on the Kassebaum amendment. It is an historical perspective that is not something we do with great frequency around here, but it is always nice to have a sense of history as to why we are in this particular debate and what has happened over the last number of decades that brought us to this particular debate when it comes to the issue of permanent replacements for strikers.

I just think he has added immeasurably to the knowledge base of this discussion and debate, and I think if Members do read it, particularly those who may be unclear in their own minds about whether or not we are on the right track with insisting that this Executive order issued by the President be given a chance to proceed, they will be enriched as a result of reading his remarks. I commend him for them.

Mr. President, as well, I commend my colleague from Massachusetts who, once again, is taking a very strong leadership position on a matter that many of us care very, very strongly about, and I rise, as well, today in opposition to the motion to invoke cloture on the Kassebaum amendment.

Throughout much of the 20th century, economic growth broadly benefited Americans of all income levels. We grew together and an expanding economy meant better jobs for everyone.

I will point out, Mr. President, in reading some history of the early part of World War II the other evening, I was shocked—maybe we should not be if we read a little more history—but shocked to discover that in 1940 in this country, which is not that long ago—there are many people working today who were at work in 1940 in this country—one-half of all the adult males in the United States in 1940 had an annual income of $1,000 a year; two-thirds of all working women outside the home had an annual income of $1,000 a year; one-third of all the homes in this country roughly had no indoor plumbing to

speak of; almost 60 percent had no central heating. Only 1 in 20 in this country went beyond high school. In fact, only one in four actually had a high school diploma in 1940. And of the adult 75 million people in this country at that time who were above the age of 21, 2 in 5 only had eighth-grade educations.

That is not 100 years ago. It is within the living memory, the working memory of many Americans. We have come a long way since the early days of the 1940's and the outbreak of World War II. We were successful over the years in generating and creating wealth; in raising the living standards because of efforts made to see to it that people could improve their educational opportunities, that they could improve working conditions; in improving the ability of people to earn wages and salaries that would make it possible for them to buy homes and educate their children like no other generation has been able to do in the past. We were reaching down to people who would have been stuck permanently in a status economically in this country with little or no hope of moving up the income ladder. I think this country has benefited tremendously because of those efforts. In fact, it was one of those efforts that will be the subject, I gather, later this year of a significant debate here on the minimum wage, which has raised, if you will, the tide that made it possible for the hopes of people who could not otherwise dream of doing better to actually do better. And many of the laws that we put in place to protect people on the job also occurred during those days.

So there is much to be proud of as Americans over the success that we have made of our country in a generation and a half since the days of World War II and immediately thereafter. A typical family over these past number of decades could work hard and, year by year, build a better life, whether that meant buying a home or putting a child through college or taking a simple family vacation—things that were beyond the reach of an awful lot of people in this country not that many years ago.

But since 1979, Mr. President, the situation has changed dramatically, and I do not think most people are aware of this, except those who may be caught in it themselves and wonder what has happened. Thanks to rapid technological change, global competition and other political and economic factors, during this period from 1979 forward, the American engine of economic growth has continued almost unabated. In fact, during the last 15 years, real household income in the United States grew by $767 billion.

Let me repeat that. In the last 15 years in this country, real household income has grown by $767 billion—an incredible amount of growth. But, unlike the past, those gains have not been broadly shared. I am not engaging here in some sort of hypotheses or fiction. These are facts. Ninety-seven percent of our real income growth—that $767 billion—has gone to the top one-fifth of households incomewise in the country. The top 20 percent of households saw their real family incomes climb by 18 percent during the last 15 years while people in the middle 20 percent economically in this country actually suffered a 3-percent decline in that income growth. And the poorest families, the poorest one-fifth in this country, who previously had been the principal beneficiaries of economic growth in the decades of the 1940's, the 1950's, the 1960's, and up through the 1970's, saw between 1979 and 1993 their incomes decline by a staggering 17 percent.

So the top one-fifth has gone up 18 percent, the middle 20 percent has actually declined by 3 percent, and the bottom 20 percent, those working families out there struggling to make ends meet, to hold their families together, have seen their incomes decline by 17 percent in that same period.

So here we have this staggering increase in growth overall, and yet we can begin to appreciate, with that $767 billion of income growth, which part of our economy, what percentage of those in the economy have actually seen their lifestyles benefited the most.

The falling living standards of the vast majority of Americans should, I think, be of grave concern to all of us regardless of party or political ideology or persuasion. This country has historically done better when those at the lower income levels have had the chance to grow and become stronger, to be better consumers. We all benefit as a result of that.

I believe the President and many of us here are committed to doing something about raising those standards of living. The President wants to raise incomes for ordinary Americans. I mentioned already the debate that will ensue on the minimum wage law in this country in the coming days. Unfortunately, there are those who seem to be trying to block every effort to make a difference in this area. The minimum wage, we have already heard people say, they will filibuster. The last President, to his great credit, who raised the minimum wage was George Bush. It was a bipartisan effort. And here we are talking about 45 cents a year for 2 years, 90 cents, to a little over $5 an hour.

So the minimum wage says you make $8,500 a year in America. That is almost $4,000 less than the poverty level in this country for a family of three. How are we ever going to induce people on welfare to go to work when you start out with a minimum wage level that leaves you $4,000 less than the poverty level in this country?

If we are going to reward work, we are going to have do a bit better, it seems to me, than suggesting we cannot increase the minimum wage.

Summer job programs. Here we are talking about 600,000 summer jobs for kids in our inner cities. The Presiding Officer comes from Michigan. In the city of Detroit, and my city of Hartford, we have a lot of inner-city children who can get into a lot of trouble in the summer. Here is a chance—we have seen the benefit of it—to put these young people to work, and yet we are being told that the summer job program should be eliminated. We are also hearing no to job training, no to education, no to child care.

Again, I come back to the issue of trying to get people off welfare and reward work. Two-thirds of all families on welfare have at least one child of preschool age today. How are we going to convince those people to get off public assistance if we do not have an adequate child care system in this country? But our colleagues say no to that as well.

So you begin to see a pattern here that develops. It is no to everything except one thing. And that is that we are now going to provide, apparently, a significant tax break to that top 20 percent who are earning incomes in excess of $100,000 or more a year. The top 1 percent will get the kind of tax break that is being advocated in areas like capital gains.

I am not making this up. Before too long, the House of Representatives will try to cut $17 billion out of hot lunch programs, nutrition programs, drug free schools, higher education, a long list—$17 billion. Where did it go? Was it for deficit reduction? Oh, no. It was for the tax cuts, despite all of the great debate and a lot of heat around here about deficit reduction. We had an extensive debate about deficit reduction. But where does the first $17 billion in spending cuts go? It goes for a tax cut for those people who, as I said already, did the best in the last 15 years economically in the country.

In short, Mr. President, the message from the other side seems to be to working Americans: Tough luck; you are on your own.

And by blocking this Executive order on permanent replacement workers, the Kassebaum amendment would tell ordinary Americans that after years of losing ground on pay and benefits, they could lose their jobs, as well, solely for exercising their fundamental right to strike.

Let me talk about this point, because this is a serious one, and it goes to the sense of balance we should have in labor relations. Management has the power of salaries and wages which it offers to people. Labor has their work. That is what they have.

That is the balance here. And we have struck this balance historically between management and labor where labor, working people, say I will withhold my labor if we cannot strike an agreement on working conditions, wages, salaries. Management says we will not pay if we cannot strike a bargain.

So both sides have had some leverage, that is, working people say they

will not work; they will go on strike. Management says we will not pay you.

And that has been the tension that has kept the process moving forward. Both sides have something to withhold.

What has happened lately is that management has said, look, we are going to take away the one thing working people have, that is, the right to strike, because we are going to hire permanent replacements. You go out on strike; we hire permanent replacements to fill your job.

The equation gets destroyed, in effect. If working people are told that withholding their labor no longer can be a factor or used as leverage, then how do you get to collective bargaining? How do you achieve the balance that has brought us the kind of working conditions and improvement in our plant floors that we have seen over the years?

What we are suggesting here is that, at least in the area of Federal contracts for employers who engage in this practice—that is to permanently replace people who are out on strike—we are saying if you are that kind of employer and you have Federal contracts, we are going to stop giving you contracts because we do not think what you are doing is right. It is not right for you to say to your striking employees, we are sorry, but we are going to hire permanent people to take your jobs.

I do not know anybody who thinks that is fair. It is one thing to say, look, you go out on strike, you do not get paid. You do not get work.

Here is a pressure then on working people and labor to come to that table. Obviously, if the management is not producing their widgets, their products, then there is pressure on management to get back to the table. But if you take away the major leverage point that working people have, that is, what they produce with their hands or otherwise, then you destroy that equation.

All we are trying to do here is to see to it that with those who get Federal contracts, that equation not be destroyed. We might even give it a chance to see what it does. It might improve the situation out there so we would not be asked all the time to get involved in strikes and negotiations where the Federal Government gets drawn into these processes.

So, Mr. President, I hope that we might even give this a chance, this Executive order that has been issued by the President—to his credit, I would add—for dealing with the issue of permanently replaced striking workers, and see how it goes for awhile instead of denying this experiment, because we are obviously not going to pass a bill that would ban it all across the board.

The President has exercised his Executive powers, which he has the right to do. Why not wait a few years and see how this works instead of trying to destroy this idea and attempt to test whether or not the situation might improve?

So, again, I commend our colleague from Massachusetts for taking a leadership role on this. I hope our colleagues who have been supporting the effort to not invoke cloture will continue to do so, or that those who have been trying to invoke cloture would let us move on to other matters because many of us here feel very, very strongly about this. I think it would be a tragic day, indeed, to not give this a chance to work.

It has been tough enough on working people over the last 15 years, watching their wages and salaries remain stagnant or decline, as I have already pointed out. Now they have their jobs in jeopardy by hiring permanent replacements when they exercise their right—this is a right we are talking about—the right to strike. It is a right. It is not a privilege; it is a right. When you come in and hire permanent replacements and destroy people's ability to exercise their rights, it is a setback for all of us.

So I hope we will be able to continue to muster the votes necessary or, better yet, I hope we'll drop this amendment. Let the President's Executive order go into place. Let us see what happens over the next few years. We will come back and revisit this issue—we can at any time—and let us move on to the other important matters that are before us.

Mr. KENNEDY. Will the Senator yield?

Mr. DODD. I will be glad to yield to my colleague.

Mr. KENNEDY. I thank my friend and colleague from Connecticut for really a splendid presentation. I hope our colleagues will pay particular attention to the comments of the Senator from Connecticut as they relate to how this proposal really impacts children. The Senator from Connecticut has been the chairman of the Children's Caucus and has really been the leader in this body, now and in the past, for the day care programs that we have as well as for family and medical leave and other very important programs.

One of the points we have been emphasizing over the course of this debate are the different concerns of the two parties. The Senate has just debated the unfunded mandates and the balanced budget, and the first issue we debate is an Executive order which makes more sure the economic security of working families. When the President issues an Executive order, the ink is not even dry on it when an amendment is put in which is going to diminish the economic interests and power of working families.

When we talk about the working families and the workers who are being permanently replaced, as the Senator knows, we are talking about people who are making $5, $6, $7, $8 an hour. Some maybe make $6 an hour and trying to get to that 7th dollar. To be a parent with two or three children making those kind of wages and then to be permanently replaced is a terrible thing.

I know the Senator is concerned as he looks back over the period of the past years and sees what has happened to real family income over the period from 1980 to 1993 and he takes into account that total real family income includes the income of the many mothers who have entered the work force. What you see is that families with small children have not even stayed even but are falling behind. And then look at who gains under the Republican contract? Just take a look at the most obvious parts of that contract which the Ways and Means Committee took up yesterday—the capital gains tax and the elimination of the minimum tax for corporations. Who gains? Who are the individuals benefitting from these proposals? Again, large corporations and the wealthy are the block benefitting from these contract proposals.

I ask whether the Senator is concerned not only about the impact on the workers who are being replaced but also on the impact on children. Because this is not the only proposal being made. There is a proposal to cut back on child care, cut back on the school nutrition programs, cut back on the WIC programs, cut back on lead paint poisoning to try to help parents who are trying to do something about lead paint poisoning and who are trying to stop the ingestion of lead paint by children. The Carnegie Commission report of several months ago talks about the importance of giving nutrition to children from 1 to 3 so they can develop and be able to develop cognitive skills, learning skills, so they can take an active part in learning—does the Senator believe this amendment will also impose a heavy burden on children in our country and that this is something that ought to be addressed as well?

Mr. DODD. Mr. President, let me thank my colleague from Massachusetts for his question. I think it is instructive to note the chart here as I am looking at it on my left. That points out what happened to incomes, real family incomes, between 1979 and 1993. I will come directly to the Senator's point regarding children right now.

But I think it is worthwhile for people to know that the sense of frustration people feel in a lot of working families in this country, wondering what is happening to them, is entirely justified. It is worthwhile to note in the economy of the Nation, household income grew at an incredible rate, $767 billion of family household income growth in that 15-year period. There was a staggering amount of growth. But 97 percent of that growth in the last 15 years grew in the top 20 percent of income earners in the United States.

I was trying to point out earlier that in the decades of the 1940's, 1950's, 1960's and 1970's, the distribution of income growth was fairly level. That is,

all income groups did roughly the same and the country got stronger as a result of it. It has only been in this last 15 years that we have found unprecedented growth of our country and yet the growth has been pretty much locked in to the top 20 percent—97 percent of the $767 billion has been concentrated in the top 20 percent.

The middle 20 percent actually saw their household incomes decline by 3 percent in the midst of this unprecedented growth. That middle 20 percent found themselves losing ground.

And the lower 20 percent saw their household incomes decline by 17 or 18 percent, a tremendous drop, in the midst of great growth.

Now we are confronted with a situation where people lose their jobs. How does it affect children? I asked, back this fall, for the General Accounting Office to give me an update of how many children of working families are covered by health insurance, a subject very near and dear to the heart of the Senator from Massachusetts. We got the numbers back yesterday. Let me just share some numbers with my colleague.

Mr. President, 89 percent of uninsured children have at least one working parent, and 61 percent have a parent working full time for a full year. So even in these working families, the basic necessity of health insurance for these young children is being lost. Add to that the economic difficulty of a job lost to these children because their parents have exercised a right to strike, then you begin to see that the problem becomes even greater.

It is tough enough as it is right now for these kids. My Lord, you talk about a child starting out life without having basic health care, what are the implications to that child learning and being a productive citizen in their adulthood? Again, I am not stating anything that most of our colleagues are unaware of here. The data and information are overwhelming. A child that does not begin life with the proper nutrition and immunizations does not learn right. The child that does not learn right from the beginning drops out of school, does not get the kind of job he or she needs. The problem explodes down the road.

When you are talking about the economy here and how it affects children, the Senator from Massachusetts is absolutely proper and right to raise the issue.

We talked about adults and their jobs. But it is these kids who are the ones who pay an awful price. And it is that bottom 20 percent who really do not get a golden parachute. You lose your job on a factory floor; you may get a month or 6 weeks, if you are lucky, of paycheck. After that it is over with. We all know what happens to you if you are top management and you lose your job in this country. You get taken care of for life and two or three generations do pretty well in your family because they have worked out the deal. God help you if you are a working person out there every day trying to hold body and soul together and raise a family and do so on your own and not be dependent upon anybody else. You lose that job and the bottom falls out from under you. There is no golden parachute for you whatsoever.

So we are talking about here a basic right to protect your family and to negotiate through the normal processes of wages and benefits. When you strip that away, then you make the situation of these families that much more difficult for them to cope with.

I thank my colleague.

Mr. KENNEDY. This is really a point that I think needs underlining. There are those who are supporting this amendment that say, ''Look, I do not know why there is a discussion about what is happening to working families. All we are talking about is a narrow, little Executive order.''

Would the Senator not agree with me that those that are in lockstep in support of that proposal would have more credibility if they were out here on the floor of the U.S. Senate today saying we will join you in passing a resolution to increase the minimum wage? For example, wouldn't this proposal have more credibility if its proponents also supported the same increase in the minimum wage that was signed by a Republican President in 1990 of 45 cents? That 45-cent increase in minimum wage has lost its purchasing power. When we had Democratic Congresses and a Republican President, we were able to get together and pass that. Now we have a Republican Congress and a Democratic President who wants to do that. If they were out here saying we are really for those working families, we want to reward them, we are here to help minimum wage families, we are out here to help children and the sons and daughters of working families go on to school, but we are bothered by this Executive order, I daresay there might be a greater sense of belief on our part that this is not just a further attempt to diminish the real purchasing power of working families.

I want to mention one thing to the Senator. We had a forum last Friday of those who are concerned about the increase in the minimum wage. And we had a young couple, David Dow and his wife. Both of them effectively make the minimum wage. Both of them work hard. They want to go to school. They have a child. And as is typical, both have to go out and work, effectively at minimum wage. Mr. Dow has glasses. His young daughter used to get his glasses in the early morning when he woke up for his job and give them to him. One morning he woke up and he said, ''Where are my glasses?'' And she walked in and pointed into the toilet. She had dropped them down there. It would be humorous if it were not so sad and tragic. He has now been without those glasses for 3 months putting aside $5, $6, $7 in order to try to build a kitty to be able to purchase some replacement glasses.

The point is that this family believes that it is not only important to work and had a desire to work to provide for themselves and their wonderful young daughter, but the fact of the matter is both of them are working two jobs. They have 45 minutes every Saturday and 30 minutes on Sunday to spend time with that child; an hour and a half. What Member of the Senate would tolerate that policy? An hour and a half to spend with a child, and how do we expect that child to develop? Let alone the kinds of additional pressures these parents have—the toys that are not bought, the fact that the child cannot go to visit another child for her birthday party because she will not be able to bring a toy. All of these other issues aside, how can the time spent between a parent and a child, be denied? These are not people, as the Senator pointed out, that are not playing by the rules. These are people that want to work, honor work, have a pride in work, want to go to school, are trying to go to school. This one person is paying back $80 a month with the money he makes in the minimum wage to pay for his school loan because he wants to keep ahead so he can go back to school. But he just wonders when that tide is going to take over, when it is going to push him under.

That is what we are talking about in terms of the Senator from Connecticut, the Senator from Wisconsin, and others who talked about this measure and where we are as an institution and what is happening to people. That is what this measure is about.

I was interested in whether the Senator, as someone who has spent time working with children, wonders if this is not something more than an economic issue, not something more than just a bottom line of dollars and cents. That is important, but I am always impressed by the amount of time we spend on trying to understand the cost of so many things and the value of so little around this institution. Aren't we talking about providing these people who have become parents through a wonderful act of God and who have a wonderful opportunity as parents to love and adore their children, with a real opportunity to spend time with their children? Don't we have some responsibility to make sure that we are going to be attendant to their needs to care for their children?

Mr. DODD. I will conclude, Mr. President, by saying I think the Senator put it well by saying some people talk about the price of everything and the value of nothing. We can argue the numbers. Maybe we should not always talk numbers because I guess people's eyes glaze over if you start talking about the size of the economy, the percentages of groups of people that lose or gain in all of this. But it is not any great leap of knowledge to know what

happens when you lose your job or are gripped by the fear of losing your job.

Most people in this country do not wake up in the morning wondering whether or not they are a Democrat or a Republican or conservative or liberal or who is winning or losing in Washington. Many families get up in the morning and there is a knot in their stomach because they do not know whether or not at the end of that day that job is going to be there. If that job is not there, how do you keep up the rent payments or the mortgage? How do you take care of those kids and their educational opportunities? If you have a parent that is living with you or down the street, you worry about what will happen if they get sick. How do you make the choice between the child and your parent who may need the money or the mortgage on the house or the car payment? That is what most people think about every day. That is what they think about.

They just like to know that occasionally somebody stands up for them because they do not have political action committees. They are not heavyweights who are in Washington. But they would like to think that somebody might stand up and say, ''If I fight for a better wage or fight for a better salary or fight for better working conditions so that my family might do a bit better''—somebody might stand up and say, ''I have a right to do that.'' They look around and they see that people do not seem to care about it at all. When they lose everything and they look in those children's eyes at night and wonder how they are going to put food on the table or provide for them down the road with their educational desires knowing full well how important it is, what is the price of that? I cannot tell you—$10, $20, $1,000, $10,000? That really is not the issue so much. It is about dreaming. It is about aspirations. It is about hope. That is what most people do. They dream for their families. They try to plan. They save. They think about how they might make it possible for their kids to do better than they have done.

So what we talk about with this issue here in many ways is pulling the rug out from under people and pulling the rug out from under these families who really make up the glue that holds this society together. These are the people who vote. These are the people who fight the wars. These are the people who pay the taxes. This is the working crowd in America. They believe in this country. It is a pretty depressing sight to see that when their right to fight for themselves and to fight for their concerns or wages or salaries, that that basic right is going to be denied them; that someone can be hired permanently to replace them if, God forbid, they stand up to defend themselves and their families and their children. That is basically what this is about. You do not have that right any longer. You can stand up and fight but you can get thrown out of a job tomorrow. You are gone, and ''We will hire somebody else. Let me warn you. When we hire you as a new person, you had better not try it either. God forbid if you try to defend your family. We will do the same thing to you that we did to that person.''

That is what this is about. It is that simple: Should people have the right to be able to protect themselves and protect their families? They are not asking the Government to come in and wage the battle for them. Good management-labor negotiations have produced fairness in this country. What the Senator from Massachusetts is talking about is how does it affect these children? I do not know, I suppose we can search out the actuaries and others to come up with the numbers.

But I know that it gets impossible for those parents to provide for those children, to give them much hope when their basic rights to defend themselves and their rights in the workplace are gone. I hope my colleagues will think long and hard about this. This issue may go away. Maybe the votes will be there to defeat us, and they think it will disappear. It is not going to go away. It is going to come back over and over again because peoples' rights ought not to be denied when they are trying to protect themselves.

I thank the Senator.

Mr. BIDEN. Will the Senator yield for a question?

Mr. KENNEDY. Yes, I am happy to.

Mr. BIDEN. I did not come over to speak to this issue, but listening to my colleagues, with whom I agree with on this issue, I was struck by how much things have changed since I arrived here in the Senate in 1973. Back in 1973, which is not that long ago—I guess my kids think it is 100 years ago, but it is not that long ago. It is not like listening to my Grandfather Finnegan telling me about strikes in the 1920's and that kind of thing. It was the beginning, looking back on it, of sort of the end, if not the demise, of the balancing power of American organized labor in the country, where they were able to be major players in determining wages, hours, working conditions, their input on the economy, and which direction the economy could go.

Over the last 23 years, something interesting has happened. If this debate were taking place in 1973, you would have some of our Republican colleagues standing up—and maybe even a few Democrats standing up—and saying, you know, the problem is that organized labor has become too powerful; organized labor is fat; organized labor is resting on its laurels; organized labor is not productive, and all of the list of horribles we used to hear. I find it kind of interesting in this debate that nobody who opposes our position—which is that you should not be able to replace people who are legitimately striking under the law—to maintain, not to gain but maintain, where they are. Nobody is making the argument we used to hear about how powerful and bullying the American labor movement is. Nobody is even making the argument that we used to always hear about how this is so unfair to business. What happened to them?

When I attend chamber of commerce dinners in my home State—a corporate State, and I suspect the same is true in Massachusetts and Connecticut—I do not hear businessmen complaining about organized labor; because, in effect, organized labor has already given at the office, already gotten the living devil kicked out of them. Without making a judgment that I think is unfair, the point is that this is like beating up on a kid now. Organized labor now frequently gets put in the position where, because of horrible management practices over recent decades, they are told that, by the way, if you do not make the following concessions, we are going to shut down. We are just going to close the company.

So organized labor is scared to death; the workers are scared to death. And they give much more than management gives in terms of concessions to keep a lot of these outfits open and running. And now they have gotten to the point where what happens—and it rarely happens—is that when they are truly being abused and when there is no serious good faith collective bargaining going on, they decide they have nothing left to do but go out on strike. And now some in American business are saying, we are about to strip you of the last bit of leverage you have. If you go out on strike, we are going to replace you. And thus union members are deterred because of what the Senator from Connecticut said: Fear.

People are scared to death. They are scared to death to exercise what they believe to be even their legitimate rights. Even when they are being maltreated, they do not go on strike because they are afraid of the alternative because of the nature of the economy, the downsizing of American corporations, the way things are; the whole world is turning upside down. I find it interesting that on this issue, which you would think would be so basic, this is not even taking place in an environment where anybody is legitimately making the argument that these people who are going on strike are doing it because they are greedy and trying to take over a company, or because they are trying to put somebody under. You do not even hear that argument. When these people go on strike—I think this is an interesting point people should remember—it is desperation. It is not deciding whether they want to go on strike to get a better wage to be able to have a second car and a trailer and a vacation at the beach. That is the argument we heard in the 1960s and 1970s. They are going on strike now because they say, hey, wait a minute, I have given at the office; I have been giving at the office for the last 15 years. I have already had my standard of living lowered and now you are telling me

again that I cannot even maintain where I am. I do not think it is fair, you are not treating me fairly, and I am going on strike, which I am allowed to do under the law.

It amazes me why we are even having this fight. When is the last time any of the people in this Chamber picked up a paper and read about how unions and organized labor have taken such horrible advantage of people? All they have done for the last 10 to 12 years is given concessions and increased their productivity. And now, we have reached the point that—to steal a phrase from Mr. Stockman, who commented on the Reagan tax policy—these folks are like pigs in a trough now. They not only want them to continue to give at the office, but they want to take away the last thing they have under the law. I, quite frankly, did not ever think this would be a debate we would be having on the floor of the U.S. Senate.

Again, look at all the strikes that are taking place nationwide. Look at the effects of the strikes taking place nationwide. Look at what is being requested by those strikes that are taking place nationwide. I will lay you 8 to 5 that 85 percent of the people would say what is being asked is reasonable. They may or may not agree, but it is reasonable.

No one is even making the claims anymore, I say to my friend from Massachusetts, that this is some musclebound organized labor, who is just out there ripping off everyone and intimidating companies. This is just people who are just trying to be in a position where they can—to use the expression of my friend from Massachusetts—''keep their heads above the water.'' And now they are being told they do not even have a right. What prompted me to say all this was the word used by the Senator from Connecticut: Fear. Can you imagine the fear and intimidation of an individual who, in today's circumstances, thinking that after roughly 60 years of practice under the NLRB, they are going to be put in the position if they even stand up and try to stop further erosion, that the alternative for them in an environment where there are no other jobs is that they lose their job permanently? That is simply not fair.

Our former colleague from California, the present Governor of California, ran an ad I remember seeing. He was talking about immigration, but I will take the words he used and apply it here, because I disagreed with his view on immigration. He said something like this: Some people are playing by the rules. They are doing it the American way. Other people are not playing by the rules and they are being rewarded for it. That is not the American way.

Striker replacement in circumstances where there is no evidence that there has been a violation of the labor laws is not the American way.

It is a reflection of greed, the greed and avarice of those who want to make a fundamental change that working women and men are put into their proper place, from their perspective. I think it is, quite frankly, outrageous.

The Senator said, ''Who is going to stand up and fight for them?'' Well, I know of no two people who have been better champions of their cause in making sure they are never left unspoken for than the Senator from Massachusetts and the Senator from Connecticut, and I compliment them.

Mr. KENNEDY. Mr. President, I thank the Senator from Delaware for his comments and for his historical perspective. I think the Senator has, in his brief but I think pointed comments, reflected what this issue and what this battle is really all about. In the last day or so, as we focused on it, there have been those who say, We do not understand why we are talking about these broader themes of equity, about fear, about the real America. This is really just an Executive order.

The Senator has stated very clearly and effectively what really is at issue on the floor of the U.S. Senate and why this battle is so important. I thank the Senator for his statement and for his excellent support for working families, which has been a trademark of his career in the Senate.

Mr. BIDEN. Mr. President, I ask unanimous consent to be able to go into morning business for the purposes of discussing an issue totally unrelated to this, the introduction of a bill.

The PRESIDING OFFICER (Mr. CRAIG). Is there objection? Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I thank you.

(The remarks of Mr. BIDEN pertaining to the introduction of S. 564 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

ORDER OF PROCEDURE

Mrs. BOXER. Mr. President, I plan to speak about the striker replacement amendment that is before the Senate. But before I do, I ask unanimous consent that I may speak on another matter for about 15 minutes without losing my right to the floor.

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

Mrs. BOXER. Thank you very much, Mr. President.

THE CALIFORNIA DISASTERS

Mrs. BOXER. Mr. President, before I get into the issue that my colleague, Senator KENNEDY, and others have addressed for the past few legislative days, I felt it is important to discuss briefly the disasters that have hit my State of California. I will tell you that one wonders when we are going to stop seeing these floods and these earthquakes, fires, and droughts. It seems as if our State is for some reason just getting much more than its share of these natural disasters. But it was interesting today that the Senate task force presented its report on disaster funding. I am a member of that task force, and we have been working hard to come up with some solutions as to how are we going to deal with these future disasters.

I want to say that the President moved very quickly to declare 39 counties disaster areas eligible for both individual and family emergency grants, and for infrastructure repairs. Federal Emergency Management Director James Lee Witt once again has proved that he is someone who wants to cut through the redtape that used to accompany FEMA wherever it went in this country. The President sent him out along with Acting Agriculture Secretary Rominger, and with Leon Panetta, the Chief of Staff who is so familiar with California. They saw for themselves the damage that we are facing.

I have to say that when Leon Panetta saw Monterey County, which he represented in Congress for many years, I am sure his heart stopped for a minute because so much damage greeted him. We have infrastructure problems there. We have communities shut off. We have crop damage to fruits and vegetables which is going to cause a lot of financial harm to the farmers. But also we are going to feel it in our pocketbooks—as consumers when we go to the stores.

We have already seen 2,900 applications for assistance from the storms that started on January 3. That was the first one, and then we had the one February 10. Those resulted in 90,000 applications for assistance. More than $51 million in emergency housing assistance checks have been mailed for the first disaster. In addition, $40 million in Small Business Administration loans have been approved for 2,000 people for losses to homes and businesses.

I cannot count how many times I have stood in this U.S. Senate and in the House telling my colleagues about these disasters. It just does not get any easier.

Interstate 5, a major north-south economic artery in the West, is still closed. I think many people saw the tragic photographs of cars that plunged into the waters and were swept away when a bridge failed. And we are trying very hard to get a temporary bridge constructed there.

We are looking at crop losses of about $300 million or more. This storm was very, very harsh on the crops. I talked about the fruits and vegetables. To be specific, the severe losses are lettuce, broccoli, cauliflower, almonds, and strawberries. California is the salad bowl of our Nation, and we got hit very, very hard. We have had damage to vineyards of $11.5 million. I have spoken to local elected officials in Monterey County, in Napa County, throughout the southern California region, and the Los Angeles area.