The Board then noted that employees had initiated the discussion of working conditions which would have argued for a labor organization finding and said the following:

''What happened here appears to us to be the kind of situation that is likely to occur when an employer is attempting something new and its supervisors have little or no experience with participation efforts. Absent evidence of a pattern or practice, or of a design to interfere with the organizing efforts of an independent labor organization, we do not think such conduct violates the Act.''

The labor organization aspect of this issue was also presented in *Webcor Packaging, Inc.* where a plant council was designed to offer recommendations to management about proposed changes in working conditions, such as wages, and management would consider whether to accept or reject these recommendations. The Board found that the council existed to deal with variety of grievances involving employment conditions including issuing employee vacation paychecks, payment for safety shoes. Unlike the cases which the Board had decided in the '70s in which I found to be appropriate decisions in *Keeler Brass,* the council had no authority to make decisions on its own. All that was involved was an obligation on the part of management to take the matter under advisement and consider the employee proposal very seriously. Said the Board:

''We accordingly conclude that the record evidence establishes that the Plant Council existed for the purpose, at least in part, of following a pattern or practice of making proposals to management which would be considered and accepted or rejected, and that such a pattern in fact occurred.''

''Accordingly, the Board found that the council was a labor organization which was ''dealing with'' management. Since the record established that the council was a creation of management and that its structure and function were essentially determined by it, unlawful domination under Section 8(a)(2) was found to exist.''

In another decision, Vons Grocery Co., the question was whether an employee participation group interfered with the union's role as exclusive bargaining representative. In this case, the employer created an entity known as the Quality Circle Group (QCG). The group dealt with dress code matters and an accident point system for truck drivers, reaching agreement on the former matter. We concluded that there was no pattern of practice of making proposals to management and that the proposals on a dress code and accident point policy were ''. . . an isolated incident in the long life of the QCG.'' And we noted that even in that situation, the union was informed of proposals and brought into consultation before any decision was made. When the union complained about the role of QCG representatives, the employer immediately changed the format so as to include a union steward at each meeting. The Board concluded, in a vein similar to Stoody, that one incident did not make a pattern of practice of dealing with the employer within the meaning of Section 2(5). We thus dealt with this matter in a manner similar to our conclusion in Stoody. We said:

''In sum, we do not believe that this one incident [the dress code and accident policy] should transform a lawful employee participation group into a statutory labor organization. We do not believe that what happened here poses the dangers of employer domination of labor organizations that Section 8(a)(2) was designed to prevent.''

These four December 18 decisions are all compatible with the strong support for employee cooperation that I articulated in my July 14, 1995 concurring opinion in Keller Brass. Acceptance of this approach makes it clear that the TEAM Act, as presently drafted, is unnecessary.

Nonetheless, as I wrote 3 years ago in Agenda for Reform, a revision of Section 8(a)(2) is desirable. The difficulties involved in determining what constitutes a labor organization, under the Act as written, subjects employees to unnecessary and wasteful litigation and mandates lay people to employ counsel, when they are only attempting to promote dialogue and enhance participation and cooperation.

The law's insistence upon a demarcation line—a line admittedly made less rigid by the common sense approach that we undertook in both Stoody and Vons Grocery—between management concerns like efficiency on the one hand, and employment conditions on the other, simply does not make sense. The line is synthetic and inconsistent with contemporary realities of the workplace where it is impossible to distinguish between the pace of the work or production standards and quality considerations for which all employees can and should have responsibility.

Accordingly, Congress and the President should amend Section 8(a)(2) so as to allow all employee committees and councils and quality work circles to function, addressing any and all subjects outside any cloud of illegality—and to allow employers to devise proposals and assist such mechanisms free from liability so long as employee automony is protected and respected. In connection with such employee groups, the Act's prohibition against assistance should be eliminated altogether. In this way, employee participation and involvement would be promoted, sham unions discouraged, and wasteful, sometimes acrimonious litigation about what constitutes a labor organization eliminated. But this is hardly the answer to what ails Section 8(a)(2) set forth in the TEAM Act.

This was the objective of Congressman Thomas Sawyer's bill which he proposed last fall as a substitute for the TEAM Act. It was designed to encourage productivity and quality teams without opening the door to sham unions—which I believe is a constructive approach.

We must move beyond the ''them and us'' mentality of an adversarial model which exclude cooperation between employees and management. Employees should be able to collaborate with management in establishing such teams, setting the agenda for meetings, determining voting procedures for election of representatives and on debated issues.

Only a month ago, in his State of the Union message, President Bill Clinton said:

When companies and workers work as a team, they do better. And so does America.

The President's road is the road of dialogue, cooperation and settlement processes rather than litigation. That is the road taken by our small and independent administrative Agency through our new ALJ rules, my concurring opinion in Keeler Brass and our December 18 rulings.

HONORING THE TAYLORS CROSSROADS VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Taylors Crossroads Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These fireman must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

CHERNOBYL NUCLEAR DISASTER RESOLUTION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to introduce a resolution which recognizes the 10th anniversary of the Chernobyl nuclear disaster, the worst in recorded history, and supports the closing of the Chernobyl nuclear powerplant. Yesterday, I chaired a Helsinki commission hearing that examined the devastating consequences of the Chernobyl disaster. That hearing, Mr. Speaker, featured the ambassadors of Ukraine and Belarus, the two countries most gravely affected by the disaster. Professor Murray Feshback of Georgetown University and Alexander Kuzma of the Children of Chernobyl Relief Fund also provided sound scientific and medical details about the public health crisis that exists.

A decade ago, in the early morning hours of April 26, 1986, reactor No. 4 at the Chernobyl nuclear powerplant exploded, releasing into the atmosphere massive quantities of radioactive substances. The highest amount of radioactive fallout was registered in the vicinity immediately surrounding Chernobyl, some 60 miles north of Ukraine's capital, Kiev. At that time, the prevailing winds were directed north to northwest, so that Belarus received some 70 percent of the total radioactive fallout. Subsequent shifts of the wind, and rainfall, affected northern Ukraine, southwest Russia and beyond, with excessive levels of radiation recorded in northern Scandinavia, various parts of continental Europe, and even as far away as coastal Alaska. Estimated total radioactivity from the blast was 200 times more radioactivity than was released from the atomic bombs dropped at Hiroshima and Nagasaki combined.

Ten years ago, Mr. Speaker, Chernobyl left its indelible mark on the world's consciousness. Given the monumental consequences of Chernobyl and its devastating toll on the environment and on the health of the surrounding

population, this disaster must neither be forgotten nor repeated. Indeed, Chernobyl can never be forgotten by those most directly affected. The tragedy is ongoing. And with each passing anniversary, we uncover more and more about its devastating impact and serious radiological, health and socioeconomic consequences, especially on the populations of Ukraine, Belarus, and western Russia.

Millions of people—including about 1 million children—in Ukraine, Belarus and western Russian were exposed to dangerously high levels of radiation. Millions continue to live in areas contaminated to one degree or another. Children, in particular, have experienced alarming increases in thyroid cancer and other conditions. These trends have accelerated since the disaster and are expected to increase well into the future. In Belarus Gomel region, for instance, which was one of the hardest hit areas, thyroid cancer among children is at least 200 times that of preaccident. Scientists differ over the extent of Chernobyl-related diseases, but few deny that children have been hardest hit by the radiological aftermath. Given the devastating humanitarian, ecological and economic consequences, the resolution calls upon the President to support continued and enhanced U.S. assistance to provide medical relief, humanitarian assistance, social impact planning, and hospital development for Ukraine, Belarus, Russia and other nations most heavily afflicted.

Because this disaster is the only one of its magnitude, there is much about its long-term health consequences we do not yet know. Among the most affected were the so-called ''liquidators'', the hundreds of thousands of people who worked to clean up after the accident. Many received substantial doses of radiation. Estimates vary on how many of them have died or become seriously ill. However, we must learn more about the health of those most affected by the disaster, especially the children who were exposed to substantial doses of radiation. The resolution encourages national and international health organizations to expand the scope of research of the public health consequences of Chernobyl. Such research could help not only those directly affected, but can also ensure that the entire world can benefit from the findings.

By supporting assistance and research efforts, we will be doing our part to help overcome the devastating legacy of Chernobyl. Unfortunately, there are still 15 RBMK, Chernobyl-type reactors still being utilized in the former Soviet Union, most of them in Russia. The international community can help Ukraine and Russia improve the safety of their nuclear reactors, especially since Ukraine relies substantially on nuclear power for its energy needs.

Mr. Speaker, one very important component of this resolution is that it urges Ukraine to continue its negotiations with the G–7 to implement the December 20, 1995 memorandum of understanding which calls for all nuclear reactors at Chernobyl to be shut down in a safe and expeditious manner by the year 2000. The resolution calls upon the President to support the process of closing Chernobyl as envisioned by the MOU.

The signatories to the MOU recognize the tremendous costs involved in closing down Chernobyl and its impact on a country undergoing the unbelievably difficult transition from communism to a market-oriented democracy. Ukraine devotes more of its resources to dealing with the Chernobyl aftermath than for its military. According to testimony from the Belarusian Ambassador, Belarus is compelled to spend year in and year out up to 25 percent of its budget to try to cope with the aftermath of Chernobyl. In response, the G–7 has thus far committed some $3 billion in loans and grants to assist with the closure of Chernobyl. Recognizing the country's dire energy situation, equally important is the G–7's broader cooperation with Ukraine to impose market discipline on its inefficient energy sector and make it more rational. Moreover, the MOU recognizes the implications—for the thousands of workers and their families—of closing the Chernobyl plant.

The Chernobyl nuclear disaster marks a tragic milestone in the history of Ukraine, Belarus, and the world. This week we commemorate the 10th anniversary of this nuclear explosion, one of the most bitter legacies of Soviet communism. The legacy has had tremendous and mounting human costs. Its environmental, medical, social, political and economic consequences continue to have a profound impact on countries in the region, especially on Ukraine and Belarus and western Russia, which bore the brunt of Chernobyl's radioactive fallout.

Mr. Speaker, this resolution which is also being introduced in the Senate is important and timely. I am joined by my colleagues Rep. BEN GILMAN, Rep. FRANK WOLF, Rep. BEN CARDIN, Rep. ED MARKEY, Rep. MATT SALMON, Rep. BOB TORRICELLI, Rep. SANDER LEVIN, Rep. DAVID BONIOR, Rep. RICHARD DURBIN, and Rep. LUIS GUTTIEREZ in introducing this resolution and I urge our colleagues to support the measure.