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Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Come and find the quiet center
In the crowded life we lead,
Find the room for hope to enter,
Find the frame where we are freed;
Clear the chaos and the clutter,
Clear our eyes, that we may see
All the things that really matter
Be at peace and simply be

—*Hymn ''Come Find the Quiet Center'' by Shirley Erena Murray.*

Father, thank You for this sacred moment of prayer. We come to You just as we are and receive from You the strength to do what You want us to do. We trust You to guide us throughout this day. Keep us calm in the quiet center of our lives so that we may be serene in the swirling stresses of life. Fill us with Your perfect peace that comes from staying our minds on You. In the name of the Prince of Peace. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, the time between now and 10 o'clock will be equally divided prior to a cloture vote at 10 a.m. on H.R. 2937, the White House Travel Office legislation. If cloture is not invoked at 10 o'clock, it may be possible to consider any of the following items: Gas tax legislation, taxpayer bill of rights, minimum wage legislation, and TEAM Act. We hope to have some resolution of these matters today.

I again say it is rather ironic that we are prepared to accept the minimum wage proposal offered by my colleagues on the other side of the aisle. We are prepared to repeal the gas tax that my colleagues on both sides of the aisle would like to repeal, the Clinton gas tax which was not for highways or bridges or roads, but for deficit reduction, and was part of the larger $268 billion tax increase in 1993, the largest tax increase in the history of the world, let alone America. We do not understand why our colleagues, who I think want to do those things, would be holding it up because of one little amendment we offered called the TEAM Act, which simply says employees can talk to employers.

This is America. But of course the labor bosses, who put $35 million, just lately, into the pot on the other side of the aisle, said we do not like that. So when the labor bosses speak, our colleagues on the other side say yes—yes, sir.

So if we are going to let the labor bosses dictate repeal of the gas tax, the increase in the minimum wage because they dislike one provision that simply says that employees can talk to employers, then I think it is a rather sad state of affairs. We hope to debate that at length today, because I believe the American people, once they understand this issue, will be on the right side.

If some employee has a good idea on productivity or whatever it may be, why can that employee not talk to management? Because since 1992 the NLRB says you cannot do that. We are simply trying to change the law. We think it is good policy. We think it makes a lot of good, common sense. We believe it improves the working relationship in the workplace. For all the reasons I can think of, we hope to be able to persuade our colleagues on the other side that this is a package that should pass this Senate by 100 to 0.

Perhaps they are waiting for the liberal media to put their spin on it, but it is pretty hard to even put—they do not have a spin. Even the liberal media, who wait for the Democrats' spin and then print it almost verbatim on a daily basis around here, find it very difficult. Because we are going to accept their package on minimum wage, our package on gas tax repeal. Then we had TEAM Act and we are ready to vote, after an hour debate on each side. We have even provide they can have a separate vote on minimum wage and a separate vote on TEAM Act.

Some may not want to vote for the minimum wage increase so we provide for that. Some may not want to vote for TEAM Act, so we provide for that. So we have gone not only the extra mile, but miles and miles beyond.

We hope there could be some resolution of this today. If not, we will take our case to the American people and we will continue the debate throughout today and tomorrow and Friday. Hopefully, sooner or later, our colleagues will recognize this is a very fair and very reasonable proposal we have made and it should have unanimous support in the Senate.

Mr. GRAMS addressed the Chair.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. INHOFE). If the Senator from Minnesota will suspend for a moment, under the previous order, the leadership time is reserved.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2937 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2937) for the reimbursement of attorney fees and costs incurred by former

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

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employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 3952, in the nature of a substitute.

Dole amendment No. 3953 (to amendment No. 3952), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3954 (to amendment No. 3953), to provide for an effective date for the settlement of certain claims against the United States.

Dole motion to refer the bill to the Committee on the Judiciary with instructions to report back forthwith.

Dole amendment No. 3955 (to the instructions to the motion to refer), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3956 (to amendment No. 3955), to provide for an effective date for the settlement of certain claims against the United States.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate to be equally divided.

Mr. HATCH. Mr. President, I yield 5 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I wish to address the Senate as in morning business for the next 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota is recognized.

Mr. GRAMS. I thank the Chair.

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

Mr. GRAMS. Thank you, Mr. President. I yield the floor.

Mr. HATCH. Mr. President, I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself the leader's time. How much time is there of the minority leader's time?

The PRESIDING OFFICER. It would take unanimous consent to yield leader's time, to take 10 minutes.

Mr. KENNEDY. Mr. President, I have been informed by the leader that he is willing to let me have the leader's time prior to vote on the cloture.

The PRESIDING OFFICER. The Senator may have that.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. How much time?

The PRESIDING OFFICER. The Senator will now have 11 minutes remaining.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

Over the period of the last 24 hours, there have been a series of different proposals for Senate action that I hope will eventually be resolved. One deals with the minimum wage, which we have tried to raise at different times over the period of the last year and a half and have been denied the opportunity for a vote up or down.

I understand we will have a chance to vote on, hopefully, the gas tax. There are other measures on education that I had hoped we could have included as well. But I want to speak right now on another issue which had been talked about earlier today and certainly yesterday, and that is the Anti-Workplace Democracy Act, otherwise known as the TEAM Act.

We have really not had the opportunity for much debate and discussion on that measure, and I will just take a few moments now to raise some of the very important questions that I think this legislation effectively raises. That is, whether this legislation is really what it is suggested to be, and that is just legislation to permit cooperation between employers and employees in order to deal with a lot of the issues that might be in the workplace, and, as we have seen, as I stated yesterday, the type of cooperation which has been talked about here on the floor as being the reasons for that cooperation is already taking place. It has been included and recognized in the findings of the bill itself and has also been referenced in the report itself where cooperation is taking place between management and workers.

There are only three areas where that kind of cooperation is not on the table and which would be altered and changed by the TEAM Act, and that is with regard to wages and working conditions. That has been recognized to be a position since the time of the 1930's to be issues reserved to representatives of employees. Effectively, that is the rock upon which workers are able to negotiate their working conditions and also their wages, and the matters that will affect their take-home pay and what will be available to them to protect their interests and their families.

So the idea that this is just legislation that is going to move us into the next century and increase America's capacity to compete is a false representation.

It is interesting to me that Republicans and Democrats alike stood so strong with Solidarity and Lech Walesa. Why did they stand with Lech Walesa? Why did they stand with Solidarity? There were unions in Poland. They were government/employer-controlled unions. There was not union democracy. I can remember hearing the clear, eloquent statements by then-Republican George Bush that said, ''We support democracy, and we support real workers' rights in Poland, and we support Solidarity.''

Why did they support Solidarity? Because Solidarity represented workers. The TEAM Act effectively is going to be company-run union shops or company-run management teams. Does anybody in this body think that if they establish that an employer picks representatives of workers, pays their check, that those particular workers are going to buck the management that put them on the team? Of course, they will not. That is as old as the company-run unions that we had in the 1930's. That was the issue when this body debated the National Labor Relations Act in the 1930's and implemented that particular legislation.

That is what the issue is, plain and simple: Are we going to say that company CEO's and management are going to be able to dictate to the workers in this country exactly what their wages are going to be, or are we going to let employees represent their interests and go ahead and bargain with the employers as to what those wages and working conditions are going to be? It is just that simple.

The TEAM Act is effectively company-run unions. That is effectively what it is. No ifs, ands, or buts about it. It is so interesting to me, Mr. President, as someone who has followed the whole debate about company-run unions and antidemocracy representation in the workplace, where these organizations were when they had the Dunlop commission only a few years ago that was trying to look over the relationship between CEO's and companies and also the employees. The same groups that are supporting this legislation testified in that committee that they did not think there ought to be a change in the labor laws. The only thing that changed was the 1994 election and the Republicans gaining control in the House and the Senate. If you look over what presentations were made before the Dunlop commission, you would say they feel that the relationship between employer and employees is fine with them.

So, Mr. President, we ought to understand exactly what this is going to be. It is going to be the government-run kind of unions in a different way.

All of us fought for and wanted to see the restoration of democracy in Eastern Europe. Most of all, the Eastern European countries had government-run unions, effectively employer-run unions. And here in the United States, we were giving help and assistance to workers for worker democracy. Now we are saying on the floor of the U.S. Senate, ''Well, we want the TEAM Act,'' and the TEAM Act effectively is going to eliminate the workers' rights in this country. No ifs, ands, or buts about it.

I hear on the floor of the U.S. Senate the central challenge that we are facing as we move to the end of this century is to give life to the 65 or 70 percent of Americans who are being left out and left behind.

I hear a great deal about income security, about job security being the issues that this country ought to address. I tell you something, you might as well write off those speeches if we are going to go ahead and pass the TEAM Act. Write them off. What you see is continued exploitation.

You talk about the battle for the increase in the minimum wage. Write

that off, because you will give such power to the employers in this country that they will be able to write any kind of wage scale that they want. Does anyone think that the team makes the judgment and decision about workers' rights, about what the employees will get paid? Of course not. They make the recommendation to the employer, and the employer decides. That is the principal difference: Whether the workers are going to be able to make that judgment and decision, sitting across the table from the employer, or whether the team is going to make a recommendation to the employer, then the employer will make the judgment.

Mr. President, with respect to all of our colleagues who talk about where we are going to go in terms of the U.S. economy, what we need to be able to compete in the world at the turn of the century is a mature economy with mature relationships between workers and employers and an economy which is going to benefit all of the workers and workers' families.

We are going in that wrong direction, as we have seen. The right direction for the wealthiest corporations, the right direction for the wealthiest individuals—we have seen the accumulation of wealth in terms of the richest individuals and corporations taking place in this country unlike anything we have seen. But those 65 or 70 percent of American working families are being left out and left behind. You pass this particular act and you will find that it will not be 65 or 70 percent, but it will be 80 percent. They will not just fall back somewhat; their whole life will be disrupted and destroyed with regard to their economic conditions.

Mr. President, we are entitled to have some debate and discussion on this issue because its implications in terms of working families are profound. It is basically an antiworker act. It ought to be labeled such. That is something that we ought to at least have a chance to debate and discuss.

Mr. HATCH. Mr. President, I have listened to my colleague. Nobody argues more forcefully for big labor than the distinguished Senator from Massachusetts.

Although I want to talk about the Billy Dale matter, I do have to say that most of what the Senator has said is pure Washington-inside labor line. The fact is, the NLRB went way beyond where it should have gone and took the rights of individual employees to meet with management to resolve problems that really have nothing to do with collective bargaining. It seems ridiculous to call this antidemocracy. Give me a break. What is antidemocracy is to close shop where 51 out of 100 employees want a union and the other 49 have to comply and have to pay dues and have to be part of the union whether they want to or not. That is not democracy.

On the other hand, what is wrong with management and labor being able to get together in teams and make the workplace a safer, better place to work in?

I had to say that because I listened to the distinguished Senator. He is eloquent and forceful. He just happens to be wrong.

Mr. President, why we are really here this morning is the Billy Dale matter. Billy Dale and his colleagues at the White House were very badly mistreated by greedy people who wanted to take over the White House Travel Office—and I might add, there is some indication that the travel offices of every agency in Government—so they could reap millions, if not billions of dollars of free profits at the expense of these people who had served eight Presidents over a pronounced period of time and had served them well, done a good job, and who Peat Marwick says did it in a reasonable manner.

They were mistreated. The law was used against them in an improper way. The FBI was brought in an improper way. I might add, the power of the White House was used against them, the power of the Justice Department was used against them. Virtually everybody who looks at it, especially those who look at it honestly, say this is a set of wrongs that ought to be righted. In the process, their lives happen to be broken because they are now stuck with all kinds of legal fees that would break any common citizen in this country.

We want to right that wrong. Yesterday, my colleagues on the other side voted en masse against cloture which would allow this matter to go to a vote. One of the arguments which was superficial and fallacious was they cannot even amend it. Of course they can. After cloture, germane amendments are in order. If they want to bring up a germane amendment to this Billy Dale bill, they are capable of doing so. That is just another false assertion and false approach.

I think it is time to do what is right around here. It is time to rectify these wrongs. It is time to do what is the right and compassionate thing. In all honesty, we have not been doing it as we listened to the arguments on the other side as to what should be done. It has been nearly 3 years since the termination of the White House Travel Office employees, and they are still in the unfair position of defending their reputations. It is time to close this chapter on their lives.

The targeting of dedicated public servants, apparently because they held positions coveted by political profiteers, demands an appropriate response. Although their tarnished personal reputations may never fully be restored, it is only just that the Congress do what it can to rectify this wrong.

This bill will reimburse Travel Office employees for the expenses of defending themselves against these unjust criminal persecutions. I call it ''persecutions'' even though there was a ''prosecution'' of Billy Dale.

The argument that invoking cloture will foreclose the option of amendments is nonsense. Germane amendments can still be offered, although I question why anyone would want to delay any further the compensation of these people who have been so unjustly treated. The argument that passing the Billy Dale bill will undermine the likelihood of seeing the Senate vote on the minimum wage increase is equally hollow. In fact, it is superficial and wrong.

Only yesterday the majority leader proposed a plan which would ensure a vote on the minimum wage increase this week, and my colleagues on the other side rejected it. My friends on the other side of the aisle should be careful about what they ask for because they might get it. That is what happened yesterday.

Here we are today, back on the Billy Dale bill, and their excuse for filibustering is still the minimum wage. Given the political transparency of this filibuster, I hope our colleagues will get together to do the decent and honorable thing and pass this important measure.

Let me say, I think it is almost unseemly my friends on the other side are saying we just want the minimum wage bill and you Republicans should not do anything else because we want this and we have a political advantage in talking about it. That is not the way it works around here. Of course, we are able to ask the majority, combined other good bill aspects, to make this bill even more perfect. Frankly, the repeal of the gas tax would do that. It will make it more perfect. The TEAM Act bill would certainly be more fair to employees throughout America, more fair to businesses throughout America, more fair in bringing economic cooperation among them, without interfering with the collective bargaining process. The NLRB is very capable of making sure that management does not abuse that problem.

For the life of me, I cannot see one valid or good argument about it. Bringing what happened in Eastern Europe does not necessarily cut the mustard here in America, where we have the most protective labor laws in the world. Rightly so. I have worked with those laws for years, long before I came to the Senate, and, of course, as former ranking member and chairman of the Labor Committee, worked with them during that period of time as well.

Mr. President, all of that aside, those are hollow arguments with regard to holding up this bill. I hope my colleagues on the other side are willing to vote for cloture so that we can pass the Billy Dale bill and go on from there, then face the minimum wage, the TEAM Act, gas tax reduction, and go on from there and do what is right.

The bottom line is that the minimum wage bill is controversial, should not be attached to a bill that has broad bipartisan support, that the President has said he will sign and support and that will right some tremendous wrongs that need to be righted.

The PRESIDING OFFICER. The minority has 52 seconds remaining.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the cloture 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 H.R. 2937, an act for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993:

Bob Dole, Orrin Hatch, Spencer Abraham, Chuck Grassley, Larry Pressler, Ted Stevens, Rod Grams, Strom Thurmond, Thad Cochran, Judd Gregg, Paul D. Coverdell, Connie Mack, Conrad Burns, Larry E. Craig, Richard G. Lugar, Frank H. Murkowski.

CALL OF THE ROLL

The PRESIDING OFFICER. All time has expired. The mandatory quorum has been waived.

VOTE

The PRESIDING OFFICER. The question is, is it the sense of the Senate that debate on H.R. 2937, the White House Travel Office bill shall be brought to a close.

The yeas and nays are required, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. PELL. Mr. President, on this vote, I have a live pair with the Senator from Vermont, [Mr. LEAHY]. If he were present and voting, he would vote ''nay.'' If I were permitted to vote, I would vote ''yea.'' I therefore withhold my vote.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent because of a death in the family.

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—53

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	

NAYS—45

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Heflin	Nunn
Bryan	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Johnston	Robb
Conrad	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Simon
Dorgan	Kohl	Wellstone
Exon	Lautenberg	Wyden

PRESENT AND GIVING A LIVE PAIR

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NOT VOTING—1

Leahy

The PRESIDING OFFICER (Mr. SANTORUM). On this vote the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The majority leader is recognized.

AMENDMENT NO. 3956 WITHDRAWN

Mr. DOLE. Mr. President, I withdraw amendment numbered 3956.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 3960 TO AMENDMENT NO. 3955

Mr. DOLE. I send an amendment to the desk, which is the text of the gas tax repeal, with the minimum wage language suggested by my colleagues on the other side of the aisle, and the TEAM Act, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3960 to amendment No. 3955, to the instructions of the motion to refer.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. DOLE. Mr. President, yesterday we discussed how we might resolve the issues at hand. So now we have an opportunity for all Members to repeal the gas tax, which I think has broad support, probably 80 votes, to adopt the minimum wage suggested by my colleagues on the other side of the aisle, 45 cents July 1 this year, 45 cents next July, and then adopt this small provision on the TEAM Act, which means that in America employees can talk to management, which I thought was sort of the American way. We are prepared to vote on the whole package right now. It would also reimburse Billy Dale and others who incurred legal expenses because of charges brought against them.

I should like to take this opportunity to support the Teamwork for Employees and Management Act. I think my colleague, the chairman of the Labor Committee, is in the Chamber, and she will be addressing that later.

It is hard to believe that in 1996, Federal laws tell employers and employees that they cannot work together in cooperative teams to jointly resolve issues of concern in the workplace. Since 1992, the National Labor Relations Act of 1935 has been interpreted to prohibit forms of collaborative discussions between groups of employees and management that deal with key issues such as workplace safety, productivity rewards and benefits, and job descriptions.

Does that make sense? No. And it does not make sense to most Americans. The TEAM Act simply allows common sense to reign in the workplace. Employees and employers can and should be able to resolve workplace issues among themselves without the fear of lawsuits.

So, why is the other side so exercised by this commonsense effort to help employees? Because of the big labor bosses. They see any effort to improve the workplace environment without their involvement as a threat. In other words, they do not want the employees to come up with any idea unless it goes through the labor bosses.

Suddenly, the minimum wage is not at all that important because somewhere, someplace, some employee might have an idea that improves productivity, that makes the workplace safer, all without the blessing of the labor bosses. So that is what this debate is all about. I am not certain, many of the employees even—in fact, I understand that some employees came to lobby people on the TEAM Act and they were asked what it was and they did not know what it was. Once it was explained to them, they did not see much wrong with it.

It might occur to some employee that he or she does not need a labor boss, that he or she can be their own boss. So, it is all about power. It is not about politics, it is about power. It is about contributions. It is about power. I think it is time we pass this package, increase the minimum wage, repeal the gas tax.

Yesterday at midnight tax freedom day ended. I hope that workers can have some control over their lives and workplace, the conditions in the workplace. I believe we ought to do everything we can to encourage this relationship, talking back and forth. We do it here from time to time. Sometimes we are able to work things out by talking to each other. If we cannot talk to each other, if employees cannot talk to management, I do not see how anything can be worked out.

In fact, President Clinton used to think so, too. I never cease to be amazed about how he can shift his positions, but even on this issue he had a position. In his State of the Union Address last January President Clinton said, ''When companies and workers work as a team, they do better—and so does America.''

Let me repeat that, because many people probably forgot that President Clinton said that. I bet he has forgotten that he said it. ''When companies and workers work as a team, they do better—and so does America.'' That is all the TEAM Act is. We have taken what President Clinton said in the State of the Union Message and drafted it so it is now a statute. So it is a Clinton provision, really, the TEAM Act. If President Clinton was right then, he is right now.

So what happened between January and May? The labor bosses called in

and contributed $35 million. That is one thing that happened. I do not know what else happened. They may have also spent millions on television, attacking Republicans on Medicare and everything you can think of. A lot of the workers are now having their dues increased who may not want to participate in that process, who may want to vote for somebody else. They cannot be dictated to, anymore than we can dictate to anybody.

So, it seems to us that we have an issue here now. We are all set. We have accepted the minimum wage offer. We have accepted what the American people want; that is, repealing the gas tax, 4.3 cents, $4.8 billion a year. We pay for it. It does not add to the deficit.

But now we are hung up on whether or not we ought to focus on the American worker. If that worker has an idea, should that worker be able to go to his employer, or be with a group of workers? Apparently, my colleagues on the other side say you cannot do that in America, you cannot talk to each other. Employees cannot talk to employers. It does not interfere with the activities unions already have established in companies, and it leaves in place protection against sham unions. It simply extends to nonunion workers the rights union workers already have, to have an effective voice for change in the workplace.

So it seems to me that we have an opportunity here, now, to move this legislation forward. We are obviously not going to get cloture on the Billy Dale, the underlying bill. It was hoped that this amendment might be an incentive for everybody to move forward, end the gridlock. It used to be called gridlock by the liberal press when Republicans were holding up things, but I have not seen the word ''gridlock'' used by the liberal media in the past 15 months. They cannot spell it anymore, the 89 percent of those who cover us who voted for President Clinton.

But it is gridlock. We have had to file 63 cloture motions this year in an effort to move the Senate forward. Since it takes 60 votes and we only have 53, it is rather difficult. But I know the Washington Post will figure out somewhere to come down on the right side, the side of the liberals. So will the New York Times. So will the L.A. Times. So will the other liberal papers.

But this is an argument about workers, maybe some who work at the Washington Post; maybe they do not cover the Hill. Maybe some who work for the Washington Times; maybe they do not cover politics. This is about workers and it is about power and it is about power of the labor bosses. That is what this is about. I do not care how they report it, the word will go to the workers that we are prepared to say they have a right to talk. They can talk for themselves. They can exercise their first amendment rights. They do not give up their rights to free speech or to engage in discussion when they join a labor union.

So, it seems to me we have a package here that should be irresistible. If, in fact, the Senator from Massachusetts is serious about the minimum wage and if, in fact, those of us on both sides are serious about repealing the gas tax, as we are, this bill can be passed by noon and be on its way to the House. I think the Speaker would act expeditiously. It is going to take a while, July 1, the first increase in minimum wage—it is going to take a while to implement it to make all those things happen. It will take a while for the gas tax repeal to be implemented.

So, I hope that we can proceed, get an agreement, say an hour on each side. I ask unanimous consent that there be an hour on each side, that each side have 1 hour, there be no intervening amendments, and then we can proceed to vote on the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Two hours? Two hours on each side?

Apparently there must be something other than the time that is the problem on the other side.

Mr. DORGAN. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I will be happy to yield for a question.

Mr. DORGAN. For a question. Does the Senator from Kansas anticipate he will not allow an amendment on the gas tax proposal to make sure the consumers get the benefit of a gas tax reduction? My understanding is the request the majority leader made would preclude any amendments to be offered on the gas tax reduction issue; is that correct?

Mr. DOLE. We have a provision in the gas tax proposal that requires that a study has to be completed and that mandates that the savings go to the consumer. I do not know how—I would be happy to look at the amendment. In fact, we could probably agree on it. We have gone so far as to say if we get cloture on the amendment, we could have a separate vote on TEAM Act, so all my colleagues on that side could protect themselves and vote against it. We could vote for it. We have minimum wage, where I think some on each side are not certain how they are going to vote. So we would have a separate vote on minimum wage and a separate vote on TEAM Act. If we could agree now to have a cloture vote on the amendment without waiting until Friday, and get 60 votes on cloture, then we could have a separate vote on each. Some of my colleagues would probably like to vote against some portion of it; I do not know which. That would seem to be even going the extra mile.

I do not know how we can put into law, how we are going to mandate that in every, every, every case. I do not know how many thousands of service stations there are in America, but there are millions of people out there who buy gasoline. I do not know how we are going to make certain that that 4.3 cents goes into the pocket of the consumer.

The service station operators will tell you that is going to happen. We hope to have letters today from their national association. I have had some tell me personally that is going to happen. They know their customers. In most cases they are regular customers. They want to keep those customers. It is all a good-faith business practice.

But if the Senator had some idea on how we can adopt some language that is going to make certain it happens, we would certainly be pleased to look at it. Or if there are other amendments that deal with the minimum wage, we would be happy to look at that. Since it is the minimum wage package of the Senator from Massachusetts, I do not think he would want to amend it.

So, Mr. President, if I can just suggest the absence of a quorum——

Mr. DASCHLE addressed the Chair.

Mr. DOLE. Excuse me.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, before we go into a quorum, if I could just respond to the distinguished majority leader. I guess I begin by saying, here we go again. Once again, the Republicans have put together a package that they know will go nowhere.

We have one of two choices here. We can pass legislation, or we can play games. If this package is good, let us get a little bit more elaborate, more inventive. How about adding campaign finance reform? Why not add MFN for China? Let us add the budget. How about a peace treaty? There may be something in there we could deal with as well. Let us put it all in and pass it in one vote. That seems to be the practice around here these days: Load it up, no amendments, no debate and that is it. ''We're telling you, you have to do it this way or there's not going to be anything at all.''

Mr. President, that is unacceptable. They would not have stood for it 2 years ago and we cannot stand for it now. We have suggested a way with which to resolve our outstanding differences here procedurally. We ought to have an up-or-down vote on minimum wage.

We are prepared to have a good debate about the TEAM Act, and I want to touch on that in just a minute.

We are prepared to have a debate about gas taxes, but we want to make absolutely certain that the benefit goes to the consumer, and if we cannot figure out a way to do that, then maybe we should not do it at all. It seems to me that if we cannot guarantee the consumer is going to benefit—and there is a pretty good possibility that they will not benefit if you read the papers again this morning—then we will not be providing the relief we claim to be providing in this proposal. We can lash out against the press, we can lash out against labor if we want to, but the

fact is the arguments ought to be debated and we ought to make some decisions. We ought to have some understanding of whether or not this is going to work before we do it. That is really what the amendment process is all about, to have a good-faith debate and some opportunities to discuss these important matters.

The distinguished majority leader noted that he has had to file cloture a few times. Well, I must say, when you load up the tree and deny opportunities for Democrats to have votes on amendments that we care about, I really do not know what option we have. We are not trying to prevent legislation from being considered. In fact, in the last week, there were two examples where we worked through our differences as soon as we were allowed to offer amendments. The immigration bill and the Presidio bill both passed because we wanted to work with the majority to pass them. We did not want to hold up those bills. But we wanted the right to offer amendments.

And that is true, again. We have no desire to hold up the gas tax bill. We will have some good debate about it. We want to get this minimum wage issue behind us. We have a whole agenda. We have not talked yet about pensions, and we are going to talk a lot more about pensions in the balance of this year. We have not talked about losing jobs overseas, an amendment the distinguished Senator from North Dakota is talking about. We want to do a little bit of that.

And if we are not resolved on this health care bill pretty soon, we are going to be bringing that up in the form of an amendment. So we will have a lot of action agenda items, a lot of issues we care deeply about that we want to offer and have a good debate about.

Now, as to the TEAM Act, let me just say, Mr. President, I listened carefully to the majority leader. He said all we want is the right for employers and employees to be able to talk together. If that is all they want, they ought to be satisfied with current law.

Ninety-six percent of large companies today have employee involvement programs. Seventy-five percent of all workplaces already have programs where employers and employees work together, and guess what? The only issues on which they cannot make agreements with employees are mandatory bargaining issues such as hours and wages. Furthermore, if they violate what the National Labor Relations Board and the law requires with regard to what is legitimate consultation and what is actual negotiations with labor on issues involving pensions or security issues or work issues or wages, there is no penalty, there is no penalty at all. They must only disband the committee that has violated the law.

So workers are encouraged to work through their problems with employees through the arrangements that are set up right now under current law.

What the Republicans want to do is roll back 60 years of labor law. They want to be able to allow companies to set up rump organizations to negotiate with themselves. It is like the father asking the son-in-law to negotiate on behalf of the employees and to come up with a plan the employees are supposed to accept as fact in that workplace.

That is unacceptable. But we ought to have a debate about it. We ought to decide whether or not we want to roll back 60 years of labor law. This may be one of the most antiworker Congresses we have seen in decades—blocking an increase in the minimum wage, fighting health care, and now rolling back labor law that protects workers. We are not in any way, shape or form opposed to good discussions and good negotiations and good opportunities for employers and employees to work out their differences. That should be a fact. It is a fact in 96 percent of large corporations. But we will not tolerate rump organizations negotiating with companies in the name of labor and calling that some advancement in the workplace.

So, Mr. President, we ought to have an opportunity to debate it. We ought to have an opportunity to offer amendments. We ought to have some up-or-down votes. That is what the Senate is made for. That is what we have always done. I yield to the Senator.

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

Mr. DOLE. You cannot yield the floor except to yield for a question.

Mr. DASCHLE. I yield for a question.

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from North Dakota for a question only?

Mr. DASCHLE. I yield to the Senator from North Dakota for a question.

Mr. DORGAN. Mr. President, I say to my colleague from South Dakota, I heard this discussion about delay and stalling. Is it not the case that in a couple recent occasions, just in recent weeks, we have seen legislation filed in the Senate and a cloture motion filed on the bill that was before the Senate before debate began on the legislation? In other words, a motion to shut off debate before debate began on two pieces of legislation in the last several weeks; is that not the case?

Mr. DASCHLE. The Senator is absolutely correct. A bill is filed, a bill is proposed; the amendment tree is completely filled; and cloture is filed. It is a pattern now that has been the practice here for the last several weeks.

Mr. DORGAN. If the Senator will yield for one further question. I guess what I observe about that is that it is hardly stalling to suggest there ought to be some debate on legislation. Filing a cloture motion to cut off debate before debate begins is apparently a new way to legislate but not, in my judgment, a very thoughtful way to legislate.

I ask the Senator one additional question. In this morning's newspaper there is a story that says ''Experts Say Gas Tax Wouldn't Reach the Pumps.'' It quotes a number of experts. One of the experts says, and I would like to ask you a question about this:

> The Republican-sponsored solution to the current fuels problem . . . is nothing more and nothing less than a refiners' benefit bill . . . It will transfer upwards of $3 billion from the U.S. Treasury to the pockets of refiners and gasoline marketers.

My question is, does the Senator from South Dakota believe, when we deal with the issue of reducing the gas tax by 4.3 cents, that we ought to be able to offer some amendments on the floor to make darn sure that it goes in the right pocket?

Mr. DASCHLE. The Senator is correct. That is all we want to do here. We want to have an opportunity to debate the issue, to offer amendments to provide assurance to the consumer and taxpayer that we are simply not asking the taxpayers to bail out the oil companies with a $4 billion bailout this year. That is what it could mean if we are not careful about how this is handled.

Everybody ought to understand that if we do not have the assurance, and it is going to take more than a study to give us that assurance, if we do not have the assurance, what this means. I heard the majority leader talk about power and contributions, I do not know what power and contribution connections there may be with the gas tax, but I will tell you this, that it is a $4 billion bailout this country cannot afford if, indeed, the result of repeal of the gas tax is $4 billion in additional profits for the oil companies.

We ought to work through this, and if we can do that, I am sure there is not going to be a problem with regard to providing that assurance to the American people.

Mr. WELLSTONE. Will the Senator yield?

Mr. KENNEDY. Will the Senator yield?

Mr. DASCHLE. I yield to the Senator from Minnesota for a question.

Mr. WELLSTONE. It is a very brief question.

The PRESIDING OFFICER. The Senator yields for a question.

Mr. WELLSTONE. I thank the Chair. Listening to the Senator talk about the distinction between games and moving this forward, am I correct that the Senator is saying, the minority leader is saying that we ought to have the opportunity to have amendments and debate on these issues, legitimate debate, and then have separate votes on the wisdom of enacting all three bills, whether it be minimum wage, whether it be TEAM, or whether it be a repeal of the gas tax, that that is what we are aiming for, that we want to have an opportunity for amendments and we want to address each bill in turn?

Mr. DASCHLE. That is correct.

Mr. WELLSTONE. Consider each one separately, so all of us are accountable, no putting different kinds of combinations together, no confusion for people,

no blurring distinctions, just straightforward accountability to people in the country as to where we stand. Is that what the Senator is proposing?

Mr. DASCHLE. The Senator from Minnesota is absolutely right. That is how we do things around here. We provide opportunities for Senators to offer to bills amendments that are legitimate questions of public policy. That is all we are suggesting here. That is why we offered the minimum wage in the first place. When we first offered it, we said, ''Look, we prefer to have the independent freestanding vote.'' If we cannot do that, obviously, we will offer it as an amendment. If we start packaging all these disparate issues together, then I think it is fair to ask why not add campaign finance reform and MFN for China and a whole range of other things we might want to debate some time this year.

I yield to the Senator from Massachusetts for a question.

Mr. KENNEDY. I have a question for Senator DASCHLE. That is, as I understand the National Labor Relations Act as it exists now and as proposed in the TEAM Act, is that the TEAM Act would apply not only to the 13 million workers who are organized, but it applies to about the 107 million American workers that are in the workplace as well, and that the Senator might agree with me that effectively what we are talking about is company unions replacing legitimate collective bargaining appearing by workers pursuing their own interests.

Is that the effect of the TEAM Act?

Mr. DASCHLE. The Senator is correct, that is the effect.

Mr. KENNEDY. Is the Senator concerned that, as he pointed out, part of a whole process evidently against working families, where we have had the repeal of some of the EITC, the opposition to the minimum wage, the undermining of the OSHA Act, and feel that this would be a further reduction in the protections for American workers, and that they may, if this legislation goes into effect, be further left out and left behind in the modern economy?

Mr. DASCHLE. The Senator is absolutely correct.

Let me just say that there is this perception sometimes created by some of our colleagues on the other side that efforts to protect workers somehow automatically position you against business. We ought to be for business, probusiness, just as this administration has shown itself to be with so many of its policies.

Business has never had a better 3-year period than they have had in the last 3 years. We have seen growth in this economy. The stock market has boomed to levels we never dreamed of a couple of years ago. Export sales are up. Everything is going exceedingly well. This economy is as strong as it has been almost in my lifetime. So this administration has been probusiness. There are a lot of things we have proposed that are probusiness, but we ought to say probusiness also ought to mean proworker, making sure that not only corporate executives benefit from this wonderful growth in the economy, but the workers do, too: that the workers have a chance to benefit, whether it is in health care, a good paycheck, or retirement security. Those kinds of things ought to be part of the overall economic agenda here so that we do not see the stratification within our economy that we are seeing right now.

Be probusiness and proworker. If we do that, I think we can look forward to a lot stronger economy and a lot more blessings for all the American people than we have had in the last couple of years.

Mr. DOLE. Mr. President, we would certainly be agreeable we could have three separate votes, gas tax repeal, TEAM Act, minimum wage. In fact, we are prepared, if cloture is invoked, to have three separate votes. We cannot get agreement to have three separate votes. So they will have to filibuster gas tax repeal and increase in minimum wage because of the one deal that upsets the labor bosses. That is certainly a right they have.

Somehow the Washington Post and other papers will figure out some way to make it sound good, but the facts are the facts. We are prepared to move right now. The Senator from Massachusetts said on the floor, and I have his quotes here, a couple of times he only needs 30 minutes on the minimum wage. We will have 30 minutes on that, 30 minutes on TEAM Act, and 30 minutes on gas tax. That is an hour and a half equally divided, and then we can vote.

The Senator from North Dakota has some amendment, if he has figured out a way to make certain that in every single case the 4.3 cents will go back to the consumer, maybe have to station a policeman at each service station, or a Federal employee, that would be one way to do it. I am not certain what he has in mind.

The bottom line is we are prepared to take action. So now we have on this floor the minority saying we will not let you do anything unless you do it our way. We want to do it our way, and even though you are the majority, you do it our way. As I said, I had a little trouble explaining that to my policy luncheon yesterday. They said if they can have their way, why can we not have our way? My view is why not everybody have their way? We will have a separate vote on minimum wage, a separate vote on gas tax repeal, and a separate vote on TEAM Act. It seems fair and reasonable to me.

I hope that will be the resolution. If there are amendments that should be offered, we have always been able to work out reasonable amendments. But that is not the thrust coming from the other side. The thrust is they will raise this, the experts say maybe the 4.3 cents will not get back to the consumer and this is somehow antiworker, it is antiboss, it is antilabor boss, it is proworker.

Again, let me quote the President of the United States who said in the State of the Union Message last January, ''When companies and workers work as a team they do better and so does America.''

Mr. FORD. Will the Senator yield?

Mr. DOLE. Not right now.

We are prepared to accept the President—in fact, the Senator from Kansas, Senator KASSEBAUM, chairman of the Labor Committee really understands the TEAM Act—and explain how this statement by the President sort of underscores and supports what we are trying to do here today.

We have the support of the President, apparently, on the minimum wage and on TEAM Act. I do not know where he is on the gas tax repeal.

CLOTURE MOTION

Mr. DOLE. Mr. President, just so we can bring this matter to a head, I send a cloture motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill 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, do hereby move to bring to a close debate on the pending Dole amendment, No. 3960:

Bob Dole, Orrin Hatch, John Warner, Trent Lott, Thad Cochran, Slade Gorton, Phil Gramm, Kay Bailey Hutchison, Connie Mack, Strom Thurmond, Dan Coats, Craig Thomas, Dirk Kempthorne, Jesse Helms, Bob Smith, Jim Jeffords.

Mr. DOLE. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote occur at 5 p.m. on Thursday, May 9, the mandatory quorum being waived and the time between now and 5 p.m., Thursday, be equally divided in the usual form for debate.

Mr. DASCHLE. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. DOLE. So the cloture vote will occur on Friday, but I ask unanimous consent at this time if cloture is invoked on amendment 3960, the amendment be automatically divided, with division I being the gas tax issue, division II being the TEAM Act, and division III being the proposal for minimum wage, and the time on each division be limited to 2 hours each, equally divided in the usual form, and following the conclusion or yielding back of time, the Senate proceed to vote on division I, division II, and division III, back to back, with no further motions in order prior to the disposition of each division.

Mr. DASCHLE. Reserving the right to object, I ask unanimous consent that the unanimous-consent agreement also include campaign finance reform and MFN.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

Is there objection?

Mr. DASCHLE. I object.

Mr. DOLE. Objection to this.

So, we will have a cloture vote, then, on Friday, if not before. If there are amendments, we always try to accommodate our colleagues.

I learned about how you introduce and file cloture by my friend, the former majority leader, Senator MITCHELL. I thought it was very effective. I made notes at that time.

Mr. FORD. Fill the tree.

Mr. DOLE. We do not have it down to the art he had it down to, but we want to tell the press how to spell ''gridlock,'' something they used extensively when we were in the minority. You never see the word. Suddenly the word has disappeared. This is gridlock. This is Democratic gridlock, because the labor bosses do not want this to happen. And he who controls the purse I guess controls the agenda. We will see what happens in the next few days.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, let me just respond briefly. I know a lot of our colleagues want to be able to speak.

This is unnecessary gridlock. This has nothing to do with the Democratic minority. This has everything to do with Republicans simply not allowing the Senate to be the Senate. I do not recall a time—and we can go back and check—when my predecessor, Senator MITCHELL, filled the tree every single time a bill was presented on the floor. I would like to go back and find that time in the last Congress when that happened.

I can recall, woefully, how many times we worried about Republican amendments and how we were going to come up with second-degree amendments because we were not going to stop them from being offered. And they were offered.

So, Mr. President, we have different views about what happened in the last Congress. I will tell my colleagues on the other side, we are taking notes, and should we have the opportunity again—and I know we will—to be in the majority, what goes around comes around. It may be that we are going to have to extend the session of Congress to 4 years rather than just 2, because I am not sure we are going to get anything done in 2 anymore. How unfortunate. How unfortunate.

This does not have to be gridlock. We did not want gridlock. Just last week we passed some good legislation. We can do that again. We ought to do that again, but we ought to be respectful of the minority and the opportunities that we have always had to offer amendments. That is all we are asking. In the name of fairness, in the name of tradition, in the name of this institution, we owe it to the American people to have these reasonable and fair debates.

The majority leader offered a unanimous-consent to have up-or-down votes on amendments collectively to a bill that he knows is going nowhere. What we have said is, let us have independent votes, free of the opportunity to obfuscate these issues, opportunities to offer amendments, opportunities to ensure that we can have a good debate about each of these issues—no limits, no filled trees, simply a good, old-fashioned Senate debate about all the issues that the majority leader and I and others want to confront.

So as soon as that happens, I have a feeling we can get a lot of work done. But until that happens, nothing will get done.

Mr. DORGAN. Will the Senator yield?

Mr. DASCHLE. I yield for a question.

Mr. DORGAN. I want to inquire of the Senator from South Dakota, having listened with great interest to the presentation by the Senator from Kansas, which was an interesting political presentation but a presentation that complained that there was stalling and gridlock in the Senate, first, and then a second presentation that concluded with a cloture motion being filed to shut off debate on something where debate has not yet started, I guess the presumption is that we are pieces of furniture on this side of the aisle, we are not living, contributing Senators that are interested in legislation. But we are more than furniture. We have a passionate agenda that we care deeply about.

I guess I am confused by someone who alleges that there is stalling and then files a cloture motion to shut off debate before debate begins. What on Earth kind of process is this? It does not make any sense.

I ask the Senator if he finds it unusual that we have a circumstance where the majority leader and others come out and they offer a proposition to fill up the tree so that no one else can intervene with amendments and then claim somehow that somebody else is causing their problems. Is it not true they are causing their own problems?

The way the Senate ought to do its business is to come and offer legislation on the floor of the Senate, in a regular way, and ask for those who want to amend it to offer their amendments, have up-or-down votes, and then see if the votes exist to pass legislation. But instead we have these parliamentary games, and then we have this pointing across the aisle to say, ''By the way, you're the cause of this,'' and then the filing of a cloture motion to shut off debate before debate begins. Apparently, it is a new way to run the Senate.

Mr. DASCHLE. Apparently the Senator is right. That is the essence of the problem we have here. It is why we are absolutely paralyzed until we can resolve it. All we are trying to do is have the opportunity to have a good debate about each of these issues.

We can debate the TEAM Act. We are not averse to having a good old-fashioned debate about whether you roll back 60 years of labor law. We can debate the gas tax and figure out whether there is a way to address the issue that the Senator from North Dakota and others have raised about making sure the consumer, and not the oil companies, get the benefit.

Mr. JOHNSTON. Will the Senator yield?

Mr. DASCHLE. We can debate the minimum wage for whatever length of time we want. A half-hour is fine with us, but if they want more time, we can do that.

Mr. COCHRAN. Will the Senator yield?

Mr. DASCHLE. I will be happy to yield to my colleague on my side, the Senator from Louisiana, and then to the Senator from Mississippi.

Mr. JOHNSTON. I thank the distinguished minority leader for yielding.

There has been some negotiation and talks on the floor about votes on these three different issues. I just want to ask the leader whether he has had any discussion about packaging the three, because I do not propose, myself, to allow that, except to the extent the rules allow it, for a vote to come up on this gasoline tax, because I think that is one of the wackiest ideas I have heard. To the extent that we can successfully filibuster, yes, filibuster. Call it gridlock, call it what you want. I am opposed to it. I am not willing to let that come up. I think there are a lot of people who feel like I do.

I wonder if there has been any negotiation toward saying, ''Well, we'll let you have that on a majority vote as opposed to 60 votes, as long as you will allow a vote on minimum wage''?

Mr. DASCHLE. There have been a lot of different discussions regarding various packages and various scenarios, and it is obvious from the exchanges this morning that no decisions and certainly no agreement has been reached.

Mr. EXON addressed the Chair.

Mr. DASCHLE. I yield to the Senator from Nebraska.

Mr. EXON. I thank my friend. I was trying to seek the floor in my own right. I would ask a question.

Mr. DASCHLE. I will be happy to yield to the Senator from Mississippi.

Mr. COCHRAN. I appreciate very much the distinguished Senator yielding to me for a question. My question is, when I heard your discussion of the unanimous-consent request propounded by the Republican leader, there seemed to be—is this correct—the complaint that the minimum wage issue is something that had not been scheduled and, therefore, this was an issue that needed to be scheduled and have a full debate, and we had to have votes.

My question is, why were there not debates and why were there not votes

when the Democrats were in the majority in the Senate and in the House and in the administration for the 2 years in the previous Congress?

We never had an amendment offered by a Democrat, we never had a bill offered by a Democrat, and we never had a unanimous-consent request on the floor propounded by the Democratic leader on that issue. Now, on another unrelated issue, we have to stop now and cannot proceed to take up anything because of the request being made on the Senator's side that there be an immediate debate and a vote on a minimum wage proposal that has never been to committee and never had any hearings in either the last Congress or this Congress. All of a sudden the facts are overwhelming that this is something that has to be done right now. Why is that?

Mr. DASCHLE. I am so blessed that the Senator from Mississippi asked the question. I was hoping that one of my colleagues would ask it, because obviously it is an issue that has come up before.

We made a very calculated decision in the beginning of the last Congress that we were not going to be able to do both health care and the minimum wage. Obviously, if we could have done both and had the agreement of our Republican colleagues to do both, we would very much have wanted to be able to do that. But we decided that at best—at best—we were going to be able to pass a bill that does a lot more than 90 cents for the American worker.

So what we decided to do—and people could accuse us of being conservative here and not wanting to do both—but what we decided to do, in a conservative approach to our agenda, was to say, ''Look, we'll take this one step at a time. Let's pass health care. Let's find a way to deal with health care that will affect every one of our workers in a monetary, as well as a personal way.'' That is what we decided to do.

Unfortunately, because of the opposition of our colleagues on the other side, we could not even pass benefits for our workers for health care in the last Congress. So we are relegated now to the Kennedy-Kassebaum bill, and we may not even pass that, given the insistence by some on the other side to add unrelated and very devastating provisions to this bill that would deny the American worker some opportunity for benefit. So that is the answer to my colleague and good friend from Mississippi.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, let me suggest that it appears to this veteran of 18 years in the U.S. Senate and, before that, 8 years as Governor of Nebraska, that this place is more off balance than any supposed representative body that I have ever witnessed. To put it bluntly, it has gone bonkers.

Here we have a group of supposedly thoughtful and mature men and women wallowing in politics, throwing aside what is right for America, in a seizure of fiscal madness, at the very time we are about to vote on a constitutional amendment to require a balanced budget by the year 2002.

No one—no one—in this body has been more intent on amending the Constitution to require a balanced budget. But the irresponsible bed that we are making, and the grandiose plans for what represents fiscal balance down the road, is so fraught with craziness that I am reconsidering my support.

I am very concerned that the recent political circus, with more than three rings, designed to present ''The Greatest Show on Earth'' and prove beyond a doubt that there is ''a sucker born every minute,'' will go down in history as one of the most shameful exercises in the history of the Senate. This year, 1996, could go down as the year that we deep-sixed the people under a guise of fiscal sanity that is, in reality, insanity.

Mr. President, America deserves better. Unfortunately, the ringmasters of all of this are the Republican majority leadership in the House and the Senate. The Republican majority leader in the House even suggested making up the billions in lost revenue by reducing education funding even more than the Republicans have previously announced. That will not fly.

The Senate majority leader, 20 points behind in the race for the Presidency, has come up with a gimmick to reduce the gas tax by 4.3 cents, which would cost the Treasury $34 billion in revenue by the magical year 2002, when we are already far short of any attainable goal to meet the constitutionally guaranteed balance by that date.

It is politics at its worst. Sooner or later, the American people will see it for what it is, if they have not already.

I call on the Republican leadership to announce that they have come to their senses and renounce their fiscal indiscretion, and get on with balancing the budget, passing a constitutional amendment to balance the budget, and putting the campaign back on a sane course.

Mr. President, I have long supported a balanced Federal budget and a balanced budget amendment to the Constitution. I used to think that if you favored one, you almost had to support the other. But I have to admit that the antics around here on the gas tax have caused me to question whether people who favor a balanced budget amendment in speeches really do want to balance the budget at all.

You hear all of these pious speeches about how we want to balance the budget. I suggest that if we had a dollar for every speech in the Senate that favored a balanced budget, we would have reached a surplus a long time ago.

But then comes along a year divisible by 4, and all of a sudden Senators are falling over themselves to cut taxes. I heard one Senator say this was not the first tax that he would cut, but, heck, it was an opportunity to cut taxes, and he was not going to miss it. It is a transparent political ploy, Mr. President, and this Senator, for one, has had about enough of it.

Repeal of the 4.3-cent gas tax is a costly enterprise. Between June of this year and the end of the year 2002, it would cost $34 billion in lost revenue, and it would worsen the deficit by the year 2005 to $52 billion. Yes, I say, ''worsen the deficit,'' because the offset that the majority cobbles together to pay for the tax cut will, in all likelihood, be something we were already counting on, or desperately need, to help balance the budget by the year 2002 under a constitutional amendment. One way or the other, we are going to have to come up with another $52 billion in additional deficit reduction, or increase taxes, over the next 10 years. I suggest, Mr. President, that that will not be easy.

As I said when I started these remarks, this whole gas tax charade has made me reconsider the sincerity of the debate that I have heard about the balanced budget amendment. The willingness of Senators and Congressmen to rush headlong to cut the gas tax makes me question whether I want to be a part of an enterprise that promises to balance the budget down the road but avoids every hard vote to cut the deficit in the here and now.

In closing, Mr. President, I want to say that I will consider very closely and see how Senators vote on the balanced budget amendment to the Constitution. I certainly feel that, as of now, the balanced budget amendment to the Constitution that I voted for previously, and supported, needs to be examined as to how Senators vote and how sincere they are, which will be keenly measured, I suggest, on the gimmick of repeal of the 4.3-cent gas tax. If people vote to cut taxes with wild abandon and then ask me to join them in support of a balanced budget amendment, they may find this Senator unwilling to go down that crooked road of no return.

The people should understand that if the tax cut proposed by the Senate majority is followed with a constitutional amendment to balance the budget by the year 2002, the Congress at that time will face, by far, the largest tax increase ever imagined in history.

I do not want a small tax cut now that probably would trigger and find its way into higher taxes in the future. In this regard, I must also say that even if the Senate and the House would invoke a law that eliminates that tax, there is no assurance whatsoever, or likelihood, that the money would end up in the consumers' pockets. It would end up elsewhere. Unless someone can rationally explain to me how the numbers work out on this, I will not vote again for a constitutional amendment under the Republicans' changed scenario.

In my view, Mr. President, as a fiscal conservative it would be the height of fiscal and budget irresponsibility to do so.

I thank the Chair. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I tried to be recognized earlier because I wanted to ask the distinguished minority leader a question when he was on the floor talking about the TEAM Act. I find it hard to think that the people of South Dakota would not be very supportive of the ability to have employers and employees form teams in which they can talk about conditions in their own company. These teams clearly will enhance the quality of work, the quality of working relationships, and the productivity of the company.

I think there is broad support for that. The distinguished majority leader indicated that President Clinton in the State of the Union speech mentioned the importance of working together as a team and how that enhances the productivity and the competitiveness of American industry. We all know how important that is today.

The other side of the aisle suggests that the TEAM Act permits sham unions. That is not correct, Mr. President. The legislation does not permit sham unions in any way.

The question was raised, why do we need the legislation? I would suggest that one of the reasons we need the TEAM Act is that we need clarity regarding the barriers in Federal labor law regarding worker and management cooperation.

William Gould, who was appointed Chairman of the National Labor Relations Board in 1994 by President Clinton, made the following statement on employee involvement to a seminar at Indiana University School of Law on February 29, 1996. I want to state that Chairman Gould is opposed to the TEAM Act, but he did say that although he opposed it, he does feel that an amendment to section 8(a)(2) is necessary to promote employee involvement. He said:

> Nonetheless, as I wrote three years ago an agenda for reform, a revision of 8(a)(2) is desirable. The difficulties involved in determining what constitutes a labor organization under the act as written subjects employees and employers to unnecessary and wasteful litigation, and mandates lay people to employ counsel when they are only attempting to promote dialog and enhanced participation and cooperation.

Mr. President, I can think of no more effective statement than that of the Chairman of the National Labor Relations Board.

This is not a question of wanting to roll back 60 years of labor law; not at all. It is really designed to enhance labor law so that we can enter a new century and a new time in the strongest, most productive fashion. And it is only common sense, Mr. President, that would say employers and employees should be able to sit down at the table and reason together. This is not an effort to do away with unions. It is an effort to bring some clarity to section 8(a)(2), as was mentioned by Chairman Gould, so that there can be an understanding of what indeed constitutes, or does not constitute, a violation of Federal labor law.

I would just suggest, Mr. President, that workers know their jobs better than anyone else. They are the ones who are there day in and day out listening to customers, making a product, and delivering it to clients. Their contributions improve productivity, reduce environmental waste, increase quality, and perhaps most important raise job satisfaction. Participation means that there is a commitment then to the success of that company. Yet Federal labor laws have stood in the way of unleashing, I suggest because of this lack of charity, a vast reservoir of human capital in America's workplaces.

Yesterday there was I thought an exceptionally good exchange, and an elaboration of why the TEAM Act is important, between the Senator from Vermont [Mr. JEFFORDS] and the Senator from Missouri [Mr. ASHCROFT]. Just to quote from Mr. ASHCROFT briefly:

> More importantly than trying to strike a balance from Washington, DC, we should provide American workers with the ability to strike that balance for themselves.

Senator ASHCROFT went on to lay out examples of reasons why this would become very apparent. Senator JEFFORDS had said, ''Why in the world would unions oppose this?'' It really is not trying to undermine the unions as has been portrayed. He said, ''They are nervous because they have been going down, and they did not want to do anything that would in any way enhance the workers and management to get together to improve productivity. Is it being done out of fear that, indeed, the unions would no longer be able to control the agenda?''

I hope not, Mr. President, because that is not the intent of this legislation. I myself would like to provide an example to illustrate the obstacles to employee involvement.

A group of workers in a manufacturing plant want to discuss health and safety issues with their supervisor. The supervisor forms a safety committee with the foreman and three or four workers and the group meet once a week. The workers know that the floor is often slippery, and workers have fallen causing injuries and significant worker compensation costs for the company. The workers also note that most accidents happened on Mondays. So perhaps a brief safety reinforcement briefing at the start of the shift coming off the weekend would improve plant safety.

Acting on these employee suggestions the supervisor makes sure that mops are available to mop the floors and institutes a 5-minute safety meeting for workers each Monday morning. Sounds reasonable. I would think most of us would agree that these suggestions are reasonable ideas for workers to bring to their supervisor.

What is incredible is that this type of employee involvement is illegal under Federal labor law. The National Labor Relations Act actually prohibits nonunion employees and supervisors from meeting in committees to discuss workplace issues like health and safety.

I have never viewed the TEAM Act as a union-management issue. Instead, I think it is a quality of life issue for workers who do not want to just say, ''We are on the floor of our workplace and do what we are told to do and have no input into what we see may be something of real benefit in improving the quality of life there.''

In the example I just mentioned the workers are the ones who observed the wet floors. They are the ones who were there. They are the ones who are injured when they slip on the floors, and they are the ones who have suggestions for dealing with the problem. This, I think, is the quality of work life issue for workers, and not a labor-management issue.

And for firms, employee involvement is a necessary way to enhance the efficiency of the plant. That has been proven over and over again where, indeed, companies have had team relationships that have proved successful.

I think since the 1980's many American companies have tried to copy what companies were doing in Japan, because frequently there were employee-employer relationships that our Japanese competitors were using some years ago that were found to be successful.

We can even improve on what the Japanese have done. I would suggest, Mr. President, that employee involvement is a necessary way to enhance the efficiency of our workplaces. And more importantly, there are significant contributions that I believe workers can make with innovative and thoughtful ways of improving the workplace.

Unfortunately, the National Labor Relations Board has issued a series of decisions beginning in 1992 that interpreted Federal labor law to prohibit many forms of employee involvement. These decisions have created uncertainty as to what types of employee involvement programs are permissible, as Chairman Gould pointed out.

These decisions have cast doubt on all employee involvement in nonunion settings. In union settings it works all right. But in nonunion settings it has raised suspicion, doubt, fear, and an aggressiveness that I think has proven totally counterproductive on the part of the unions. I think we need a legislative solution to address the problem.

Mr. President, the TEAM Act removes the barriers in Federal labor law to employee involvement. It clarifies what that involvement can be. At the same time, the legislation maintains

protections to ensure that workers have the right to select union representation. The TEAM Act assures that employee involvement programs may not negotiate collective bargaining agreements or seek in any way to displace independent unions. And nothing in the TEAM Act permits employers to bypass an existing union if that is what the union and that is what the workers have chosen.

Finally, I point out that the Congress prohibited company unions in the National Labor Relations Act of 1935. They were prohibited then because firms were negotiating with company unions and refusing to recognize independent unions which the workers had selected. But the TEAM Act requires employers to recognize and negotiate with independent union representatives if that is what the workers have decided they want. It really is urging that workers become more involved. The workers are encouraged to participate and employers are encouraged to listen to their employees.

I suggest, Mr. President, that the TEAM Act is good for workers. It is good for firms. It is good for America. It is not attempting to roll back labor law. It is attempting to enhance it in ways that I think will be far more constructive and productive.

I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the Presidential years are referred to as the ''silly season'' and certainly this Presidential year is the silly season. The competition for the award for the most improvidently proposed bill is very keen in the Chamber, Mr. President, but surely the 4.3-cent gasoline tax decrease has got to take the cake for this year.

Mr. President, all this Congress we have heard about the balanced budget. I endorse the balanced budget. I am part of that bipartisan group of Senators that is trying to get a balanced budget passed. But now that we finally propose it, it is not being accepted by my friend, the majority leader.

On top of that, with budget deficits continuing, with no plan approved for the balanced budget, we now have a proposal to cut taxes. Surely, Mr. President, this has got to be in the category of bread and circuses of ancient Rome when proposals are put out not for the good of society but in order to please the voters.

Now, the American voters may not be very smart on some issues, but they are not stupid, and they know that this is not good policy. At a time when we are trying to cut all kinds of programs, all across the board, to come in and then cut taxes on gasoline is surely not good policy. Gasoline in the United States is somewhere between one-half and one-fourth as expensive as it is in Europe. In France, in Germany, in Italy, in those countries you pay three and four times as much for gasoline as you do in the United States. But if the gasoline goes up a very small amount in the United States, it is used as a trigger to try to cut those taxes.

Mr. President, let us look at the facts about gasoline.

If you look at gasoline in real prices, in inflation adjusted prices, this chart represents what gasoline prices have been since 1950 through 1996, and it shows that in real inflation adjusted prices, the price of gasoline is close to the lowest it has been since 1950—almost 50 years. Now, to be sure, there is a small blip of, what, 20 cents a gallon in some places. But in terms of the actual purchasing price that you have to pay for gasoline, it is almost a historic low.

The next question is: what is going to happen from here? Is this increase in gasoline prices permanent or is it likely to come down?

It is clear it is going to come down. When you look at crude oil prices—these first two blocks on this chart are actual prices from April and May—you will note that they have come down from over $25 a barrel already to about $21 a barrel. Those are actual prices that are coming down very fast.

These prices on this chart are futures prices, and futures prices, of course, are real prices. You can purchase the crude now for delivery in May or September or whatever these months are, so they are price reductions already realized. So we already have realized price reductions in the price of crude oil from over $25 a barrel to about $19 a barrel, or a decrease of $6 a barrel already realized in the price of crude oil.

Now, Mr. President, this rather busy chart shows the relationship between crude oil and gasoline prices. On the bottom, we have crude oil prices, which shows a slight up-tick in crude oil for the month of April, and it already shows that crude oil is going down. With respect to wholesale regular gasoline prices—these are in real prices—we see that went up for the month of April and has already begun to go down.

Wholesale California reformulated gasoline is already coming down rather precipitantly. California is the area of the country, of course, which has the greatest concern about this because you have the greatest runup in prices. But wholesale California reformulated gasoline prices are coming down very fast.

Retail gasoline prices in the United States and retail in California have leveled off. They are not yet reflecting these downturns in prices of crude oil, wholesale regular gasoline and wholesale reformulated gasoline in California. But these prices will begin—already in retail it has come down slightly in California and leveled off in the United States generally. However, as night follows the day, it is inevitable that these prices will come down and come down precipitantly because wholesale prices are coming down.

Mr. President, what caused the shortage and the runup? On this rather busy chart here, these hash lines show the historical range of gasoline stocks, and they go up and down every year because the summer driving season and the heating season call for greater or lesser supplies and usually the actual amount follows within those hash mark lines, and when that happens supply and demand are in balance.

When we go to January and the spring of 1996, our supply line drops well below the traditional levels. And why was that? Well, it was, first of all, because the winter was much colder than usual. Second, because many refineries across the country, particularly in California, were down. Third, because there was an anticipation that the embargo on Iraqi oil was to be lifted, and that was not lifted as expected, so the influx of Iraqi oil was not as we expected, plus driving was up as well as the fuel efficiency of cars was down. That caused our stocks to be down. However, this is already being corrected. As you can see, the stocks have begun to come up. This chart shows gasoline imports, and gasoline imports are up precipitously.

This is caused by two things. First of all, the market. When the price is high, then that extra refining capacity in Europe is used to export to the United States. Consequently, our imports are drastically up. With imports coming up, it is clear that this upswing in gasoline prices is soon to be over with. I mean it is not a problem to worry about in the first place, as I mentioned, because we are at almost historic lows in the price of gasoline—almost. We are up only slightly from historic lows for the last 50 years. But even that small upswing, about 20 cents a gallon, is soon to be over with because of these factors: Additional imported crude oil, the supply; imported gasoline; supply of crude oil coming up.

Finally, there is this vexing problem of why is it? I mean, are we being ripped off? Is there price gouging by the oil companies? Oil companies, I know, are those we love to hate. People think this market does not work. The fact of the matter is, it is a highly competitive market and it does work, as those imports of gasoline show. This is evidence that that market is working. As the price goes up, the imports of gasoline go up.

Let us deal with this question of profits. What this rather busy chart shows is the spread between gasoline prices and the price of crude oil, in this case west Texas intermediate, which is usually the marker for the price of crude oil. The gasoline is the New York harbor price of gasoline.

This shows the spread, starting in January 1989 through April 1996. You will notice that there are ups and downs every year. There is a higher spread starting in the spring and that always ameliorates every single year as you get further, as the summer driving season is over with. What this shows is that there is an increase in price level, an increase in the spread in

April 1996 compared to March 1996. However, if you go back to Aprils—go back to April 1995, the spread was even greater. The spread was less in April 1994, slightly less in April 1993, but in April 1992 it was more, and in April 1991 it was much more, in April 1990 it was much more, and in April 1989 it was much more.

What does this tell us? It tells us that, if you look at the last 7 years, the spread between the cost of crude oil and the price of gasoline is less now, on the average, than it has been in the past 7 years. It tells you that this is not an unusual spread compared to past years. It also tells us that April is one of the very highest months and that the spread comes down from April because of competitive pressures.

I mention this because many people think—there have been these charges without one shred of evidence, without a whisper of evidence to support them—that there is a conspiracy to make that price go up. But as you can well see, profit margins are less than the average they have been in the last 7 years, even though slightly more than they were in 1994, but less than they were in 1995.

Any legislation such as an amendment I have heard that would say, in effect, that it shall be unlawful for any person to fail to fully pass through a price reduction—it would be completely impossible, as you can see, to identify what the price reduction is, because every year there is wild fluctuation between the price of crude oil and the price of gasoline, the spread between those two prices. So if you say you have to pass through this price reduction—compared to what? What is your baseline? Is it the average of the last 7 years? Is it this month's price the day on which you price it? Suppose you had a big spread on the day on which this amendment passed; can you rely upon that? Could you up your prices at the pump on that particular day and thereby say, I am going to pass this on by giving you 4.3 cents less than the highest level we have charged in the last 7 years?

I think any such amendment would be impossible to draw, impossible to enforce, and a very improvident thing for this Congress to do.

It is always nice to be for a tax decrease. But at a time when we are trying to bring this deficit down, to decrease taxes, whether they be income taxes, whether they be taxes on beer or gasoline or anything else, I believe the American public has sense enough to be able to see through that kind of political pandering. That is all it is, to try to pander to the American public and give them a little bread and circuses.

I do not know what the polls show. I have heard that the polls show that people like tax decreases, not surprisingly. But I believe that any blip in polls caused by giving a small amount of decrease in price, even if it was passed on—and who can possibly say whether it is passed on or not? How can you identify a 4.3-cent decrease against the background noise of swings, which are annual swings in the price? You could not identify that.

So there is hardly anything that the driver in America can point to, to thank the Congress for reducing his price, because you are not going to be able to determine what that decrease is or, indeed, whether it is passed along at all. But whatever that recompense, whatever that thanks would be they would give would surely be short-lived because the American public would understand that the deficit, about which we have been preaching for 2 years solid, nonstop rhetoric about the deficit—they would understand that that deficit is only to be higher because we reduced taxes in an election year.

It is not a good thing to do. It is not good policy. Prices are lower than they have been at almost any time in the last 50 years in real terms in the United States. They are a third to a fourth what they are in Europe. They ought to be higher, from the standpoint of conservation. Whatever happened to conservation in this country? Don't we care about that anymore? Do we want to encourage gas guzzlers? Do we want to encourage bigger cars, more gas-guzzling cars? I guess so, because that is the direction in which this goes.

It is not good policy, Mr. President. I hope we will not do it. If it is done, it will not be with my vote.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, perhaps a brief review of what it is that we are debating on the floor of the U.S. Senate might be in order at this point for those who may be watching or listening. The bill before us is to provide a modest degree of relief, the reimbursement of attorney's fees and costs incurred by former employees of the White House Travel Office who were fired at the beginning of the Clinton administration and one of whom was unsuccessfully prosecuted. That bill has passed the House of Representatives.

If the Senate were permitted to pass it, it would go to the President and, I presume, be signed. It is not particularly controversial. But the majority leader of the Senate has been unable to get consent from the other side of the aisle simply to pass that bill and send it to the President without conditions being imposed upon that consent.

So now this modest House resolution has had included with it a reduction in the tax on motor vehicle fuel, the 4-plus-cents-a-gallon tax that was imposed in 1993.

At the time at which it was imposed, at the time at which that tax hike was passed, every Member on the Republican side of the aisle voted against it. In some measure, that vote was simply a statement that we did not feel that increased taxes was appropriate.

But there is another element in the opposition then and the desire to repeal it now, which is equally important. That element is the fact that for the first time in the history of the Congress and almost without precedent in any of the 50 States of the United States, a motor vehicle fuel tax was imposed to pay for various social and political programs entirely unrelated to transportation. I think it is appropriate to say that perhaps the least objectionable tax to most of the people of the United States is a gas tax, a motor vehicle fuel tax, when it is used to improve transportation, when it is used to maintain or to build roads and highways or, for that matter, to improve mass transit systems in our major metropolitan areas.

Lord knows that we have fallen far behind in that traffic infrastructure. This gas tax increase in 1993, however, was not for that purpose. That was not a part of the agenda at the beginning of the Clinton administration. It was simply for the wide range of other spending programs in which the then new President desired to ''invest,'' in his own words, to ''spend'' in ours. And so much of the impetus for this reduction comes from the fact that that was a terrible precedent to set.

The gasoline tax is not a general purpose tax, should never have been used that way in the first place and should not be used that way now and, therefore, ought to be repealed. If the President wishes to come to the Congress with a proposal that would build our infrastructure by the use of user fees, he would certainly get a more positive response than he does when it is simply to disappear into the mass of hundreds of other programs.

This view, that we ought to repeal this gas tax, is not partisan in nature. There are, I think, at least a few Republicans who feel it to be unwise. There are a significant number of Democrats who are quite ready to vote for it, and the President has at least indicated that he will sign and approve it. But, Mr. President, when the majority leader asked that we deal with the gas tax repeal alone, he was denied that right unless certain other unrelated demands on the part of the Democratic Party were met.

So we cannot provide the relief for people wrongly fired in the White House Travel Office; we cannot deal simply with a gas tax repeal which, whether wise or not, is something the American people understand and understand the debate about; no, we cannot do any of these things unless, Mr. President, paradoxically we agree that we will, in fact, have a vote on an increase in the minimum wage uncluttered by any irrelevancies.

So it is do as I say, not as I do. Those on the other side of the aisle demand the right for absolutely uncluttered votes on their agenda but deny that right to the majority party.

Personally, I think an increase in the minimum wage undesirable for the very people it is nominally designed to benefit. My inclination is to believe

that it will cost a significant number of jobs, both among those who lose their jobs, because their employers do not think that they really produce this larger hourly wage, but even more significant, among those who are attempting to work their way off welfare or are teenagers coming into the job market who will not get jobs in the first place because of a minimum wage that is too high.

It also seems to me that it is an extremely blunt instrument with which to increase the obviously too low income of those Americans who are the primary support for families and who are now on full-time employment at the minimum wage, something like 3 percent of those who are making the minimum wage at the present time.

But, I am perfectly willing to admit that there is an argument on the other side of that question. Most middle-of-the-road economists think that an increase in the minimum wage is neither a particularly good idea nor a particularly bad idea; that it will not have all of the harmful effects that some of its opponents state and clearly will not have the positive effects that its proponents assert.

As a consequence, I think as a part of an overall look at the economy of the country, it is perfectly appropriate that we vote on increasing the minimum wage. But, Mr. President, I think it is perfectly appropriate and far more logical that we vote on it at the same time that we vote on something else which really will help the economy of the United States, which will improve labor-management relations, which will increase productivity and which will increase the number of jobs that we have for people who are coming into the job market or seeking to improve the position that they hold in it. But we are told that the TEAM Act, which has actually been the subject of hearings in the Labor Committee and approved by the Labor Committee, unlike a minimum wage increase, is such a hard prospect that we will not be allowed to vote on it by a minority that demands the right to vote clean on a minimum wage increase.

Mr. President, that is simply an unsupportable position. If we are to do something that clearly makes it more difficult for people who provide jobs to provide them for those who are coming into the market, we certainly at the same time are overwhelmingly justified in saying that a practice that is now in place in some 30,000 places of employment in the United States, the setting up of informal teams to deal with questions of productivity and vacations and the incidental frustrations that are a part of everyday life, should be validated as against a decision of the courts not wanting that which says, ''No. You can't do any of these things unless you have a union and engage in them through collective bargaining.''

That is great for the people who lead labor unions. And there may even have been the remotest justification for it in the 1930's. But in the 1990's, and a more prosperous time, in a more competitive time, the time at which the United States is very much in competition with the rest of the world, and a time in which the ancient total antagonism between management and labor is being increasingly succeeded by cooperation, a system, a proposal which encourages that cooperation is not only a good idea, it is a necessity.

So what we have before us right now is a refusal by filibuster, however politely described, to allow a vote, to allow a majority to determine whether or not we should have the passage of the TEAM Act, very much needed in a growing economy, together with an increase in the minimum wage, together with a reduction in the gas tax, and tend to this horrid precedent that we use it for other than transportation purposes, together with the relief of the victims of the White House Travel Office.

Mr. President, that seems to me to be highly reasonable. If a majority of the Members of the U.S. Senate do not like it, they can certainly vote against it. Personally I think it is quite clear that a majority of the Members of the Senate would vote for it. But the demand that we can only deal with a minimum wage and that the minimum wage is the only proposal to which this rule applies, without attaching anything else to it, that it is so important, so pristine, that it must go through without amendment, while everything else can be filibustered, that is a demand that is as unreasonable as it is unlikely to succeed.

So, Mr. President, my suggestion is that we go forward, we have a debate on the merits, the shortcomings, of the TEAM Act, on the merits and the shortcomings of a minimum wage increase, on the merits and shortcomings of the gas tax increase, being the three elements in this amendment, and then vote on the amendment and determine whether or not we are for it, or alternatively, as the majority leader has suggested, without acceptance, that we vote separately on those first two. And if both are passed, they go out of this body together to the House of Representatives. If one is passed, and one is defeated, the survivor goes out as it is.

All kinds of alternatives have been offered to the minority party. But it will accept only its own proposition for the way in which the business of the Senate will be conducted. That is neither in the interest of the Senate, Mr. President, or of the people of the United States. Let us go forward and by the end of the afternoon vote on the amendment that the majority leader has proposed for us, and get on to other business.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I fail to be persuaded by the argument of my good friend from the State of Washington. I think that the point was made very, very well by our leader that there were going to be some amendments that would be offered to the gas tax. It would be directly related to that issue to try and make sure that if there was going to be a repeal, that actually it would go down to benefit the families that would be going to the gas pumps. And that has effectively been denied.

I know the majority leader said, ''Well, if there's an amendment that makes some sense, we'll be glad to consider it.'' But this body is not a traffic cop for just the majority leader or the minority leader or any particular Member to say what a Senator can offer, outside of the issues of cloture, to a particular measure. That is a rule of the Senate. It might not be acceptable to some other Members, but that has been the rule here for 200 years.

Effectively you are closing out the Senator from North Dakota, you are closing out the Senator from Massachusetts, other members of the Human Resources Committee, who offered other amendments to the TEAM Act during the committee's consideration of the bill. All one has to do is look over the debate that took place in the House of Representatives, for example, and review that debate, and see that Congressman SAWYER, for example, offered a substitute to try to address the kind of questions about the particular language that some had raised to provide some additional clarity about the effect of 8(a)(2). And that was very thoughtfully debated over there.

I think the Sawyer amendment included a number of different measures that I think the Senate would be interested in. It may very well help work out a point of accommodation so that that legislation would pass unanimously. But we are denied any opportunity to consider any such possibility either today or tomorrow or after the period of cloture.

So with all respect, the right of Senators to offer amendments is being cut off—and there might have even been Members who wanted to go back to the original proposal on the minimum wage. That was 50 cents—50 cents—50 cents over a period of 3 years, and also had an increase in the cost of living, so that we would not have the situation where workers would fall continuously behind. That is a directly related kind of subject matter, probably worthy of debate, in trying to deal with the fact that this program of the increase in the minimum wage it is exceedingly modest. People are denied that opportunity as well and are just foreclosed any opportunity to do anything other than speak. There was not a desire to prolong the debate and discussion on any of these measures, but we are denied the opportunity even to offer them.

So we will have a chance to vote whether the Senate is going to be willing to be gagged or not gagged on the proposal that is now before the Senate.

And all we have to do is look at the floor of the U.S. Senate right now.

We invite all Americans to take a good look at the floor of the U.S. Senate. There are three Members here. We are effectively being denied the opportunity to address these issues that are going to affect working conditions for workers, not only those that affect the 14.5 million that are part of a trade union, but the 110 million Americans who are not union members, their interests, their wages, their hours, their working conditions.

It just seems to me at a time when about 65 or 70 percent of the American workers are falling further and further behind, it is unfortunate that our Republican friends have made a pretty wholesale assault on those conditions for workers by trying to fight the increase in the minimum wage, fight the earned income tax credit, fight against Davis-Bacon that provides an average of $27,000 for a construction worker in this country, and other matters which we debated at other times.

We are foreclosed from making any changes. They said you either have to take it or leave it. I find it quite amusing to hear the leader talk about, ''Well, we will have to go along with what the majority wants.'' The majority have indicated they favor the increase in the minimum wage. He has the facts wrong. The majority of the Senators favor the increase. When he says, ''Well, the majority is going to insist you either take it our way or not,'' I do not think is a fair representation of what the fact situation is. We are where we are, and we will have to do the best we can. We will do so.

I want to take just a few moments to correct the record on representations that were made in the last day or so and then speak briefly with regard to the TEAM Act and respond to some of the points that have been raised here. Then I will yield to others who want to address the Senate. I see my friend and colleague and a member of our Human Resource Committee, the Senator from Illinois, Senator SIMON, on the floor at this time. I was wondering if we might ask him—I know he has been very involved and interested during the course of our hearings on the TEAM Act, and also during the markup. I will ask him maybe a few questions, if that is all right.

Mr. President, the Republicans say that an employer cannot talk to his employees in a nonunion shop about things like smoking policies or flextime schedules where employees work a 4-day week or whether to have a pension plan or how to do the work safely; is that true?

Mr. SIMON. Absolutely not, I say to my colleague from Massachusetts. That is hogwash. In a nonunion shop, the employer can talk to his employees about anything. He can call them together as a group or talk to them individually. Nothing in the law prevents a nonunion employer from talking to his employees. In fact, section 8(c) of the National Labor Relations Act specifically protects his right.

Mr. KENNEDY. I thank the Senator.

As you know, this point was made yesterday about no smoking. There were a whole series of issues that were brought out in one of the court opinions, of which one was no smoking. But the rest of it dealt with a variety of different workplace issues.

It is being used selectively in distorting and misrepresenting a legal holding to suggest that this kind of communication is not permitted at the present time. That is a gross distortion and a gross misrepresentation.

It is interesting, our Republican friends must all be reading from the same briefing sheet, because if you read through the debate in the House of Representatives, you find exactly the same quotation. I would have thought that perhaps Members of the Senate might have changed at least a few words about it. I am glad to get the response of the Senator.

Second, I mention that yesterday one of our colleagues said that the law prohibits an employee from going to the employer to ask for a day off to attend a child's award ceremony at school; is that true?

Mr. SIMON. Senator KENNEDY, that is absolutely not true. When you talk about distortions, you are absolutely correct. This thing has been so distorted.

If this bill passes, we will have a huge imbalance. In a union shop, the employees bargain with the employer to have personal leave days. In a nonunion shop, under current law, any employee can bargain individually or ask the employer as an individual for time off.

Mr. KENNEDY. Further, there were some suggestions yesterday that the whole future of labor-management cooperation is threatened if what they call the TEAM Act—I call it the antiworkplace democracy act myself—but they say the whole future of labor-management cooperation is threatened if this bill does not pass.

Now, does the Senator remember the testimony that we have had in probably the last Congress by the head of OSHA, Mr. Dear, about actions taken, for example, in the State of Washington, where employers and employees worked effectively together to reduce hazards in the workplace? As a direct result of that cooperation, we saw a 38-percent reduction in workmen's compensation costs, and we see corresponding increases in wages for workers. The associated industries from that State praised that cooperation, which is already taking place, can take place today without this legislation, that saved industry approximately $1 billion over the period of the last 5 years.

Is the Senator aware of what is included in Senator KASSEBAUM's findings, that we already have a multitude of these working partnerships and relationships? Even in the Republican report that is on everyone's desk here they acknowledge that they are taking place in 96 percent of the major corporations and over 75 percent of medium and small companies. That seems to be working.

Mr. SIMON. Absolutely. This is taking place in thousands and thousands of plants in your State, in my State, in every State here. The law has permitted explosive growth in cooperative programs and employee involvement plans.

The committee report claims that 75 percent, as you pointed out, of all employers use employee involvement; 96 percent of large employers do so. That has occurred without this so-called TEAM Act. I agree, it is misnamed. The law has not changed one iota with respect to company unions in 61 years. The TEAM Act is completely unnecessary.

Mr. KENNEDY. The reference was made yesterday by the majority leader that this was necessary because of the NLRB holding in 1992, the Electromation case in 1992, which allegedly changed the law and allegedly prohibits teams and committees and quality circles. I know the Senator is familiar with that case because it was a subject of a good deal of discussion in our committee hearing.

It is always interesting that even after this case, as the Senator knows, we had testimony before the Dunlop Commission by the various groups that are pounding on the door. It is so interesting to listen to those who are complaining about those who present workers' rights and who complain about the money that is being spent presenting workers' rights.

Maybe we should talk about the various companies and corporations that are supporting this legislation and what they have contributed to various candidates. Evidently that is the way you have to get along in these times to try to impugn those who might have some benefit in here. I guess that is what we are sinking to. We have not done that. I would just as soon avoid it. But it is worth noting that many of those who are going to benefit from this bill are companies and corporations that have made sizable contributions, I daresay, not to Democrats but to Republicans.

Let me ask the Senator, is the Senator not interested that this legislation that purportedly is going to protect workers is being driven not by workers themselves that want that protection, but by the companies that are going to establish these company-owned, effectively company-run unions.

Mr. SIMON. The Senator is absolutely correct. One of the things that is wrong in our society today and wrong in this body is those who are heavy contributors have an inordinate access and inordinate power. We have to struggle to get millions of people who are getting the minimum wage—they are not big contributors; 41 million Americans do not have health care, and

they are not big contributors. But a few, a very few employers would be affected here; they are contributing.

It is interesting, you mention the Electromation case. A unanimous Labor Relation Board made up of Republican appointees held that the Electromation case was a typical garden variety case of a company union. It held that no new principles were involved in finding the company union unlawful. The court of appeals again unanimously found that the case had nothing to do with quality circles or productivity teams. The case was about an employer who was trying to control disgruntled employees by imposing on them a representative that they did not ask for or choose.

I would add, when you mentioned the Dunlop Commission headed by former Secretary of Labor John Dunlop, he was the Secretary of Labor under a Republican administration. He says this kind of thing does not make any sense.

Mr. KENNEDY. I think you noted that all of the members of the National Labor Relations Board that made that unanimous judgment in the Electromation case had all been appointed by Republican Presidents.

Mr. SIMON. That is correct.

Mr. KENNEDY. I suppose that the reason for that is the one that is outlined in our own report. It says, on page 27 at the top:

> No good purpose is served by allowing the employer to choose and dominate the employees' representative. Cooperation is not truly furthered because the employer is not really dealing with the employees if he is dealing with his own hand-picked representative. An employer does not need the pretense of a team or committee if he only wants to cooperate with himself.

Does the Senator think that sort of captures exactly what this piece of legislation is about?

Mr. SIMON. I think that is well stated. It is a good summary of what this is all about.

Mr. KENNEDY. Now, some claim that under the NLRB rule, management may not include nonmanagement employees in the decisionmaking process, is that true?

Mr. SIMON. That is not the case. Ever since the General Foods case in 1977, it has been clear that employees can be given decisionmaking authority without violating section 8(a)(2). If management wants to set up work teams and allow them to schedule their own hours, investigate plant safety, or redesign job procedures, the law permits it.

Mr. KENNEDY. Now——

Mr. MCCAIN. Mr. President, is parliamentary procedure being observed here?

Mr. KENNEDY. The regular order is that the Senator from Massachusetts has the floor and is recognized. That is the regular order.

The PRESIDING OFFICER. That is correct. And the Senator is so advised that he may yield for a question.

Mr. KENNEDY. I would be glad to yield——

Mr. MCCAIN. You would think that after some years the Senator from Massachusetts would observe the regular procedure on the floor of the Senate.

Mr. KENNEDY. Well, the Senator is doing that. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. It might not be pleasing to the Senator from Arizona, but that is the rule and that is the regular order.

Mr. SIMON. Mr. President, if I may ask the Senator from Massachusetts a question. We talked about the fact that quality teams are legal, as long as they do not strain the questions concerning wages, hours, terms and conditions of employment. But what if they do, or what if an employer wants to appoint a safety team to figure out why so many employees had back injuries, for example? Can the employer do that?

Mr. KENNEDY. Very definitely. As the Senator knows, management has the right to direct employees to do the job it wants done, whether the job is driving a truck or figuring out the best pension plan. Management can direct employees working as a team to solve safety problems or production problems. What it cannot do is to appoint employees to a safety committee that is supposed to represent the views of other employees—other employees—about what pension benefits they want, or what safety issues concern them. Management can find out what the employees think by asking them, but it cannot establish an employee organization, choose its membership and deal with the organization as if it were the representative of the employees.

I think the Senator would understand the logic of that position and the reason for it.

Mr. SIMON. Finally, the Republicans have said in their official position that it is illegal for an employer to provide paper and pencils or a place to meet for a team or a committee; is that true?

Mr. KENNEDY. No. That is completely untrue. I just ask those that are coming up with those speeches to read the debate over in the House of Representatives, where the same examples are being used. These are pat and standard, evidently, speeches being handed out and used by our colleagues here, because the same language is included in the House debate. I do not know whether it would be worthwhile to include the debate that took place over in the House. But I urge my colleagues to read it because I think it is incisive as to what this whole issue is really about.

I thank the Senator very much for those interrogatories. I will just speak briefly about this legislation that is before us.

As I mentioned earlier, my good friend and highly regarded chairperson of our committee, Senator KASSEBAUM, indicated that the principal reason for this legislation was some ambiguity in terms of the language of certain holdings. I find myself at odds with that understanding and, if that is the difficulty, it is certainly not reflected in the number of cases that are being brought to the NLRB. If you look at the period of last year, and the year before, you are talking about a handful of cases. It is not of such an urgency because even if there is a finding that there is some misunderstanding about what a company can or cannot do, there are no penalties. There are problems out there in terms of protecting workers and workers' rights. But, quite frankly, this does not appear to be one of them.

As I mentioned earlier, it is interesting to me that those who are pushing this particular proposal—you can go back and examine the testimony before the Dunlop Commission, in 1993, made up of a bipartisan group of labor relation experts in business and academia. They conducted an intensive study of labor-management cooperation and employee participation. And the committee held 21 public hearings, and had testimony from 411 witnesses, and received and reviewed numerous reports and studies. The commission made one recommendation that is of particular relevance. This is the recommendation: ''The law should continue to make it illegal to set up or operate company-dominated forms of employee representation.''

That is one of the strong recommendations, and that runs completely contrary to the antiworkplace democracy act.

It is for very sound reasons, Mr. President. It makes no sense for a company and a CEO to pretend to represent workers when that individual has bought that representation lock, stock, and barrel, with the paycheck. It is a disservice to those employees to appoint a worker and to say, ''Well, that worker is going to represent all of you in the workplace, and I am paying him. I have the ability to dismiss him, and I have the ability to fire him tomorrow. I have the ability to tell him when they are going to have a meeting and what the agenda is going to be.''

That is what this legislation effectively does. It says that an employer can name anyone they want to be the representative of workers, and that individual is going to be paid by the employer, who can fire them the moment that person makes a recommendation or a suggestion that is at odds with the employer or the CEO, and they will set the agenda for that worker and tell them what the nature of the debate is going to be, and tell them who that worker will recognize in any debate, and effectively control that person.

Now, if you call that representing employees, Mr. President, I do not. That does not represent the employees. That is what this legislation is about. It is not about just issues of cooperation.

As I mentioned just yesterday, in the legislation, S. 295, the bill introduced

by Senator KASSEBAUM, on page 2, it says:

Employee involvement structures, which operate successfully in both unionized and non-unionized settings, have been established by over 80 percent of the largest employers of the United States and exist in an estimated 30,000 workplaces.

That is good. It is happening. That is taking place today. The report itself recognizes it.

On page 99, the report talks about the commission on the future of worker-management relations. The survey found that 75 percent of responding employers, large and small, incorporate some means of employee involvement in their operation, meaning that larger employers, those with 5,000 or more employees, the percentage was even higher—96 percent. It is estimated that as many as 30,000 employers currently employ some form of employee involvement or participation. Amen. That is the way to go. We urge that. It is taking place.

We looked at the provisions. If there is some question about that, we looked at the various provisions to understand what is included and permitted and what would be prohibited. Basically, we are talking about encouraging people and company employee teams to work on everything other than the wages and the hours and the exact working conditions. There has been a point in talking about, Well, what about certain types of working conditions? I had hoped at least to be able to address that issue and work with our Republican colleagues to clarify that. I think those measures have been clarified in the proposal that was advanced in the House of Representatives when it talked about three different committees that would be set up and how they would be set up to address any possible question about what is permitted and what is not permitted. But that was summarily dismissed in the House of Representatives, which gives you a pretty good idea about what is underlying this bill.

As a matter of fact, in the House of Representatives, they even excluded these kinds of activities in the House version—excluded the companies' employees who already had voted for representation. That was the Petri amendment to H.R. 743. We have not done so in this legislation.

Mr. President, I want to just take a few moments to talk about why this concept is, I think, a dangerous one for working families, those families that are represented by the 120 million Americans who are in the workplace virtually every single day, not just the 13.5 million who are members of the trade union movement, but all working Americans. We know—and we have examined here on the floor very considerably—what has happened to the American work force from 1947 to 1970. All Americans had moved up with the expansion of the economy. All had moved up.

What we have seen since 1972 to 1992 is that more than 60 percent of Americans have actually fallen further and further behind. It is close to about 75 percent. Many of us believe that is a major issue and challenge for us as a society.

It boils down to one basic question. Are we going to have an economy in the United States of America that is only going to benefit the richest and the most powerful individuals in our country and society, or are we going to have an economy in which all Americans participate in a growing economy?

I believe that was really the concept that was supported by Republicans and Democrats for years, and years, and years. It is now being undermined by these assaults on working families. We saw it in the early part of this Congress when one of the first actions of our Republican friends was to try to eliminate the Davis-Bacon Act. The Davis-Bacon Act provides a prevailing wage for workers who work in a particular geographical area. It works out effectively to about $27,000 a year for working families that work in construction.

I do not know what it is about our Republican friends that they feel that one of the major problems in this country is to try to undermine workers that are working for $27,000 a year. There are a lot of problems that we have in our society, but that does not seem to me to be uppermost, and it should be uppermost in the minds of the Members of the Senate. But that was there.

Then, second, we have gone along a few weeks. We saw the assault on the earned-income tax credit. That is important as we are talking about the increase in the minimum wage because the earned-income tax credit helps those workers that are on the bottom rung of the economic ladder and who have children, and it goes on up to $25,000, $26,000, and $27,000. Sure enough. We saw that the one part of the Republic budget that was before the Senate was not only to provide $270 billion in tax cuts for the wealthy individuals but to cut back on that help and support for working families that have children. It was about the same time that Republican opposition came about in terms of opposition to the increase in the minimum wage; about the same time.

What is it about—$27,000 for construction workers and $23,000 for working families with children—the opposition to the increase in the minimum wage that helps working families if they are by themselves, or just a couple? Families are aided more by the earned-income tax credit if they have several members in their families and working in that particular area. But we have the cutbacks in the earned-income tax credit and the opposition in terms of the increase in the minimum wage.

Then we came out on the floor of the U.S. Senate on that budget which provided corporate raiders the opportunity to invade pension funds. We had a vote here of 94 to 5 to close that out. That went over to conference with the House of Representatives, and the doors had not even closed, and the action that was taken overwhelmingly by the Senate was effectively eliminated.

We should not have been so surprised at that because when we tried to close the billionaires' tax cut that provides billions and billions of dollars to a handful of Americans who make it in the United States and then renounce their citizenship—the Benedict Arnold provisions—and take up citizenship overseas to escape paying their taxes here, we repealed that two different times, and we could not kill it. We went over in the conference, and it kept coming back. There just was not a tax break out there for powerful interests that the majority was not prepared to support.

Here they go again looking after the company heads, those heads of companies that want to set up phony unions and exploit the workers. That is what this is all about. It was virtually unanimously rejected by the Dunlop Commission, a Republican, former distinguished Secretary of Labor, a balanced commission of Republicans and Democrats, representatives of employees and employers. They rejected that concept of going in this nefarious direction. We have got it back now.

I talked earlier today about how Republicans cheered with the emergence of solidarity in Poland in opposition to effectively have company-run unions and company-structured benefits and wages in all workplaces in Poland and, for that matter, for all of Eastern Europe. The reason Republicans—President Bush, Republicans all over—hailed Lech Walesa and those brave shipyard workers—many of us have had a chance to visit that shipyard, and we have seen the memorial outside where those shipyard workers had faced down the military that shot many of them in cold blood as they were demonstrating for their own economic rights. We cheered them on and we supported them. Why? Not because they had a government-run union or controlled company union, but because power was going to the people and they were representing themselves and working for democracy and fighting tyranny.

Now we are going just in the opposite direction here. We are falling over ourselves with time limits and no effective debate on this issue, which I call the antiworkplace democracy act.

Mr. President, it will undermine that kind of effective empowerment which permits workers to be able to sit across the table and to be able to represent their own interests and to be able to try to work out a process by which their sweat and their work will be respected instead of being dictated to as was the case before the National Labor Relations Act.

So, Mr. President, this issue that is before us today is basically about workplace democracy. It is about whether workers should have the right to choose their own representatives

and not have them dictated by the company, or the Government. This is not a new issue for our country or the world. This very issue was fought out in Eastern Europe and the Soviet Union over many years. When the Communist Party controlled the governments in those countries, they established sham unions which were completely dominated by the government instead of being freely elected by the workers. In effect, these sham unions were the means by which the Communist Party subjugated workers throughout these countries, suppressing their wages and living conditions.

The effect of the company-run unions is to suppress the wages and working conditions and living standards. As we know, Lech Walesa finally stood up and challenged the antidemocratic system when he jumped over the wall at the shipyard in Gdansk and led workers out on strike. The central issue was workplace democracy.

This legislation, this antidemocracy piece of legislation, is not about empowering workers and workers' rights; it is about empowering companies and management rights. That is what it is about. That is what we are basically talking about. It is not just a little bill to talk about cooperation. We have already addressed that issue. We have cooperation. It is important. We support it. That is not what this is about. That is not what this bill is about.

Now, thanks to the courageous actions of Lech Walesa and thousands of Polish workers, they finally prevailed in their struggle for workplace democracy, and the strike at Gdansk not only led to solidarity of the free and independent Polish trade union but also led ultimately to the collapse of communism.

When Lech Walesa visited the United States, he was widely honored and acclaimed by Republicans and Democrats for his courageous struggle on behalf of workers' rights and democracy.

Mr. President, I submit that American workers are entitled to the same fundamental rights as the Polish workers and workers throughout Eastern Europe and the Soviet Union. If we believe that workers should have the right to choose their own representatives in these countries, then we should also be committed to the principle that American workers should also be guaranteed this same right. If it is wrong for the government-run companies in Poland and other Communist countries to dictate who would serve as the representatives of their workers, then surely it is wrong for companies in this country to dictate who will serve as representatives of American workers.

I do not understand why that concept should be so difficult to understand. We cannot shower Lech Walesa with praise and honors for his leadership in the fight for workplace democracy and then try to deny democratic rights to American workers. That is what the fight over S. 295 is all about. That is why this bill should be known as the antiworkplace democracy act, because that is what it is designed to do. It is designed to undermine the rights of workers to democratically elect their own representatives who can sit down as equals with the employer to discuss wages, hours and other terms and conditions of employment. It is designed to allow employers to establish sham, company-dominated committees which can be controlled and manipulated by management as a means of suppressing legitimate worker aspirations. And it is no secret why big business is pushing the antiworkplace democracy act.

Just as the Communist-dominated unions in Poland and the Soviet Union were an instrument for suppressing workers' wages and benefits, the sham company-dominated unions which would be legalized under S. 295 would be used as a mechanism for holding down wages and benefits of American workers, just at a time when I thought we were beginning to understand the importance of addressing this fundamental development in our economy that working families are being left further behind in the last 10 to 12 years, and we ought to be trying to find ways of working together to try and see that they are going to participate in the economic growth and expansion of our society rather than freeze them out.

If workers are denied the right to have their own independent representatives, clearly it becomes much easier for the employers to say no to their demands for better wages, better health care, better pensions, and better and safer work conditions. For as long as employees are precluded from having their own independent, democratically elected representatives, then it becomes very difficult for workers to improve their standard of living and conditions of work. Thus, the current effort by our Republican friends to pass S. 295 is simply another example of GOP attacks on workers' rights and the standard of living of working men and women.

The Republican leader continues to block the efforts to pass a modest increase in the minimum wage which would help provide a living wage to millions of low-income working families at the same time their leaders are pushing S. 295 in an effort to give big business another weapon for suppressing the wages of millions of workers throughout this country. It is time to call a halt to these attacks on American workers. It is time to stand up for democracy in the workplace and the right of workers to choose their own representatives, not have them be dictated by the company or the Government. It is time to stand up for the rights of workers for better wages, better benefits, and better conditions of employment—in short, the right of workers to freely and democratically improve their standard of living.

Mr. President, we will have an opportunity, I imagine, to address the Senate further on this issue. I see others of my colleagues wish to address the Senate, and I will return to this subject at the appropriate time.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I have listened intently to the impassioned pleas of my good friend from Massachusetts, with whom I have served either across the bodies here in the House and Senate or across the aisle in the Senate for 22 years now. He is articulate. He believes strongly in his issues.

I would like to, however, try to get us back to the issues as I see them and as I believe they are before us in this body. Few of my colleagues in the Senate support all three of the measures that are before us today. I am one of those. I support repeal of the gas tax because it does not go where it ought to go—into infrastructure repairs which would benefit the users. I support increasing the minimum wage because I believe it is due time that it be increased to reflect the reality of the wages and cost of living in our country. And I am an original cosponsor and a strong supporter of the TEAM Act because I believe we are here talking about not the issues which have been raised by my good friend from Massachusetts but, rather, about improving productivity and working together to straighten out some provisions of the law which have created havoc with respect to businesses working in a friendly relationship with employees in order to improve productivity.

That is the issue which we have before us. It is a volatile issue because the unions sense that this will somehow inhibit them from being able to organize and represent workers. However, they are wrong. The bill does not apply if there is a union present.

We have also in the act before us, S. 295, specifically stated that it will not interfere with union operations or interfere with the desires of a union.

Let me just read those words, and then I will be happy to yield to the Senator from Arizona.

What we do is we modify the provision of the law which does define these matters, and we add these words. First of all, we do not change in any way section 8(a)(5), which defines the employer obligation to bargain collectively with the union that is the certified representative of the employees. We do change section 8(a)(2) because of the ambiguities inherent in the act. There are some 70 cases now which have tried to define the line as to whether or not discussions by employer-employee work teams or other cooperative groups are infringing upon workers' rights to only be represented by a union. But there is no clarity on this issue.

We add these words. They can discuss matters of mutual interest, including issues of quality, productivity and efficiency, and then it adds:

And which does not have, claim or seek authority to negotiate or enter into collective

bargaining agreements under this act with the employer or to amend existing collective bargaining agreements between the employer and any labor organization.

That just clarifies it. What you have now is they say, well, why bother, because you have thousands and thousands of these teams out there, but every one of them, if you take a look at those 70 cases which cut one way or another, what you have is 70 areas of confusion, leaving employers in a position to have an action brought before the National Labor Relations Board where they can get a cease-and-desist order and demolish the team, they can be fined. So this is just an attempt to make sure that what ought to be done can be done and there should be no disagreement about it.

I would be happy to yield to the Senator from Arizona.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. JEFFORDS. For a question.

Mr. MCCAIN. I wish to ask a question of Senator JEFFORDS.

I ask my colleague and the Chair if I was appropriate in demanding regular order as an aggrieved Senator when the Senator from Massachusetts and the Senator from Illinois were in a colloquy which was not within the rights of the Senate. I would ask the Chair if I was within my rights in calling for regular order at that time.

The PRESIDING OFFICER. The Senator may call for the regular order.

Mr. MCCAIN. At any time, whether I happen to have the floor or not? If I saw a violation of the rules of the Senate, I was within my rights as a Senator to call for regular order; is that correct?

The PRESIDING OFFICER. By the rules of the Senate, you are correct.

Mr. MCCAIN. It is very unfortunate, I say to my friend from Vermont, the Senator from Massachusetts continues to violate the rules of the Senate and then—he has been here for more than a few years—and then rides roughshod over a legitimate objection made by a colleague. You know, it has characterized, I am sorry to say, my exchanges with the Senator from Massachusetts. I want to let it be on the Record that when I see the Senator from Massachusetts violating the rules of the Senate, I will act within my rights, and I hope the Chair, rather than what happened, his yelling for regular order, that the Chair will intervene, because I was fully within my rights as a Senator to intervene when the rules of the Senate were being violated.

It is very unfortunate, and it does not help the comity around here, when the Senator from Massachusetts deliberately violates the rules of the Senate and then, when called that those rules are being violated, continues to just act in a bellicose fashion.

I think he owes the Senate and me an apology.

Mr. President, very briefly, the Democratic leader came to the floor of the Senate and, in response to a request for a unanimous consent—a request by the majority leader—he then asked that campaign finance reform be added. When the majority leader refused, the Democratic leader, Senator DASCHLE, then objected to the proposed unanimous-consent agreement.

I know it is getting very politicized around here. I know things are getting rather tense. I understand the tactics that are being employed by the minority. I understand them, and I do not disrespect those tactics.

But when the Senator from South Dakota, the Democratic leader, comes to this floor and talks about campaign finance reform and politicizes that issue, when I have been working with the Senator from Wisconsin and others on a bipartisan basis, and attempts to use it for political gain, then I have to come to this floor and take strong exception to this crass politicization of this issue which for 10 years was blocked, was blocked because it was politicized.

The Senator from South Dakota is not a cosponsor of the bill. He has announced that he is opposed to certain portions of the bill. Yet, he has the chutzpah to come to the floor of the Senate and call for the inclusion of campaign finance reform being included in a unanimous-consent agreement.

I have been working with the majority leader and I have been working with my friends on the other side of the aisle, trying to work out an agreement where we can bring this issue up, where we can debate it and dispose of it one way or another. If the Senator from South Dakota wants to politicize this issue, then that is fine. But what he will do is politicize this issue, and then we will make no progress.

I remind my colleagues, for the first time in 10 years we have a bipartisan bill, and we have to move forward in a bipartisan fashion. The distinguished majority leader has expressed his willingness to try to work out some kind of accommodation. But if the Democratic leader comes to this floor and politicizes this issue, then we will make no progress. Again, the American people will be deeply disappointed. I hope—I hope—the Senator from South Dakota will let us work through this, bring it up this month and have this issue disposed of one way or another.

Again, I express my deep disappointment that the Senator from South Dakota should stoop to politicizing this issue in that fashion.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Vermont has the floor.

Mr. WELLSTONE. Could I ask my colleague, and this is asking for a courtesy, that I might have a moment? It will not be acrimonious at all.

Mr. JEFFORDS. I yield for a question only. I am trying to get back on the discussion.

Mr. WELLSTONE. Just in the form of a question, I guess. The Senator yielded for a question from the Senator from Arizona; is that correct? It sounded like——

Mr. JEFFORDS. If you have a question for me, I will be happy to yield to you for the question.

Mr. WELLSTONE. I do. I will be brief. I am sorry to put it this way but it is a question, in the form of a question, but it is a point. In the spirit of honesty, I just wonder whether the Senator from Vermont knows—whether or not the Senator from Vermont knows that, as much respect as I have for the Senator from Arizona, and I love working with him on issues, that I believe that this morning—I could be wrong, we can look at the record, but I was here out on the floor—I wonder whether the Senator from Vermont knows that when the minority leader came out, he was just simply saying that, if we keep putting together all these different kinds of pieces of legislation, what will be the final combination? He then went on to say, we could have campaign finance reform, we could have foreign policy, we could have something dealing with arms agreements.

I do not think it was an announcement that in fact the minority leader intended to put the campaign finance reform bill, the bill so many of us have worked on, as an amendment on this.

I wonder whether the Senator understands that? That is a clarification.

Mr. JEFFORDS. I am not clear as to what all the discussion was on the floor at that time, so I will have to let the record speak for itself in that regard.

Mr. WELLSTONE. I thank the Senator for yielding to me.

Mr. JEFFORDS. Mr. President, I think we ought to get back to the extremely important issue which is before us today, and that is the TEAM Act.

I am a cosponsor of the TEAM Act because I believe that cooperation between employers and employees is the wave of the future, and it should have been the wave of the past.

We went into it at length yesterday, in discussing what happened some 40 years ago when the issues were how management and labor can get together and go into the future in order to work hand in hand to improve productivity. The problem was we did not change the then so-called Taylor policy of real confrontation and arm's-length negotiations between the workers and management.

Our competitors—and this is the issue of the day—on the other hand, in Europe and in Asia, said, ''Great idea over in America. You have a great idea.'' Briefly, I would say, there was a U.S. company that did the same thing, the Donnelly Corp. If you want to read a record of the difficulties they have had over the years, trying to defend what is entirely within the TEAM Act's perspective and would be allowable matters for them to get together

and improve productivity, you will understand why we are here today—to get rid of the ambiguities, to make it crisp and clear that, if a company works with employees on productivity, as long as they do not get into matters of collective bargaining, et cetera, it is perfectly allowable. But right now there are thousands of teams that are out there that are in jeopardy of being brought to the NLRB and then being given an order to get rid of the team they are working with, and they could be fined.

So that is where we are. I want to make sure we understand that. Over 30,000 companies use employee involvement programs. The TEAM Act addresses the concern that the National Labor Relations Board, the NLRB, will discourage future efforts at labor-management cooperation. Specifically in the Electromation decision, the NLRB held that the employer-employee action committees that involved workers meeting with management to discuss attendance problems, no-smoking rules, and compensation issues constituted unlawful company-dominated unions.

Congress enacted section 8(a)(2) of the National Labor Relations Act forbidding employer domination of labor organizations to eliminate the sham unions of the early 1930's. No one disagrees with that. The TEAM Act is a direct recognition that the world of work has changed since the 1930's. In that era, many American businesses believed that success could be achieved without involving workers' minds along with their bodies. In those days, with the kind of work that was there, that is probably true. But today, recognition is widespread among business executives that employee involvement from the shop floor to the executive suite is the best way to succeed.

The employee involvement efforts protected by the TEAM Act are not intended to replace existing or potential unions. In fact, the language of the bill that I read earlier specifically prohibits this result. The legislation allows employers and employees to meet together to address issues of mutual concern, including issues related to quality, productivity and efficiency.

However, those efforts are limited by language that prohibits the committees or other joint programs from engaging in collective bargaining or holding themselves out as being empowered to negotiate or modify collective bargaining agreements. That is all it does.

Mr. President, the essence of the matter is that the definition of labor organization under the NLRA is so broad that whenever employers and employees get together to discuss such issues, that act arguably creates a labor organization. In that situation, the existing language, section 8(a)(2) comes into play. The question becomes whether the employer has done anything to dominate or support that labor organization. Such domination and support can be as little as providing meeting rooms or pencils and paper for the discussions. This is simply too fine a line to ask employers to walk successfully.

We want to clear that line up to make it absolutely clear that things everyone would agree are sensible, logical and appropriate can go forward without having the NLRB stop in and say, ''No.''

Earlier, I heard Senator KENNEDY state that upward of 80 percent of American companies are engaging in some form of teamwork or other cooperative workplace programs. Fine. His conclusion is that all this activity is going on out there now without a change in the law, so there is no need to change the law.

What that argument misses is the fact, as I have said, that much of this activity is a technical violation of existing law. While these programs may be doing wonders for the productivity of the company where they are employed, any one of them is no more than a phone call away from running afoul of the NLRA.

What we have to remember is that the NLRA is very specific in all of the decisions, some 70 of them, where all these kinds of borderline cooperative activities are illegal and the defense of an employer is very fragile.

It is no defense to an unfair labor practice charge that the program is working, that working conditions and productivity have improved and the company's bottom line has risen. None of this matters if it is a technical violation of the antiquated rule. The NLRB will shut down the team, fine the company and force it to sign papers swearing it will never do it again. The TEAM Act will prevent continuation of these absurd results so detrimental to the national interest.

I recently was visited by a workplace team from my own State of Vermont. I am certain that many of my colleagues in the Senate have had similar visits, since there are successful teams operating all over the country. The workers who visited me were from IBM, the computer-chipmaking facility in Burlington, VT. The more traditional top-down management style still prevails on most shifts and in most departments at their plant. However, on the night shift at this plant, the workers decided about 3 years ago to try a cooperative work team. They chose the name Wenoti, meaning ''We, Not I.'' In other words, the workers and the company would work together toward common goals. Wenoti was their group. That name is a combination, as I said, of the words ''We, Not I'' to symbolize their focus on what is good for all and not just one.

When the team representatives came to my office a few months ago, they were as proud a group of employees as I have ever met. The Wenoti team consistently leads the plant in all productivity and quality-control measures. Moreover, they told me that their job satisfaction has risen directly in relation to their ability to contribute meaningfully to the successful completion of their job. That is what this is all about. For God's sake, what is wrong with it? How can anybody argue that fostering this progress is not good for the country?

IBM is a profitmaking organization. It is not promoting employee involvement solely out of altruism. Rather, IBM has come to the realization that employee involvement is vital to the company's bottom line. Doing so has the added dividend of giving employees a greater stake and greater satisfaction with their jobs.

Time and again you hear employees praise companies that do not ask them to check their brains at the door. So if affected employers and employees support this legislative effort, what is the problem? It comes as no great surprise that organized labor takes a dim view of it. Oddly enough, to do so, it must take a dim view of American workers as well.

Organized labor's arguments are based on the assumption that workers are not smart enough to know the difference between a sham union and a genuine effort to involve them in a cooperative effort to improve the product, productivity and their working environment. I think workers are smart, and I think that is exactly why employers are trying to harness their brains in the workplace as well as their backs.

The real problem for unions is that under current law, they have a monopoly on employee involvement. Like the AT&T or the Vermont Republican Party of old, nobody likes to lose their monopoly. But consumers or voters or workers profit from choices and competition, not from static responses to a changing environment. This is clearly the trend of the future.

Yesterday, I spent some time before my colleagues going back into the history and pointing out that I thought it was ironic—if you can just get the unions to sit down and look at what has happened in the last 40 years—that it was back 40 years ago when the leaders in academia and others who had studied business and were looking toward the future and wondered what could be done to ensure that we improve productivity in this Nation. They came up with concepts that said if we could get workers and business to work together so that there is productivity and then profit, and then that profit can be split, everybody gains, everybody benefits.

All sorts of suggestions were made. I went through them yesterday. What about dividends to the employees in terms of stock profit-sharing or stock options or even going so far as to put a member of the union or the workers' representative on the board of directors?

What happened in this country? Little or nothing. A few companies like Donnelly, which I mentioned before, took it to heart and were very successful, but the majority of ours did not.

What happened overseas? The Japanese, the Germans, and others looked at these and said, ''Hey, good idea.'' The ironic part is, their unions, having adopted that philosophy, are now stronger and much more dominant in their industries than ours are. So why would the unions in this country want to continue to do what created, in my mind, their failures? And that is, not to recognize that much more gets done by working with management with an eye toward improving productivity.

Mr. President, if you really want to understand better what is going on, Hedrick Smith, who I am sure many of my colleagues know, is a Pulitzer Prize winner and author of ''The Power Game'' and ''The Russians,'' wrote a tremendous book. It is ''Rethinking America: A New Game Plan for American Innovators, School, Business People and Work.''

It really outlines the serious problems we have in this Nation. It outlines those problems which are giving us trouble now. On education, Hedrick, as he traveled all over the world going to education centers, going to schools and examining what is going on in Japan and what is going on in Europe and what is going on in this country, finds that we have been placed way back in our ability to compete in our educational system.

I will not dwell on it today. I dwelled on it before. That is a very critical part. What they learned is, you have to start cooperation of people in the schools. In Japan, for instance, they learn right from day one that everyone works together. In the grade schools, everybody works to make sure everybody reads, right on through.

Then they also realized—this is true in Europe also—that the time for business to get involved, the time for business to get involved in education, is not after a kid graduates from high school, but, rather, when they are in high school or middle school. So they designed programs for skill training where businesses come in and they are held just to dramatize how the different systems are.

In this country, our businesses spend $200 billion a year—$200 billion a year—in the training and retraining of the kids that graduate from high school in our work force. The Europeans —and that is just Europeans—spend the same amount of money, $200 billion. You know where they spend it? In high school and middle school, so when the kids graduate from high school they are already a trained work force.

Our schools have failed to recognize the importance of that. We have to change that. We are beginning to change that. I was in Mississippi this past weekend, and the area has had a very difficult time with their education. But they have learned from it. They are now revitalizing their schools and their whole vocational-educational programs to model them after what is going on in Europe and Japan. The rest of the country has to do the same thing.

Hedrick Smith spent a lot of time putting this together. He went, articulately, through and documents exactly what happens. But for relevance today, he goes through what happened in the businesses in Europe and the businesses in Asia after the 1950's when our academia and some business leaders recognized that the wave of the future, due to all the technology changes and all, was to make sure we had a qualified work force that was available and ready to work but, most important, that when they were working, with all the kinds of technology changes and the complications of the industrial structures now, that the workers are the best ones to know when the quality is going down or what to do to improve the quality of your goods and services. So they worked with them. And, lo and behold, we had to learn that.

There are wonderful stories about how Motorola got involved in understanding this and how they went through and realized that if they did not improve the skills of their workers and did not work together and get them to help them out, they could not compete in Japan. So they changed their whole operation, and they were able to keep jobs here instead of losing them.

Senator KENNEDY talked about—maybe it was the minority leader—about the huge expansion of the profits in our corporations, but if you examine those profits, you will find that most of those profits are coming from overseas ventures. We should be keeping those ventures here. But we cannot do that if we do not improve our education but also, as importantly, if we do not have the TEAM Act to allow the workers to work with the employers, to improve productivity, to understand what is going on on the assembly line, to correct the problems which are creating goods that are not saleable before they become that. That is the lesson that we have to learn in this country.

It is productivity that is the issue here. Is this Nation going to be as productive as it can and must be in order to endure as a leader in economics in this next century? We are about there now. We established sometime ago—in 1983, we took a look at our educational system and said, ''Hey, yeah, you're right. We have to improve it. The present system isn't going to work.'' We have not entirely touched on improving it. So we have to do that.

Also, essentially, at that time, especially with auto workers, there is another example, and I would hate to see it kind of reverting back. The UAW recognized that they had to change their ways when they saw the flood of cars coming in, much higher quality from Japan and Europe, and demolishing their markets. So they finally said, ''Oh, boy, we've got to change our ways.'' So they sat down, and, working with management, they improved their productivity, improved their quality and got together. And we were able to change things to meet the markets.

We have to be ready to do that or we are going to be driven out. The future of this Nation depends upon our ability to compete in the world markets. There is fantastic opportunity out there, but we cannot be dragged down by old concepts from the 1930's on what worker-management relationships should be. We have to look to the future. The TEAM Act is a leading tool to do that. It will clarify the law. It will legitimize about 30,000 teams that are out there, which are in jeopardy right now if we do not change the law.

So I urge all of my colleagues to please support the TEAM Act. As I said earlier, I support all of these issues that we are facing. I have no bias one way or the other. I am looking objectively at these things and think we should pick and choose those. And, finally, I would thank my colleagues for their time and would hope everyone would get down to the real issues here and not try to get tied up with the emotionalism and rhetoric.

Mr. President, I yield floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

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

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

Mr. FEINGOLD. Thank you, Mr. President.

CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. First, with regard to the matter that just came up on the floor a few minutes ago, I want to clarify an exchange that occurred with regard to the issue of campaign finance reform. The Senator from Arizona came to the floor and spoke and pointed out that he had heard the minority leader asked unanimous consent that the campaign finance reform issue be added to a unanimous-consent proposal that the majority leader had propounded. The Senator from Minnesota, Senator WELLSTONE, indicated that he believed a different attempt had been made and that in fact the minority leader had simply suggested that this was a matter that might come up.

The Senator from Minnesota asked that I clarify this issue and that it is, in fact, the case that the minority leader, Mr. DASCHLE, did specifically ask unanimous consent that campaign finance reform be added to the unanimous-consent agreement. So, in fairness, the Senator from Arizona did accurately portray what was requested.

Let me just say this, however. It is very important, as the Senator from Arizona indicated, as I know the Senator from Minnesota believes, that this issue remain not a part of partisan bickering. Obviously, there are many reasons why some partisanship is being demonstrated on the floor at this time. That is entirely inappropriate on some of the issues that are being discussed. But I agree with the Senator from Arizona that when it comes to campaign