

than the minimum wage in certain parts of the country, so the fact that there are large numbers of workers who make above the minimum wage, there are a great percentage of workers in America who make above the minimum wage, does not mean that the 20 million or more out are on minimum wage cannot use an increase.

So I applaud the wisdom, the common sense, of American people who in the polls keep saying you need to give a minimum wage increase. I applaud that. We are going to have it on the floor because the Republican majority has finally bowed to the wisdom of the American people.

But in that package there will be a guerrilla war poison pill. There will be a land mine, a couple of land mines maybe, but at least one. They are going to wage that kind of guerrilla war fare, and Davis-Bacon, of course, is one of the victims.

One of the things that have decided to do is to go after Davis-Bacon by undermining the basic concept in terms of it is an effort to keep the level of wages in a given community at the level of the wages in that community by not having a Federal project come in and pay less and undermine that wage structure. Instead, the Federal project is governed by what is prevailing already, and unfortunately I would like to see Federal projects raise the level of wages but unfortunately they do not do that. What they do is merely seek not to undermine the level of wages.

So Davis-Bacon is not going to be allowed to do that if the Republic guerrilla tactics could work. What they are saying is first is costs the American people too much; second, and I will not go into all of the particular guerrilla warfare attaches that are being staged at this point, we will just talk about one today and maybe we will pick up on some of the others later.

Today I would like to talk about the charge that Davis-Bacon is racist. Now, stop for a moment and consider the fact that the Republican majority of this 104th Congress is now waging a guerrilla attack on Davis-Bacon, and its tactic, one of its tactics, is to accuse the Davis-Bacon Act of being a racist act, the Davis-Bacon program of being a racist program. All of a sudden, you know, all of a sudden, we have a great concern about racism being manifested from the Republican majority side of the aisle. All of a sudden there is a concern with racism.

We have suffered from the Republican majority's attacks on affirmative action all year long, ever since they came to power in the 104th Congress, November of 1994, one attack after another on affirmative action, on set-asides, on the Voting Rights Act. You name it, anything related to trying to give some relief from the horror of racism, from the disadvantages of racism, from the long history of racism, from the effects of 232 years of slavery and a hundred years of de facto oppression

that went on in certain parts of the country, the rampant discrimination that prevailed throughout the Nation.

You know, no relief will the majority, Republican majority, allow. They want to roll back all of the laws and all of the provisions that have been made which proposed to give relief to people who have suffered from racism, particularly the African-American community, and I say "particularly" because the African-American community is a special community among the minority groups. The African-American community is unique because the African-American community is made up of the descendants of slaves. The descendants of slaves are people who were brought here, not as immigrants; they did not come voluntarily. They were brought against their will. The descendants of people who were brought against their will here, the descendants of slaves, were made to suffer for 232 years.

Immigrants come, and they have difficulty, hard times for a couple of generations, maybe. But nobody else in the fabric of American life has been made, no other group has been made, to suffer 232 years of legal slavery, legal enslavement, and then, after that, all kinds of forms of subslavery and oppression. So we are unique.

The Republican majority has refused to provide any relief. They have offered nothing new, and they have attacked everything that exists that was generated by the New Deal, the Great Society, the civil rights movement. Everything is under attack related to discrimination and racist relief from discrimination and relief from racism. But the same people who placed it under attack are now saying that they do not like Davis-Bacon, they want Davis-Bacon to be repealed, destroyed, because it is racist.

How great can the degree of hypocrisy become? You cannot surpass that in terms of the hypocrisy. That is unabashed, blatant: "Davis-Bacon is bad because it is racist."

Even if it were true, one could just dismiss the Republican majority's utilization of that as a ploy because they cannot be about relieving anybody from the scourges of racism. But it is not true. It is a big lie that is being generated, and they are going to try to use the big lie technique, like Herman Goebbels under Hitler: If you say it often enough and keep saying it, then people begin to believe it is true. So over and over again you hear that Davis-Bacon is racist, Davis-Bacon is racist.

What is the germ of truth there that they are utilizing? One germ of truth there is that when Mr. Davis and Mr. Bacon, Senator Davis and Representative Bacon, two Republicans, when they developed the Davis-Bacon Act, they were trying to protect local workers in neighborhoods throughout the country, mainly those neighborhoods in the Northeast that has higher standards of living than other parts of the

country. And what was happening is that unscrupulous contractors, people who have the same mentality as the plantation owners, were taking advantage of the fact that was 1931, a period where people were desperate for work; all over the country workers were desperate for work.

□ 2145

If they were desperate for work all over the country, you can imagine that poor workers who were black, African-Americans in the South, or who happened to be of Hispanic origin in the West or Southwest, those were the workers who were most desperate. So these most desperate workers were being picked up in trucks and carted about all over the country. If you think the conditions for immigrants on farms are bad, you should take a look at the kinds of conditions these people had to live under.

These people did not have open fields, at least, to compensate for some of their suffering, to relieve themselves of the kinds of horrors of being crowded into trucks. They could at least, if they were farm workers, get out and go for long walks and have the joys of countryside. But when they were carted into big cities, they were forced to sleep in cramped quarters, and they were just there, Davis-Bacon utilized as chattel in the making of big profits by a few unscrupulous contractors, the people who never get enough.

There are people who just never get enough. They do not want to make profits. They want to make a killing on every deal. They want to make the maximum on every job. They want to rob the Federal Government of every penny. They were not getting less from the government, they were paying workers less. They were increasing their profits by paying the workers less. They could bid a little lower on the job and undercut the local contractors because they were paying the workers, who were like chattel, semislaves. They were paying them so much less that they could undercut and win the job, and throw out of kilter the whole work force of a given area as a result of bringing in large numbers of desperate workers.

Among those desperate workers, and they were not the majority, among those desperate workers were workers who were black, workers of African descent, so there is a grain of truth that in the case of Mr. Davis and Mr. Bacon, they were protecting local workers from outside workers. Some of those workers were black. So they have twisted that to mean Davis and Bacon were trying to preserve jobs for white construction workers against the needs of black workers, or to undercut the provision of jobs to black workers who were being brought in from all over the country under terrible conditions, and being forced to work for the very cheapest possible labor, in many cases just food and shelter.

There is a grain of truth there, but that is all it is, a grain of truth. What has happened in the construction industry is that there has been a history of discrimination. It is one of those difficult industries for blacks to get into. African-Americans have had a long struggle with the construction industry, but Davis-Bacon has not made it worse. In fact, Davis-Bacon has made it better.

The one instrument, the one weapon to fight discrimination that has been effective in the construction industry has been Davis-Bacon. Past and present history demonstrates that Davis-Bacon benefits minority workers by seeking to ensure the equal and fair treatment of all employees, and that regardless of race or color, each workers will be paid at least the locally prevailing wage.

As Dr. John T. Dunlop, the former Secretary of Labor under a Republican President named Ford, Gerald Ford, Dr. Dunlop said, "By protections flowing from the Davis-Bacon Act, in part, the lot of minorities has been approved dramatically."

Mr. Speaker, the Davis-Bacon Act requires that workers on federally funded construction projects be paid the wages and benefits that prevail in their communities. This requirement plays a critical role in bringing minorities into the middle class. Small and minority contractors have also been found to benefit from the Davis-Bacon Act.

Smaller Federal construction jobs, because of the quality of the bidding opportunity provided by Davis-Bacon, serves as entry for small contractors into the construction industry. Small and minority contractors may compete with large contractors. Because of the control on the wages and because of the greater concentration of minority contractors in the ranks of these smaller contractors, the entry of minority contractors into the construction industry will be severely curtailed if the Davis-Bacon provisions are lifted from smaller Federal jobs.

We will hurt a lot of small and minority contractors if we take away the Davis-Bacon Act protections, because the Davis-Bacon Act does keep wages at an even keel, and the small contractors know exactly what that is. They can make their bids. They will not be undercut by contractors who could be unscrupulous in their methods, and it stabilizes the situation so even the minority contractors benefit, let alone the minority construction workers.

Even with the Davis-Bacon Act in place, exploitation of minority workers goes on today by dishonest contractors, the same kinds of contractors who caused Mr. Davis and Mr. Bacon to develop the Davis-Bacon Act. They still exist. This is an issue that the repeal forces, the guerrilla attack forces of the Republican majority, have refused to address.

As a matter of fact, the zeal of the Republican majority does more to honor fanaticism in this respect. As you know, in fighting guerrilla warfare

in Vietnam or any other place in the world, fanatics are at a great advantage in guerrilla warfare. Fanaticism, of course, is part of what drives it. It make it very hard to defeat.

We have some fanaticism at work here, people who refuse to see the facts and refuse to admit to the logic of the situation. Testimony submitted by a Department of Labor official to the Senate Subcommittee on Labor contains a vivid description of just how Davis-Bacon violations can have a particularly harsh effect on minority workers. I will quote from the testimony. I will cite the testimony.

One Arkansas contractor, for example, was found owing \$7,000 in back wages to employees. The payroll was falsified to show compliance. The employees were all black, in this case. This was a case where Davis-Bacon existed, but the fact that the contractor was cheating and not complying with Davis-Bacon was to the distinct disadvantage of the workers who were minority, black. The employees were all black, and yet this is another example of how they can be exploited by an unscrupulous employer.

In another case, many forms of cheating employees were used. The firm took the easy route of employing primarily undocumented workers. This is under a contract where they should have been following Davis-Bacon requirements. They employed undocumented workers. These workers will not complain, of course. They are on the spot. They are in a situation where they are guilty, so they would never expose what the contractors are doing. They present an ideal work force for those who would exploit labor in government jobs.

This subcontract was for the fabrication, transportation, and installation of a bridge railing on a bridge across the Potomac River. The company employed undocumented workers at rates of \$10 per day, plus food and lodging, for workdays of 7 to 10 hours daily, 60 and 7 days a week. It should be noted that this contractor was transporting many undocumented aliens from the south Texas area, where wage rates are lower, to the Washington, DC area, which pays prevailing higher rates. Here is another example where even today we have a situation which is as bad as the situation that Representative Bacon and Senator Davis were trying to combat in 1931.

Violations continue to mount as corrupt and unethical contractors come on the scene and old contractors take more chances or become more inventive in their efforts to evade the requirements of the act. Outright falsification and concealment is still found in many cases.

Let me just dispel yet another myth. That is the myth that Davis-Bacon necessarily increases the cost of public construction, and that it is difficult to administer and is obsolete. What Davis-Bacon does is prevent unfair competition from low-wage, fly-by-

night contractors. It provides essential protection of workers. It encourages higher quality of workmanship and saves dollars on Federal construction projects. Davis-Bacon has been a stabilizing influence upon the construction industry and has enjoyed strong bipartisan support. Even former President Ronald Reagan, the most revered of all Republicans, as I said before, said that he would not repeal Davis-Bacon.

Mr. Speaker, additionally, it is important to note that while the Republican majority of the 104th Congress who have fought affirmative action, who are against set-asides, who have attacked voting rights, who have never done anything to try to combat discrimination, they are saying Davis-Bacon is racist; but on the other hand, many representatives of the African-American community have supported and are supporting Davis-Bacon because of its role in protecting minority workers.

Norman Hill, the President of the A. Phillip Randolph Institute, has acknowledged the importance of Davis-Bacon: "In preventing exploitation of minority construction workers, Davis-Bacon is very important." Moreover, leading organizations that represent minorities and women support Davis-Bacon: the NAACP, the National Women's Political Caucus, the Navajo Tribal Council, the Mexican-American Unity Council, and the National Alliance for Fair Contracting, which represents more than 21,000 construction contractors, have expressly endorsed the Davis-Bacon Act.

If the protections of the Davis-Bacon Act were removed, many more minority workers would face exploitation. All construction workers, including minority workers, will be forced to accept lower wages at reduced or no benefits when working on Federal construction projects. To claim that reducing the wages and benefits of minority workers is somehow in their best interest is ludicrous, inane, and smacks of the worst kind of racism and paternalism.

Those who are claiming that Davis-Bacon should be repealed and destroyed because it is racist are contemptuously misusing the race issue and the people protected by the Davis-Bacon, the minority workers protected by the Davis-Bacon Act.

The misnomer is that Davis-Bacon and union coverage are equal is also not true. The charge that Davis-Bacon hampers union apprenticeship is nothing more than transparent ploys of the conservative Republican right. The conservative Republican right ignores the simple facts that Davis-Bacon protects all workers, regardless of whether they have affiliations to organized labor.

Further, data from the Department of Labor's Bureau of Apprenticeship and Training Programs shows that minority participation in union apprenticeship programs is consistently higher than minority participation in non-union programs. The same data reveals

that the drop-out rate of minorities from apprenticeship programs is much lower in union programs than it is in nonunion programs.

Why am I talking about union programs? Because where Davis-Bacon does exit, always there are unions, and unions and management work together under Davis-Bacon programs to provide apprenticeship programs and training programs, and Davis-Bacon has thus become a weapon, an instrument, a tool for ending some of the historic discrimination in the construction industry.

Historically, the construction industry has to face up to the fact that it has not been a wide open field for minorities. In fact, when I was a member of the Brooklyn Congress of Racial Equality, one of the biggest projects we had was a program to try to integrate a construction job in the building of the Downstate Medical Center. We had 800 people arrested in that process of integrating the construction force working on that huge medical complex at Downstate Medical Center. That was about 25 years ago.

Apprenticeship programs and training programs of the kind that are now being offered under the combined efforts of the contractors, and the unions who are under the Davis-Bacon program did not exist then, and now, of course, they exist in great numbers.

The protections provided by the Davis-Bacon Act, the wages and benefits, are especially important to minority employees. As former Secretary of Labor Ray Marshall has observed, "The workers most often victimized by unscrupulous contracts are the minority workers, whether he or she is black, Hispanic, native American, or an undocumented worker, Davis-Bacon is an integral part of ensuring a decent life for the hardworking men and women of the construction industry.

I think, without a doubt, we can note that the people who care about discrimination, people who care about being victimized by racism, people who have led the fight against discrimination in industry, even in the construction industry, are saying that Davis-Bacon is not the problem, Davis-Bacon is part of the solution.

Let me just close by stating that we have numerous examples of the ways in which the Davis-Bacon Act has helped the situation with respect to employment of minorities. We have more than 21,000 contractors who are a strong voice in the construction industry, and they are urging that we support Davis-Bacon reform. H.R. 2472 and S. 1183 are both bills to reform Davis-Bacon and not to destroy the Davis-Bacon Act. Those two measures would be an ample substitute for the Republican majority's attempt to outright repeal Davis-Bacon.

□ 2200

As I said before, the repeal effort has not been successful in a direct on-

slaught, so now we are faced with more guerrilla warfare. The Admiral Yamamoto surprise attack, the Pearl Harbor attack on workers in America which is across the border, Davis-Bacon is just one of the targets. Davis-Bacon is the target they went at in the first half of the 104th Congress.

They have failed. They have not succeeded in achieving a single one of their war objectives in fighting workers and worker protection. They have failed.

In the process of failing, however, they have decided not to give up the fight. They have not been defeated yet. We have premature judgments on the fact that things have changed. They might not yet have been defeated. They will regroup. They have regrouped. We are facing a situation now with guerrilla warfare.

There was an item that appeared in the Roll Call Monday, May 20, an advertisement which says at the top: "Is Davis-Bacon Racist? Some Members of Congress and their special interest allies are peddling the argument that Davis-Bacon is racist and harmful to minorities. But the following groups, representing millions of Americans throughout the Nation, strongly support the act."

Mr. Speaker, I will not read the advertisement totally, but I include this item, "Is Davis-Bacon Racist?" which appeared in Roll Call on Monday, May 20th in its entirety.

Mr. Speaker, I also include the letter from President Ronald Reagan to Mr. Robert Georgine on September 29, 1981, in its entirety.

Finally, Mr. Speaker, I include a document which is addressed to all Members of Congress from the National Alliance for Fair Contracting, in its entirety.

In this document, it states and points out the fact that in nine States that have repealed the prevailing wage statutes, minority representation and participation in skilled training programs has fallen almost 50 percent. In the States that had prevailing wage statutes for the State, when they repealed them, the minority representation in training programs went down. Now it has fallen almost 50 percent in the nine States that repealed the prevailing wage statutes.

In States without prevailing wage laws, the ratio of black to white construction employment is highest, contrary to the claims by the anti-Davis-Bacon organizations.

According to the Department of Labor, in 1981 the percentage of minorities in high skill pay categories employed by contractors working on federally funded Davis-Bacon projects was greater than the percentage of minorities employed by non-Federal, non-Davis-Bacon project contractors.

Furthermore, the U.S. Department of Labor's Bureau of Apprenticeship and Training has reported that minority participation, both in terms of percentages and absolute numbers, is substan-

tially higher in management-union training programs than in nonunion so-called training programs.

In light of these facts, the statement from the National Alliance for Fair Contracting asks: How can anyone ever again believe anything that is said by the Davis-Bacon opponents?

Certainly we conclude that the charge that Davis-Bacon is racist is a fabricated charge which has no substantiation. In the future, we will also go on to prove that other charges made against Davis-Bacon are also untrue.

We will talk at a later date about the fact that Davis-Bacon wages in many States are almost at the level of minimum wage wages. We will talk about the fact that Davis-Bacon wages in many States are poverty wages. They are at the minimum wage stage and they keep people in poverty.

But that is not an objective of Davis-Bacon. They are neutral on the question of poverty, on the question of unions. Davis-Bacon is driven by the prevailing wage of the given area.

So we know now that the Pearl Harbor type attack that the Republican majority has waged against working people and against organized labor has failed.

I want to end by warning all of those who think that we can optimistically conclude that the attack is over, that workers of America are safe, that they can rest easy, their overtime will not be taken away from them, that their right to organize will not be taken away from them by the TEAM Act, that the National Labor Relations Board that governs all the national labor relations regulations will not be crippled by the fact that its funding is taken away, anybody who thinks that all of this is a danger that has now passed, I hope you are now awakened to the danger.

We are not facing the Pearl Harbor type onslaught of Yamamoto anymore. It is guerrilla warfare. The guerrilla warfare is even more dangerous, and we must keep our heads straight and keep our common sense focused on the real problem.

The problem is that we have a Republican majority that for some reason that they did not tell us, for some reason they have declared war on the workers of America, and we would like to see them surrender. We would like to see them give up that war and let us together again try to strive to improve the working conditions of all Americans and share the great prosperity of this Nation.

#### IS DAVIS-BACON RACIST?

Some Members of Congress and their special interest allies are peddling the argument that Davis-Bacon is racist and harmful to minorities. But the following groups, representing millions of Americans throughout the nation, strongly support the ACT:

In fact, the NAACP has passed a resolution stating, "Whereas the Davis-Bacon Act protects the wages of all construction workers, including minorities and women, who are particularly vulnerable to exploitation . . . Be it resolved that the NAACP goes on