

Nationwide, most security screeners at airports earn the minimum wage. These workers screen passenger luggage, operate metal detectors and work x-ray machines. They are responsible for the safety of millions of passengers and thousands of airplanes entering and leaving airports around the country—yet they earn the minimum wage.

These are workers like Melvin Ware, a customs carousel handler at the Los Angeles Airport. He takes home about \$317 every two weeks. "By the time you pay rent and utilities, you're broke," he said. "There's no life after work." Raquel Littlejohn screens passenger luggage, and spends much of her day at a computer terminal. This strains her eyes but, with take-home pay of under \$400 every two weeks, she can't afford to get them checked. A sympathetic L.A. Councilwoman said, "I don't think it's good that the person who is doing such an important job has to be worrying about trying to get to the next one because the security job doesn't pay a living wage."

Eighteen percent of today's workforce is employed in the retail industry—that's 22.5 million workers. Many are paid the minimum wage.

These are people like Cordelia Bradley of Philadelphia. She works at a clothing chain just outside Philadelphia. She is the mother of one son, and she earns \$5.15 an hour.

She told our minimum wage forum in March that:

I am currently living in a rented room for which I pay \$300 a month. I would like to have my own apartment but I cannot afford one. In addition to paying my rent, I pay for food, clothing and transportation. . . . If the minimum wage was higher I would be able to save up for my own apartment for me and my son. . . . I ask you to reward the people who go to work by raising up the minimum wage. Things are very rough for people, not just people on welfare. There are many people like me who go to work every day and cannot afford to live. Please do the right thing.

Then there are laundry workers, and the list goes on. These are the individuals whose lives would be impacted by the increase in the minimum wage. We are talking about a dollar—a dollar an hour. We are talking probably \$2,000 over the course of a year. That's not two-thirds as much as the increase that every Member of the U.S. Senate received in this Congress—two-thirds as much as we have received in this Congress. We are being asked whether we are going to try to give those individuals some relief, some help, some assistance, as we have in the best days of our past, to say that these individuals could and should be able to have an impact.

Nationwide, the soup kitchens, food pantries and homeless shelters are increasingly serving the working poor, not just the unemployed. According to a recent study by Second Harvest, the nationwide networks of food banks, in 1997, 39 percent of households seeking emergency food aid had at least one member who was working. Eighty-six

percent of households receiving emergency food aid earned under \$15,500 a year, and 67 percent of the households earned less than \$10,000 a year.

According to a U.S. Conference of Mayors study, requests for emergency food aid increased 86 percent in the cities survey. And 67 percent of the cities cited low-paying jobs as one of the main causes of hunger. These aren't only just for the parents, these are for the children. This is not a Member of Congress that is saying it, these are the mayors of the country saying what is happening out across the Nation, which is that individuals can't make it with this kind of an income, and there is something that we can do.

We are facing many complex problems here in the United States Congress and Senate. We have faced many of them. But one that we can impact and one that we should impact is trying to make sure that people who work will not be in poverty for themselves and their children. We hear a lot about American values in our country, about what is important and what is unimportant. The newspapers are filled with that. Well, this is something that is important.

I welcome the fact that President Clinton has been a strong supporter of this particular issue. So we will have an opportunity, Mr. President, to come back and visit this issue. Nothing, I believe—and I have had a chance to vote and participate on many different issues over 37 years in the U.S. Senate—there is no single issue that is more defined in terms of fairness than the issue of the minimum wage. Nothing. Just in terms of fairness, are we going to be fair to working people in our country and in our society? Are we going to be fair against the background and history of Republicans and Democrats that were fair?

We are going to be asked next Tuesday whether this body will be fair. We will have a chance then to speak to that issue.

#### THE TRUTH IN EMPLOYMENT ACT

Mr. KENNEDY. Mr. President, last night my Republican colleagues filed cloture on the so-called Truth in Employment Act. Supporters of this deceptively-titled bill claim that it is designed to bar a union organizing technique known as "salting." Under that technique, union supporters seek a job at a non-union shop with the intention of persuading co-workers to join the union.

I oppose this legislation, and I urge my colleagues to oppose cloture. I believe that salting, like other types of organizing activity, should be protected by the labor laws.

Under the bill, employers could make employment decisions based on their subjective view of an employee's motivation. If an employer believed that a person was likely to try to organize a union, the employer would be free not to hire that person. If an employer uni-

laterally determined that an employee's interest in organizing co-workers would interfere with her ability to do the job, the employer could refuse to hire her. If an employer rightly or wrongly decided that an employee might work together with colleagues to change conditions on the job, the employer could discharge or discipline the employee.

Many may remember the movie "Norma Rae," starring Sally Field. In that film, Norma Rae decided she had had enough of the abusive practices in her factory, so she worked with a labor union to organize her co-workers so they could stand up to these abuses together. But under this bill, Norma Rae could be fired.

This bill would make mind-reading a protected right under the National Labor Relations Act. It would let employers deny work to employees based on a perception that they might try to organize a union. That perception is most likely to come from the employee's membership in a union. In effect, this bill would institutionalize the blacklist. That is unacceptable.

Let us be clear what types of activity are protected under the labor laws, and what kinds of conduct would be left open for employer retaliation under this bill. Section 7 of the National Labor Relations Act protects employees' rights to organize, bargain collectively, and engage in other concerted activities for mutual aid or protection.

If this bill became law, an employer could refuse to hire an employee based on a fear that she might band together with co-workers to push for an on-the-job child care center. The employer could claim that this activity was undertaken in furtherance of an organization other than the employer, be it a union or a women's rights organization. Therefore, the workers' conduct would not be protected, and the employer could discriminate or discharge at will.

Under this bill, a firm could fire African-American workers who together sought Martin Luther King's birthday as a holiday. Once again, the employer could argue that the workers were acting in furtherance of a civil rights group's goals, and therefore were not protected by the National Labor Relations Act.

Under this bill, a company could deny jobs to employees it believed might try to persuade others to support a political campaign, or get involved in a community group, or contribute to a church or synagogue. And, a firm could refuse to hire workers because they might join a union, or persuade others to do so.

Most of us would agree that discrimination on the basis of race, or religion, or gender, or political belief—and many of us would also put sexual orientation on that list—is unacceptable in this society. The right to self-expression on these important issues flows from the First Amendment, and

has been protected by decades-old federal laws. The National Labor Relations Act places an employee's right to organize and bargain collectively on an equal footing with these other rights, and so it should.

This bill would effectively repeal that right. It leaves employees in an intolerable position.

In 1995, the National Labor Relations Board ordered nearly 7,500 workers reinstated. Those workers had been fired unlawfully for union activity. Over 26,000 workers discharged for unionizing were awarded back pay. On average, workers waited four years from the date of the unlawful discharge before being awarded any relief. And, the Dunlop Commission on the Future of Worker-Management Relations found in 1994 that union supporters were unlawfully fired in one out of every four union election campaigns.

These figures demonstrate that workers who become active supporters of a union after they are hired run a substantial risk of being fired. Under this bill, if the employer thinks an employee might become active in a union, that worker never gets the job in the first place. This is not progress. Instead, it takes us back to the days when employees could be required to sign "yellow dog contracts," promising never to join the union, in order to be hired.

The Supreme Court has emphatically rejected this approach. In 1995, the Court unanimously ruled that union supporters are employees protected by the National Labor Relations Act when they apply for a job. In the *Town & Country* decision, the Court dismissed the employer's claim that union organizers are inherently untrustworthy because they owe their primary loyalty to the union. But that is precisely the premise underlying this bill.

Current law gives employers many ways to advance their legitimate interests in an efficient and productive workforce—without undermining employees' rights to engage in concerted activity. For example, an employer can establish a policy barring its employees from all outside employment. The Sixth Circuit Court of Appeals held just a few months ago that such a policy can be applied against union organizers, so long as it is also applied neutrally to all other types of employment.

Workers who neglect their job duties in order to organize other workers can be disciplined or discharged. The Fourth Circuit Court of Appeals has held that it is lawful for an employer to fire employees who fail to carry out their duties because they are trying to organize.

Employers can lawfully discipline employees who fail to do the job they were hired to do, or disrupt the employer's operations, or engage in unlawful conduct. Employers can file charges with the National Labor Relations Board, or even the police, if the conduct is criminal. In short, employ-

ers have many tools available today to address the concerns that supposedly motivate this bill.

Finally, I note that many of this legislation's proponents are also strong supporters of the so-called TEAM Act. TEAM Act supporters claim that bill is necessary in order to promote employee participation in the workplace. The present bill would permit employers to refuse to hire workers who band together in order to participate in the workplace.

It is ironic that supporters claim to favor employee participation in the one context, but seek to squelch it in the other. The common thread appears to be employer domination. Participation is seen as desirable only if employers can control the "team," and worker-controlled groups such as unions can be prohibited.

This legislation poses a significant threat to employee rights that have been fundamental to our industrial democracy for over 60 years. Because the bill is dangerous as well as unnecessary, I must oppose it.

I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, thank you.

#### THE FARM CRISIS

Mr. BREAUX. Mr. President, I will not take a long time. I know the hour is late. But there are still very important issues that I think Congress needs to pay attention to and to address. I know that all of the news in Washington today has been generally about the problems of the President. While I understand that, it is also very important, I think, for all of us to realize that we cannot pretend to be ostriches and stick our heads in the sand, and not face other very serious problems that many of our constituents are facing around this country.

I would like to bring to my colleagues' attention the very serious agricultural disasters that exist as we stand here in Washington today throughout a large portion of the agricultural belt in the United States of America. It is a serious problem. We cannot allow the problems of the moment to distract us from very important duties that we have, as legislators, to do everything within our power to try to help solve the problems of America's farmers.

It is really interesting, because while the farmers are having problems throughout the United States, there are different reasons for the disasters which I would like to point out.

In the northern and many of the western parts of the country—the northwestern part of our United States—the problems in agriculture are very simple—they have very low prices for their products—while in the South, in the Southwest, and in my State of Louisiana, the problem is also very

simple to understand: It is not that the crops have low prices but, rather, that they have no crops. They have no crops because of the drought conditions that have caused an economic, agricultural, farming disaster.

While the reasons for the problems for the farmers are quite different, the results are the same. Whether you are a farmer in the northern part of the United States who can't get enough money for your crop to justify your cost of production, or whether you are a farmer in my State of Louisiana, which has no crop because of the extreme drought that has ravaged my State, the end result of the farmer and the family farm is the same; it is loss of income; it is loss of the ability to continue as a family farm. What happens to a family farm affects not only that family farm but it affects the community that they live in. When farmers suffer economic loss, the entire State suffers as well.

What I want to mention is the severity of the problem in my State, which is not unlike many other States. We just recently had the Louisiana State University Agricultural Economic Department review the losses that my farmers in Louisiana have faced. Their report as of August 14 is truly astounding. The total State reduction in farm income for the following crops is as follows:

For the corn crop, it is over \$64 million of loss;

For cotton, it is over \$50 million of loss;

For just soybeans, it is over \$72 million;

For rice, it is over \$14 million;

For sugar, it is nearly \$45 million;

For sorghum, it is over \$4 million.

The total crop loss they are estimating is \$254 million.

Sweet potatoes, over \$8 million;

Commercial vegetables, almost \$4 million;

The pine seedlings for forest reproduction is estimated at \$10 million;

Pasture, \$90 million;

Hay, almost \$25 million.

The current estimated total as of August 14 was over \$390 million.

When you factor in the problems with some of the diseases that are being experienced—afatoxin, for instance—you have to look at about \$420 million. This is just in one State.

So the loss is truly devastating.

These are real problems. These family farm problems affect not only the family farmers, as severe as that is, but they affect the economy, the community, and the people who sell the harvesting equipment, the tractors and combines; the people who sell the seed and the fertilizers; the people who sell shoes and clothes and food in town. If the farmers do not earn a living, they cannot buy the other products; the implement dealer and the car dealer, all suffer. It has a ripple effect throughout the United States of America.

The problems in the North—as I said, because of low prices, because of cheap