

The PRESIDING OFFICER. It has arrived.

Mr. GREGG. Therefore, I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

Mr. GREGG. I now ask for the second reading, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. The bill will remain at the desk to be read a second time following the next adjournment of the Senate.

ORDERS FOR MONDAY, MARCH 13, 1995

Mr. GREGG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 12:30 p.m. on Monday, March 13, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period for transaction of morning business not to extend beyond the hour of 1:30 p.m., with Senators permitted to speak for up to 10 minutes each.

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

Mr. GREGG. Mr. President, I further ask unanimous consent that, at the hour of 1:30 p.m., the Senate resume consideration of H.R. 889, the supplemental appropriations bill; further, that at the hour of 4:30, the Senate begin 60 minutes of debate, equally divided between Senator KASSEBAUM and Senator KENNEDY; and that the vote occur on the motion to invoke cloture at 5:30 p.m. and the mandatory live quorum be waived.

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

PROGRAM

Mr. GREGG. Mr. President, for the information of my colleagues, under the previous order, there will be a cloture vote on the pending KASSEBAUM amendment at 5:30 on Monday. Senators should also be aware that further rollcall votes are expected during Monday's session of the Senate.

OFFICIAL PHOTOGRAPH OF THE U.S. SENATE

Mr. GREGG. Mr. President, the official photograph of the U.S. Senate in session will be taken by the National Geographic Society on Tuesday, April 4, 1995, at 2:15 p.m. All Senators are now on notice to be on the floor at 2:15 on April 4 for the picture.

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent that, following the remarks of Senator EXON, the Senate stand in recess under the previous order.

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

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

STRIKER REPLACEMENT

Mr. EXON. Mr. President, next week I will be introducing a bill with regard to striker replacement. This is the same bill that I have introduced previously in this body.

I discussed this possible compromise that would maybe put an end, hopefully, to the ongoing battle we have had now for many years in the U.S. Senate. I discussed this with the chairman of the committee of jurisdiction, Senator KASSEBAUM, earlier today. I understand we will be having a cloture vote on this matter on Monday.

I would simply say to my colleagues on both sides of the aisle and on both sides of this issue that I think it is not good form, it is not good business, and it upsets the routine schedule of the Senate when matters of this nature, however important they are, and however timely they might be, should never, ever have been placed on the supplemental appropriations bill with regard to national defense that is before the body.

For the life of me, I do not understand why the managers of the bill or those in opposition did not simply make a point of order that it was legislation on an appropriations bill, which it clearly is. Had that point of order been made, I would hope that the matter would have fallen.

Let me say, Mr. President, that I have voted for and will continue to vote for some type of a striker replacement bill. What we have, of course, is the traditional battle: The old bulls of business on one side of the pasture, and the old bulls of organized labor on the other, glaring and pawing at the turf and snarling at each other across the pasture.

All too often we do not take into consideration, I think, what is in the interest of the United States of America as we go into the international arena, the international pasture today, and certainly into the new century that is almost here. We see the quarrelsome gestures and the rhetoric about how fair or unfair this is to different groups

of Americans, depending how they are postured on this particular matter.

Senator DOMENICI was on the floor earlier this week, and I spoke after he spoke with regard to the fall of the dollar and what caused that and how serious it is. I agreed with all of that.

I simply state once again that I think the matter of the fair treatment of laboring people who are organized in the United States of America is something that we should continue to address and not just simply continue with actions on the floor of the U.S. Senate that I believe, for all meaningful purposes, are designed to end the rights of organized labor and the rights of collective bargaining.

Some will say that is an overly harsh statement, but I think that is the reality of the situation. And I suppose that businesses today feel that with the advent of the Republican majority in the U.S. Senate and the House of Representatives that they could sit back, take a sigh of relief and say it shall not pass with the revolution that took place last November.

That might well be. They may have their facts straight. Is not what I think should be a different and reasoned approach. Likewise, the organized labor should realize and recognize that the United States of America is now very much tied up, more so than they have ever been before, with the economies of the whole world. The new century that is about to come upon us, I suggest should best be recognized that we should be looking over the horizon, if we will, aside from the facts that we always have on measures of this nature.

The economy of the United States of America is tied more tightly to the international community—the whole globe—than it ever has been before. Many people, including this Senator, had thought that would probably be good for the United States of America. Maybe in the end it still might be.

Suffice it to say that when we are tied to the international community with trade agreements, trade treaties, NAFTA's, and GATT's, and all of these things, it is a small wonder that the dollar is not reacting well.

It is no small wonder, Mr. President, that there is nervousness in the international economic and fiscal community today, with the problems of the border with our neighbor to the south, just across the border in Mexico, and certainly the Mexico bailout proposition—call it what you will. Whether it is necessary or whether it is not, whether it is good or whether it is bad simply proves the point that I am making, that the United States of America is tied into the economic structure of the world more so than it ever has been before.

When we are doing these kinds of things, we should not be, therefore, particularly surprised when we see different things happening in different parts of the world and investors in different countries of the world moving

money about, the super moneychangers of the world today for safety reasons and to get the best return on their investment.

So I think we are going to be involved in a rather uncertain period and it might all work out well.

That is why I think it was not wise for the President of the United States to take the action that he took by Executive order the other day with regard to penalizing certain companies or corporations that do business with the Federal Government with regard to replacement of workers. I thought that was an untimely move by the President. I am not a lawyer, but I suspect, in the end, the courts might decide he did not have that authority.

But whether the President did or did not certainly has brought up the firestorm that has taken over the Senate for the last few hours. The President did not consult with me before he took that action, nor is he required to do so, except to say I think we have enough to quarrel and worry about on the floor of the U.S. Senate today without getting a labor matter involved in a supplemental appropriations bill. It should never have come up on this measure. I wish that I had an opportunity to make a point of order against this, and probably that, hopefully, would resolve it. In any event, it has brought the matter of striker replacement up to this Senator once again, and I hope that is not going to be dealt with on an appropriations bill, especially the one before us now which needs to be moved.

Therefore, in the effort and sounding for compromise, once again, I am going to briefly talk about a bill that I will be introducing next week that I have introduced before, which I think if big management and big labor would take a look at and if both sides—both quarreling sides—in the U.S. Senate would take a look at it, they would see that the compromise offered by the Senator from Nebraska, if enacted, might put to rest this contentious matter that keeps bubbling to the surface of the floor of the Senate and the floor of the House with regard to striker replacements.

I would like to say, Mr. President, that it is very clear to me after looking at the situation in my great State of Nebraska today, we have an extremely low unemployment rate, one of the lowest in the Nation. I think the last unemployment rate in Nebraska was 2.3 percent. That does not mean that the people of Nebraska are being overpaid.

The facts of the matter are, we have a great number of college graduates today who are not able to find work in their desired type of employment, not able to find work that complements the degrees and studies that they receive from our various high-quality institutions of higher learning. That is another way to say that I think probably the main problem in Nebraska today, with our economy that other-

wise is reasonably healthy, is that we have a great number of underemployed people in the State of Nebraska, many of them doing things that they are not trained for or ever sought to do in their early lives and during their educational experience.

Part of this has to do with the fact that there is great instability today of employment. The record is replete with big businesses, for whatever reason and probably some of them are justified, laying people off when they get to be 50 or 55 years of age, just about the time that they were set for life.

And at 50 and 55 years of age, they are not particularly attractive to many businesses for the jobs that at least pay something akin to the salary that they have been used to in their adult lives up to this period of time.

So I happen to feel that if we are going to be competitive in the world internationally in the next century, we had best set about some procedures that can solve the problems that we have in America today, the problems that labor sees, the problems that management sees and try to get these two sides together.

The bill that I am introducing is a compromise that I have alluded to. It is not a complicated piece of legislation at all. It simply says that under the Federal law, if it were adopted—and it would have to be a compromise; and this compromise is not accepted by big labor, they do not like it; it certainly is not accepted by big business, they do not like it—but it simply says as a compromise in trying to put an end to this, that for the first 60 days of a strike in an organized plant, the management of that company would not be allowed to hire permanent replacements. They could hire temporary people, but for the first 60 days of any legal strike that was called by an organized client under our collective bargaining laws today, management could not rush in and send the clear signal that if the people who had the right to strike do not show up, their job is going to be taken on a permanent basis by the first person that walks in the door or makes an application.

For the life of me, I have never been able to understand those who say they believe in collective bargaining and then turn right around and say, "but if the unionized plant goes on strike, management has the option at their discretion to say, 'OK, we'll hire somebody else to take your place.'"

Any reasonable person that believes in collective bargaining would have to agree that if organized labor does not have the right to strike, and organized labor does not use that promiscuously, but if they do not have the ultimate right to strike, the collective bargaining that they go through from time to time is heavily stacked against them because all of the chips for bargaining are on management's side of the table.

Now, on the other hand, let me take the devil's advocate position, if I might, for a moment with regard to

unions and union membership and union leadership. I also feel that union labor and union leaders must also recognize that we are in a new era. I do not believe that we should simply pass legislation that permanently prevents management from ever hiring a replacement worker under any circumstances.

If you accept that point of view fully that organized labor pushes, which I do not agree with, that will simply mean that if organized labor never will agree to a contract, somewhat along the lines we are seeing in the baseball impasse today, then organized labor would be able to close down and eliminate a factory forever. I do not think they should have that power either.

Mr. President, the compromise that I am offering, that I emphasize is detested by management and it is detested by the leadership of organized labor, would simply reach a compromise by saying for the first 60 days of an organized strike management would be prevented from hiring permanent replacement workers. Again, I emphasize they could hire temporary workers but not permanent replacement workers. The first 60 days they could not do that. At the end of 60 days, the compromise would kick in, and for the first 30-days after 60 days management would be allowed to hire 10 percent of their work force as permanent replacements.

It goes up from there to 20 percent in 90 days, 30 percent in 120 days, and it goes on up to the end of 1 year, 360 days. If no settlement has been reached, then in that event and that event only would management be permitted to have total replacement of all the workers that went on strike.

Putting it another way, this is simply a phased program to try to satisfy what supposedly is the beliefs of both big labor and big management without taking a look at what is good for the overall economy of the United States of America and the competition that I suggest we are likely to have from around the globe with the turn of the century, as exhibited by the difficulties that we are having right now with regard to fiscal and monetary policy and the fall of the dollar and all the problems that could and probably will cause in the United States by further increasing interest rates. And some have alluded to the fact that, indeed, that could push us into a recession that no one had previously contemplated.

So I am saying, Mr. President, the votes I will be casting on this whole matter of striker replacement are in an effort to get myself into a position to hopefully bring along the Senate to stop shouting at each other, to quit listening to the dictates of big labor only and big management only and do what I think is right for America. And I have to think the Exon proposal should satisfy well meaning and well-intentioned individuals on both sides of this very contentious problem and maybe get on to lay this matter to rest and have

labor peace and management peace in the years immediately ahead when I think the United States of America is very likely to set its course as to whether or not we are going to be as successful in the new century as we were in the last.

Mr. President, I am simply appealing for reason. I am only making these comments so I can explain to my colleagues the position that this Senator has on this matter, and I will be introducing the bill that I have briefly described next week so that all can look at it. I was very pleased to hear Senator KASSEBAUM, the chairman of the committee of jurisdiction, since she did not know about this piece of legislation. I do not think anybody else does

either, because nobody will pay any attention to a compromise, although I have introduced this piece of legislation before and talked to some Senators about it—maybe, just maybe, Mr. President, something like this might be the bounds to stop the inflammatory rhetoric that is going on now, that is holding up the passage of the defense supplemental, which needs to be enacted into law. And we all agree on that. Yet we get off on what I think are these nonsensical maneuvers and rules to force some people's will on what should be done at a very inappropriate time.

I thank the Chair and I yield the floor.

RECESS UNTIL 12:30 P.M. MONDAY,
MARCH 13, 1995

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 12:30 p.m. Monday, March 13, 1995.

Thereupon, the Senate, at 5:05 p.m., recessed until Monday, March 13, 1995, at 12:30 p.m.

NOMINATIONS

Executive nominations received by the Senate March 10, 1995:

DEPARTMENT OF AGRICULTURE

DANIEL ROBERT GLICKMAN, OF KANSAS, TO BE SECRETARY OF AGRICULTURE, VICE MIKE ESPY, RESIGNED.