

I have told them that we are going to do everything we can here. We will be getting an emergency supplemental to deal with this problem. We are working now on a defense emergency supplemental bill. But unfortunately—and I say this really from the heart—the House has chosen to use this needed emergency spending to relieve the suffering of the people in California, and I might add, other States who are recovering from other disasters, to rush through a \$17 billion budget cut, rescissions of \$17 billion, onto a bill that is about a \$6 billion emergency relief bill.

I want to tell you that I intend to fight that bill, and I am not going to go into too many of the details other than to say that it wipes out many important programs, including summer youth job programs. It is very interesting, because today I received a letter from the Los Angeles Board of Supervisors and they have a lot of damage, of course, left over from the earthquake, and yet they are saying we should oppose that rescissions bill. They wrote to House Speaker GINGRICH and House Majority Leader ARMEY, and the county supervisors basically say that this bill, which would fund the disaster relief, but also offset it with very devastating cuts, is not the way to go.

People used to complain that we would load down these emergency bills with extraneous spending items, and that was true, and we stopped doing it. Why should we see it loaded down with rescissions of programs that are so very important? For example, on the one hand, the House says, California, we know you need money to rebuild. Yet, they cut emergency highway funding in the same bill, which could well be used to repair freeways and to make them safe from future earthquakes.

So I am very hopeful that when this bill gets into the U.S. Senate, we will look at it a little differently here. I am often reminded about what our Founders said about the U.S. Senate, that we act like the "saucer" and the House is the "cup." When the legislation comes over here, it cools down and people get a chance to look at it. This is certainly one that we have to look at.

Well, I will say, Mr. President, we need disaster reform. We do not have the perfect way to pay for disasters, that is for sure. I am working with my colleagues, really, from all over the country. This is a bipartisan task force that was set up here. Senators BOND and GLENN head it up, and I am on that task force. We are going to look at all of the ways we can to prepare here for the next disaster, to make sure that we can meet the needs of our people when our people cry out after an earthquake, flood, fire, or volcano, wherever that might be. And during the debate on the balanced budget amendment, I remember bringing to the floor photographs of disasters from all over the country, and truly there is not a place in America that is immune from a flood or

some natural disaster that could lead to an emergency.

So, Mr. President, that concludes my remarks on the update on the disaster. (Mr. THOMPSON assumed the chair.)

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCIS-SIONS ACT

The Senate continued with the consideration of the bill.

Mrs. BOXER. At this time, I will speak about the business before us. I think some very important issues have been raised in this debate. I often try to put myself in the position of an average American turning on the television set, looking at the U.S. Senate, and seeing a Senator speak from either side of the aisle and wondering why is a Senator speaking about this issue or that issue, when on the schedule it says we are taking up a defense emergency supplemental bill.

In fact, that is what we are doing. We have been asked by the Pentagon to meet their needs because they are engaged in some foreign operations for which they did not have a budget, and for which there were costs that they need to be reimbursed for. So in the middle of this debate that we are having on this very important defense emergency supplemental appropriations bill, there is an amendment offered which has absolutely nothing to do with the bill before us, not even in the most remote sense of the word.

I try to make some type of connection between the amendment that is pending and the bill that is pending, too. And unless I am missing something, I cannot see a connection, because the bill is about reimbursing the Pentagon for items that were needed for this country to engage in military or peacekeeping assignments. And the Kassebaum amendment before us, which has been before us for days now, deals with a worker issue, a workplace fairness issue, an Executive order that has to do with replacing legally striking workers. It has nothing to do with the military emergency supplemental bill.

I heard Senator FEINGOLD make this point, and I think it is worth repeating. It is interesting that the Republicans are in charge of this bill; they brought it out of the committee, and now they are amending it with a very controversial amendment which has nothing to do with the bill. They are slowing down their own bill.

One has to ask oneself why this would be. I have looked at that, also. I tried to look at the merits of it. They said, well, the President signed this Executive order and he now says that the Government should not do business with companies that permanently replace legally striking workers. The President said that. And so the argument is that he has no right to do that; he is trampling on the rights of the Congress. Yet, as you go back in history—and I will bring this out later—I

never heard one Republican come to the Senate floor and complain that President Bush was overstepping his bounds when he made similar moves. So that is not an issue here.

So I come down to this: I think it is a way to slap working people, to put them in their place, to tell them that they do not have rights. And I think that is very sad. I do not see how—and I try intellectually to be fair about this—you can look a worker in the eye, whether it is a nurse or whether it is a construction worker, whether it is someone whose fingernails are dirty or clean, and say to that worker: You, my friend, have a right to strike; you, my friend, have a right under the laws of the United States of America to withhold your labor if you feel you are being treated unfairly. That is your ultimate human right. How could you look that worker in the eye, male or female, young or old, rich or poor, and say to that worker: You have the right to strike; and yet, in the same breath say: However, if you go out on strike, your boss can permanently replace you, even if you are out on strike legally and you have done everything right and you want to negotiate.

This is a very simple issue. You do not have the right to strike if you know the minute you step out the door you do not have a job.

What really interests me is that during the heyday of the Soviet Union, when we were all so excited about the fact that the Wall could come down, the Soviet Union would break up, and countries like Poland could be free at last, Republicans embraced the union movement in Poland called Solidarity.

I will never forget it. Lech Walesa came here. Republicans and Democrats alike said, "Solidarity. Show your strength. Stand up against the Communists. We support you. You are right. The Communists are not treating you fairly. They are treating you brutally."

Everyone embraced Lech Walesa and everyone invited him to speak. Republicans and Democrats here in America, we were united for Solidarity.

But, wait a minute. What happened? What happens in our own country when workers asked for that same dignity in this Nation? You get amendments like this one, amendments like this one that are so hurtful to people who believe they have a right to strike, to people who want to work but who want to know that they have that ultimate leverage.

I wish to compliment the President, because he looked at this issue and he knew that for many years we had a majority in this U.S. Senate which would have outlawed the permanent replacement of these striking workers. We did not have 60 votes, so we fell victim to filibuster.

He knew he had the ability to do something about this. And the Republicans do not like it. But he did it. He signed an Executive order. Guess what?

We have a President. He has the ability to take some steps on his own.

My goodness, we have Republicans here who want to give him so much line-item veto power that it is too much for this U.S. Senator. I do not want to give the President too much power. But the President has a right to issue an Executive order like this one.

The Kassebaum amendment would say the President does not have this right, this very simple Executive order that says that we cannot contract with companies who fire legally striking workers. The Kassebaum amendment would wipe out that Executive order.

I will tell you what I hope. I hope, if that survives this bill and it is attached to this bill, I hope the President vetoes this bill, because I think that working people in America today need to know that they get some respect, that you do not have to be a striking worker in Poland and belong to Solidarity before you get respect from the Government of the United States of America.

The President, as head of the executive branch agencies, is well within his right to issue this order.

I said before, I never heard one Republican complain when George Bush issued his Executive order which required all unionized Federal contractors to post a notice in their workplace informing all employees that they could not be required to join a union. George Bush made sure that that kind of language was posted. The order says workers had a right to refuse to pay dues for any purpose unrelated to collective bargaining. I did not hear any Republican Senator complain that the President had overstepped his authority.

Oh, but now President Clinton stands up for workers and all you hear is complaints about it and we are going to stop him.

Well, I hope we do not succeed in overturning that Executive order, because I think working people are getting the shaft.

And why do I say that? Common sense. I am not a labor lawyer, but I have common sense. If somebody says to me, "You have a right to strike, but the minute you walk out the door someone is going to permanently replace you and you are out, no health insurance, no benefits, no nothing," I do not have a right to strike at all. It is just a paper right.

President Clinton understands this and he is showing leadership. The Republicans around here do not like it, so they put up the Kassebaum amendment. They slow down their own bill to slap working people.

There is a lot of talk in this country that people are insecure about this economy. In California, there is a lot of talk about affirmative action. And they are saying, "Well, this is the reason that people are having trouble getting jobs, affirmative action."

Well, let me tell you, if you look at the facts, you will find that is not so;

that what is hurting the working person today is the fact that we do not see any policies coming out of this Congress that are going to help them.

Let me tell you, you read the contract for America or with America or on America. I think it the Contract With America, the Republican Contract With America. You read every line of that contract and you show me one place in that contract where there is one thing said about jobs, where there is one thing said about the rights of working people, where there is one thing said about increasing a minimum wage that is at a 40-year low. And there is a modest proposal by this President to increase it and no way will this Republican Congress even consider it.

But if they get a chance to slap the worker, here it is. I say it is wrong. It is wrong. These are the people that should be respected, not shunned, and this amendment that has been offered by the Senator from Kansas should be defeated.

The threat of using replacement workers is a veiled iron glove hovering over workers at the bargaining table. It upsets that delicate balance.

I have known some wonderful people in California who are very good bosses, who have very good relations with the working people that they hire. And I can tell you, those people would never replace workers who go out on strike. They would not do it because they have come to respect those workers and the workers' families and the workers' children and they know that their success has been brought about because of those workers. So this is not aimed at them—the good bosses, the management people who bring their workers in.

But I will tell you, there are those management people—and I have seen them, too, in California—who do not really care about the workers, who really do not care. Sometimes it is new management that is brought in when a company is bought out, some kind of a hostile takeover. They come in and they throw everybody out the door. They goad workers until they go out on strike, and then they permanently replace them.

We have a lot of companies to choose from when we hire companies to work for the Federal Government. President Clinton is right. Do not hire those firms that treat their people so badly, who care so little about them and their families, who would throw them out at the drop of a hat the minute they walk out on strike.

Let me say when people go out on strike, that is not a happy occasion. That is not something they do lightly. People suffer when they are out on strike. The family suffers when a person is out on strike. It is very hard. No one knows when the strike will end. It is very difficult to know that you will be replaced the minute you walk out the door. It changes the entire balance between workers and management. A stable and productive relationship can

be put out of kilter if you know the minute you walk out that door you can be replaced.

Now let me say why I think what the President did is not only good for workers, it not only honors workers, but why it is good for America. It is a very important point. Strikes involving permanent replacements last far longer than other strikes. On average, strikes involving permanent replacements last seven times longer than other strikes. They are bitter. They are disruptive because business targets not just wages and benefits but the very right of the worker to strike.

I will tell Members as I have looked at these strikes in the past, the bad feelings linger. The bad feelings linger because permanent people have replaced workers, and finally if workers even do get their job back, it is after a very long struggle. It is not the right way to proceed.

So I say if we do not deal with companies that do that, that treat their people so badly, we will be dealing with better companies. We will be contracting with companies that will do a better job for the American people. I think that argument is sometimes lost.

So it is not only that this Executive order by the President is good for workers and honors workers, it is good for America because we will be contracting with companies that have a better labor track record and, therefore, are more reliable.

Now, I said before, we have had many incidents in California, and I want to talk about one that I talked about before. It is a situation where more than 400 nurses at the California Nurses Association went out on strike at the City of Hope Medical Center, in Duarte, CA. They were protesting contract demands that cut their vacations in half, and reassigned large portions of their duties to lower paid and in some cases unlicensed personnel.

I do not have to say how committed nurses are. They are committed to their work. They are proud of their work. They do not walk out on strike easily. They love their jobs. But they knew they had no choice. The minute they walked out the hospital management began to hire replacement workers. Let me tell Members, it was a bitter, bitter pill for those nurses to swallow.

Carol Beecher-Hoban, a pediatric nurse, found out on her sixth anniversary at the hospital that she would be permanently replaced. The day she went out on strike—a legal strike—a single mom with two kids, without her job, she was without health insurance for her and her family. Believe me, a registered nurse knows what it means to be without health insurance.

She had to take two jobs and sell her house to make ends meet, all because she exercised her right under laws passed by this Congress and supported, presumably, by everyone—the right to strike. That is supported by everybody. This is an amendment, my friends, to

end the right to strike. If ending the right to strike was the amendment before the Senate, it would be more direct. But this deals with permanent replacement of strikers, which I say, is equivalent to ending the right to strike.

So here is a nurse who walks out to protest the working conditions of her job—and she's been there for 6 years—and she loses her job. Right away, a single mother, two kids, no medical insurance. She has to take two jobs, sells her house, because her employer chose to permanently replace her.

Let me underline the word "permanent." We are not talking about temporary replacements. Employers can do that if they want to. We are talking about permanent replacements. People go out on strike because they believe they have the right to strike. It is guaranteed to them here in the laws of our land, and then they are permanently replaced.

How about this other woman: Betty Razor, a specialist in a certain type of therapy which is very difficult to deal with. She deals with patients who have colostomies or other kinds of artificial diversions in place for bodily functions. It is a very tough and stressful job.

This woman, Betty Razor, was nurse of the year and employee of the year at that hospital, in Duarte, CA. She went out on strike. She was nurse of the year and voted employee of the year by the management. What do they do with Betty Razor? They permanently replace her. In a snap. In a snap. That is what they thought of her.

I say that is wrong. That is wrong. If a company wants to temporarily bring in a replacement because they have a need to fill, that would be something that could be understood. But to permanently replace the employee of the year, the nurse of the year, with no feeling at all about this person, is wrong. Yet this amendment would say, "It's fine. Go ahead. We love it. Congress says it's great. Permanently replace your people."

Not me. I say it is wrong.

What is she doing now? She is working in home care. She called my office when this debate was raging a few months back. She said when they told her they were replacing her she said, "You must be kidding. I didn't seem to think that they could do that." She said, "I thought when they told me I was being permanently replaced that it was a ploy to make us knuckle under." She said, "I didn't think they could just pick anyone to replace us. They let go the cream of the crop. Everyone who has professional influence with other nurses was replaced." So they got rid of the cream of the crop.

Five nurses of the year were replaced permanently. What did they do? Were they bad? Did they treat their patients badly? No, they were the nurses of the year. Their patients loved them. But they exercised their right to strike. Their human right to withhold their labor to protest. They thought once

the strike was over, they would be working again, because they loved their work and they wanted to work, but they were permanently replaced.

This amendment will send a signal all over this country. Go ahead, everyone, fire people if they dare go out on strike, and permanently replace them. That is wrong.

She said to me, "I always felt you strike because of the issues, and when you settle the issues, you go back to work. You don't win every issue," she says, "You compromise."

She said, "That's how we do it in America. I never thought you would permanently replace the workers. Why would anyone strike then?"

I think the American people are fair, and I do not think the American people think it is unfair to tell someone "You have a human right to withhold your labor, to strike; now, remember, when you do it, you won't get a paycheck, it's going to be hard, you may have to stand out with a picket sign, you're going to have problems, people may not like you, it may be tough. But you have a right to strike while you bargain collectively until all the issues are resolved; you have a right to strike." I think the American people believe that is right.

Now, when it comes to certain public employees, we know that is another problem, that is another issue, and we are not talking about that here. We are talking about private contractors. So to tell someone you have the right to strike, we support your right to strike, and yet then say to them, "But the minute you walk out the door, you're history; you'll be thrown off health insurance, you can't get your job back," I think the American people would say that is not fair.

So Nurse Razor learned it the hard way.

Mr. President, there are other instances in California of the sheer inhumanity of hiring replacement workers. Last year, Senator Metzenbaum talked about an issue in California, the Diamond Walnut workers. It is a very, very, very tough issue. Four hundred members of a union exercised their right to strike more than 2 years ago. In 1985, they had given huge wage concessions to the employer because they were wanting to help the company avoid bankruptcy, and they said, "Look, we are part of the team here. We are not going to insist on higher wages if you are having trouble in the company."

They said, "We will give concessions. We will take lower wages," and they gave huge wage concessions.

The company turned around. It did amazingly well. But the concessions were not restored, despite renewed profitability and what they thought was an implied promise that things would change for them if the company's fortune reversed.

More than half of the striking workers happened to be women in that case. In a special report to Secretary of

Labor Reich, Karen Nussbaum, Director of the Department's Women's Bureau, said, "The workers' sole precondition is to return to work while retaining union representation." That is all they wanted. They want to go back and still stay in their union. They cannot do that right now. They were punished, and they cannot go back to work, punished for exercising an American right, a right that is so American that we said to the workers in Poland when they were under the Soviet Union, "We back you." Solidarity was the union. "We back you," Republicans and Democrats on their feet, greeting the President of Poland, Lech Walesa. "We love you," we said. Solidarity. The workers overthrew communism, and yet right here, the workers in America are getting the shaft. The President says that is wrong and about 42 of us said that is wrong, and whether or not we hold ranks, I do not know. But I hope we hold our ranks. I hope we stick together for these working people.

I think the message that we send out from this Chamber is very important to the workers of America to know that someone is on their side. Maybe it is not so popular to be on the worker's side anymore, but it is popular with me, because I believe in America and the American dream and hard work, like the nurse of the year, who worked with patients who were sick, and they loved her and the bosses loved her, and the minute she said, "Wait a minute, you're not treating me fairly in these negotiations," and she walked outside the door, the door slammed shut on her.

What kind of a message is that to send to the hard-working people of America? We have a lot of contracts with companies. We can choose and pick the best. Let us choose and pick the best, and that means those that are the best to their workers. Does it mean that workers are always right? Of course not.

When I was a member of the board of supervisors, the union struck against me. I did not like that. I did not think they were right. I felt terrible about that. They struck me. They held signs against the board of supervisors. They said we were wrong, and I said to them that I thought they were asking for too much compensation, and we sat at the table. They went out on strike, and we had to work hard.

We had management people doing their jobs. It was not easy, but we negotiated in good faith, and when the strike ended, those employees came back to work and they said to me, I remember at that time, "Supervisor BOXER, we didn't agree with you, but let's put it behind us." That is what America is all about. We should not lord our power over working people and fire them the minute they have the temerity to walk out the door. This is America. That is wrong. We should not punish people for exercising their rights. We should argue with each other when we do not agree. I argued

with those employees. I said, "You're asking for too much. You're making a mistake. You're going to get burned because you are not going to get everything you want. Don't go out on strike. It's wrong." But I never said to them, "If you walk out that door, you're history."

Why would I not say that? Because they are good people; they cared about the county. They worked in public works; they worked in all kinds of important parts of the county in Marin. They were good, hard-working, decent human beings who very rarely went out on strike, and when they did it, I said, "You're wrong." When it was over, we shook hands.

That is what America is about, not saying, "We're changing the lock on the door and you can never come back because you legally exercised your rights." That is wrong. That is what this Kassebaum amendment is about. It is slapping working people. It is a message that they do not have the right to withhold their labor and to have in any way a level playing field.

So I hope we are going to stand up for those who work for a living, whether they are cracking walnuts in Stockton or providing specialized nursing care in Duarte, CA, or any other economic pursuit you can name.

If people want to fight about the right to strike, let us have it out on that issue. That is what is so interesting to me about the Republican Contract With America, because I look at it as a war on children, on families, on consumers, on the environment. But if you look at the contract, it says "The Commonsense Legal Reform Act." That is how they talk about their legal reforms.

You tell me what is reform about saying there are no punitive damages that can be leveled against a corporation that goes ahead with a product that has FDA approval—let us say something like the Dalkon shield—and you say, "Well, you got FDA approval. Therefore, if it makes women sterile or it hurts them or it kills them or it gives them cancer, no punitive damages."

That is the commonsense legal reform act. I say it is a war against consumers, just as this amendment is a war against working people. But they never put it in those terms. There are other parts of the contract—regulatory reform—that deal with issues that can really hurt the health and safety of the people of this Nation.

What is a reform about stopping a regulation that is going to stop *E. coli* from getting into the hamburgers that people eat all through this country? I have constituents who have died because they ate a hamburger that had *E. coli*.

Regulatory reform, my friends, is going to do a lot for those people because it is going to stop that regulation from going into effect that will protect the meat supply. But they call that regulatory reform.

How about this one? A bacteria called *cryptosporidium* showed up in the Milwaukee water supply. We are finally getting around to regulating standards for the water supply. Oh, the Republican contract: Moratorium on all regulations. So they call it regulatory reform. I call it a war on consumers, a war on the environment. And this amendment, stopping a President from issuing an Executive order that he has every right to do, to me is a war on the working people of this Nation.

In a way, I am discouraged about having to fight these battles, but in a way it energizes me because I think the American people have to engage in what is going on here in Washington. A hundred days to change America, 100 days to turn back the clock on progress we have made in providing this country the toughest consumer law, the best in environmental protection, the best protections for water, for air. All that, we turn it back in 100 days because that is what the politicians said the last election meant.

Let me tell you, I think the last election meant change. People want change. People are tired of politics as usual. There is no question about it. People do not want waste. They want an end to fraud. They do not want useless regulation. But the election was not about leaving this country unprotected, unprotected from pollution and bacteria that gets in our meat supply, from drugs that have not been adequately tested.

What I find very interesting about the contract is it does a couple of different things. First, it says if a company issues a product that has Federal Drug Administration approval, you can never sue that company for punitive damages if you die or get cancer or something like that. At the same time, they want to go after the FDA and make it really an agency that cannot function. They attack the FDA. As a matter of fact, the Speaker of the House said, "Let's privatize the FDA. Let's not even have an FDA."

Well, imagine that combination: an FDA that is neutered and at the same time, you give them the power to protect companies from ever being sued if their product received FDA approval. That is a lethal combination, and that is in the Republican contract which, by the way, is moving very quickly.

But earlier in my remarks I said that when the Founders founded this Nation, they said that we would act in the Senate here as the saucer and in the House as the cup, and when these ideas spill over, they will cool down here because people are getting to see what they are.

I was very pleased that the majority leader gave us 2 extra days on the balanced budget amendment because my people in California now understand if Social Security wasn't exempted from that amendment, it would be raided and looted and gone. So where the balanced budget amendment was so popular, when people realized that Social

Security was going to be looted, the polls totally switched and 70 percent opposed it.

I am glad that we have the time here to look at some of these issues, so I could tell you about some of these nurses, so I could tell you about the strikers at the Diamond Walnut plant. All they want now is to get their jobs back and stay in their union. They cannot do that.

I have to say that if you look at this contract, nowhere in it will you see anything that even mentions the word environment. Nowhere in it will you really see anything that mentions the words "consumer protection." And I hope that we will slow it down, just as we are slowing this debate down.

I do not know if we are going to win this debate on striker replacement. I do not know if we are going to win this debate. There may be some who say, look, we have had this discussion long enough. Let us get on with the bill. But I can tell you now, if the Republicans withdrew the amendment, if the good Senator from Kansas withdrew the amendment, we would be in good shape. We could move this bill forward. But if we insist on keeping this amendment alive, I think the Senator from Massachusetts is willing to talk about it for a long time. I am willing to talk about it for a long time. Frankly, if we do not have the votes to stop it, President Clinton may veto this bill. He may veto this bill, just as I think President Bush would have vetoed a bill that in fact reversed his Executive order.

There is a town in California called Hawthorne, and a firm there that makes hardware. There was a strike over a health care issue. When the workers went on strike, they were told that replacement workers would be brought in but they would not be permanent. They would only be temporary replacements.

On November 29, the members voted to call off the strike and accept the company's last offer. But—but—at that point, the company withdrew the proposal and declared the replacements permanent, leaving these union members without jobs.

Now, that to me is an extraordinary story, because I grew up to believe that when someone gives you their word, that is golden. That is golden. So the employer said: We are just going to replace you temporarily, but in the end the employer did not mean it. And I have to say that the NLRB, the National Labor Relations Board, still has not come down with a decision, and that has gone on for a long time. In the meantime, those workers are without health care, and they are close to exhausting their unemployment benefits.

Only 10 percent of those workers got other jobs. But those other jobs that they got, they are nothing like the ones they had before. Basically they are minimum wage jobs with no benefits. It is a very unhappy story, a very unhappy story.

Then there is a story, again out of San Bernardino, CA, of 150 workers at a bakery. They had very low wages. Many of them felt they were being passed up for promotions. After 5 months of negotiating, the workers went on strike. The union said let us bring in mediation, but the company refused to bargain. They hired 125 replacement workers, built a new facility somewhere else, and eventually closed the San Bernardino facility. Only 60 of those workers out of the 125 ever got back to work.

It goes on and on. I think that this amendment on this defense bill is totally uncalled for. This is not an amendment that deals with the defense supplemental bill. This is an amendment that I think is a gratuitous slap at people who work for a living. It is not necessary.

Why not have a hearing, I would say to my friend from Kansas, and bring in the administration? Let them explain why they feel this is important to the dignity of working people and, by the way, for the taxpayers who will benefit when companies with good labor records are hired by the Federal Government because they will not be dislocated. They will fulfill their obligations to be good contractors for the American people.

There is one element of disaster reform that I am prepared to introduce today. This component would repeal the current 10-percent income threshold for casualty loss deductions arising from a presidentially declared natural disasters. It is identical to legislation I offered 1 year ago to help the victims of last year's tragic Northridge earthquake.

We have all seen the devastating images of flooded farms and homes on television. But it is important to remember that many Californians affected by the flooding suffered serious, but moderate, damage. Their basements are filled with mud and their carpets and furniture need to be replaced, but their homes still stand. These people have \$5,000 in damage, or maybe \$10,000. These are the taxpayers who may not get the relief they need.

Suppose a middle-class family with adjusted gross income of \$50,000 sustains \$4,000 in flood damage. Under current law, only losses in excess of \$5,100 can be deducted. But under my bill, that family could deduct all losses over \$100, or \$3,900. And where would their tax savings go? It would go back into the economy as a direct stimulus. It would create jobs for contractors and those who produce the raw materials they use. The economic benefits would ripple throughout the community.

This bill would allow nearly full tax deductibility of all casualty losses attributable to disasters declared on or after January 14, 1994. Victims of the Northridge earthquake could take advantage of this tax deduction as could victims of the current flooding. And most importantly, future disaster victims would gain a valuable tool to help

themselves recover from these disasters.

Offering this amendment on this bill is not necessary. I hope my friend from Massachusetts will continue to lead this fight.

I ask him at this point if he has remarks planned or if he wishes me to continue a few remarks for a short period of time?

Mr. KENNEDY. If the Senator will yield?

Mrs. BOXER. I am happy to yield.

Mr. KENNEDY. Mr. President, first of all I thank my friend and colleague, the Senator from California, for her comments. These have been comments, not just this afternoon, but I know and I can tell the Senate that she has been there every hour, every minute of this battle. She has worked with our minority leader and others who have been working on this issue for the past several days. She has spoken on this and has been ready to continue the battle for working people.

I want to thank her for her immense contribution to this debate. It has been enormously interesting. As she has pointed out, the time that was taken both in the balanced budget amendment and also particularly on this issue, I think, has been enormously informative to our Members. I find that has been the case.

We had, initially, the question about the Executive order, whether the President had the power to take this action. We went through that history. We went through the past Executive orders by past Presidents. There was some confusion. But we went through it.

We went through exactly the types of people who were going to be affected and impacted, and we were able to demonstrate these were, by and large, workers who were making \$6, \$7, \$8 an hour at the tops—the ones who were being permanently replaced. So it was hard-working men and women who were trying to provide for their families who were going to be impacted by the amendment.

We went through the course of the history of the results of contracts that were being performed by permanent replacements. There were serious questions in terms of on-time delivery and also the quality of the work. And we went on in the broader context about how this issue that has affected the legitimate rights of working families, how this fits in with other actions or nonactions of the Congress during the past 3 months.

I think it has been enormously informative for our Members and also, I think, for those who have been watching and listening and following the debate. I am enormously grateful to her for her contribution.

I see the Senator from Kansas is prepared to perhaps make a comment. So I am prepared to yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I regret that we have been unable to

have a final vote on my amendment. There are those who do not wish to see it come to a resolution with an up-or-down vote, and that is their right. I respect that.

The Executive order that we have been talking about—whereby striking workers now cannot be permanently replaced, as has been the law for some 60 years and which will now be overturned by this Executive order—is very important and very troubling.

The implications of the Executive order go far beyond just saying there will only be a few companies affected and it really will not make a lot of difference. It is very important for us to understand what, indeed, the ramifications of the order will be. I would argue that using Executive orders in this way can affect labor as well as management. And it will further destabilize the relationships in the work force.

So I just want to say, Mr. President, I will be back. This is an issue of vital importance and I intend to bring it up again and again because I think it is so very important.

Mr. President, I appreciate the fact that it has been a good debate. There have been, I think, some well-stated views on both sides. I suggest that this issue is one that will not be laid to rest until, I hope, we can reach some resolution on what basically is at stake here—and that is the separation of powers between the executive and legislative branches.

I yield the floor.

Mr. JEFFORDS. Mr. President, earlier today, due to inescapable circumstances I was absent from a cloture motion vote on the Kassebaum amendment No. 331. On my journey to the Senate Chamber I was trapped in an elevator in the Senate Dirksen Building for 40 minutes. I extend my most sincere thanks to the Senate superintendent's office for its assistance in my rescue. I must say that crawling out of the elevator was certainly a new and exciting experience, but not one I hope to repeat anytime soon. As I have said in prior statements I support Senator KASSEBAUM'S amendment and would have voted in favor of cloture had I been able.

THE DEFENSE INDUSTRIAL BASE

Mr. BIDEN. Mr. President, H.R. 889, the defense supplemental appropriations bill, has provided us an early rehearsal for a larger debate that will no doubt last throughout this session of Congress and beyond.

This debate takes place at two levels: First, we will be deciding how best to provide for our Nation's defense—for now, and for the long term. At another level, we will be setting priorities for the monumental task of restoring balance to the Federal budget.

This bill is before us today because we must fund unanticipated Defense Department expenses—for our operations in Haiti, Somalia, Bosnia, Cuba—out of funds that were originally intended to support normal, peacetime functions.

Eventually, the cost of those unforeseen operations took their toll on the ability of our armed services to pay for some of those training functions. I believe that it is now clear that we need a better way—a contingency fund, for example—to deal with the inevitable, but unpredictable tasks that our Armed Forces will be asked to undertake.

Unfortunately for colleagues in the House took a very short-sighted approach in their search for the funds needed to meet this year's needs.

They decided to cut funds from two programs that are essential to our country's economic and military security.

They eliminated the technology reinvestment program, cutting \$502 million from this year's and next year's budgets. And they cut 25 percent, \$107 million from the advanced technology program.

These programs are part of an established, bipartisan decision to maintain the technological advantage that we displayed so convincingly in the Gulf War and will continue to need to meet the threats the world now presents.

These programs are at the heart of an emerging base on domestic, American high-technology manufacturing capacity, the base we need to assure that we will continue to foster the discovery and development of the new ideas and products that the world's most sophisticated military demands.

To establish and maintain that base, these programs take advantage of our country's historical strength—our private economy. By making our Nation's high-technology industries partners in the development of the kinds of technologies and processes that future defense systems will require, we are building the essential foundation for our national security.

These programs are critical investments, in areas where there is the potential for both commercial and military applications. The potential spill-over from these programs in both kinds of applications means that without the incentives they provide, we would engage in wasteful duplication of commercial and military research, on the one hand, or miss the opportunity for important breakthroughs, on the other.

Mr. President, recent history and economic logic tell us that individual firms will not find it cost-effective to undertake the research and development that these programs support, because the payoffs are often unpredictable and many years in the making.

In addition to promoting the private sector's involvement in this kind of long-term undertaking to preserve our Nation's competitive edge in the world economy—our Government has the responsibility to provide for the common defense.

In this day and age, and certainly into the future, that constitutional responsibility will require the maintenance of an advanced manufacturing

capability, along with the scientific knowledge, engineering skills, and information management that support it.

Consider, Mr. President, the kinds of projects that these program make possible. TRP is supporting the development of advanced composite materials for advanced aircraft propulsion systems. Advanced engine designs now being considered for future production could increase performance and fuel efficiency for both commercial and military aircraft.

This potential can only be realized if much of the metal engine structure in conventional designs is replaced with polymer composites that can be produced at reasonable cost.

Another TRP Program supports private industry in the development of low- and high-power high-temperature superconductor microwave components for commercial and defense satellites. These new components could radically reduce the size and the power consumption of critical satellite components, creating longer-lasting communications and weather satellites.

The ATP is supporting the development of manufacturing processes that can reduce by at least one third the cost of producing advanced composite components for use in thousands of different applications.

These advanced manufacturing processes are the key to reducing the overall cost of employing new materials, such as the aircraft engine parts in the TRP Program I mentioned.

And to illustrate the important public investment component in these projects, Mr. President, a recently awarded ATP grant supports the development of very large scale component parts that can be used on civilian as well as military infrastructure projects, such as auto and rail bridges.

As we look for ways to rehabilitate our neglected public facilities, at all levels of our Federal system, these new materials offer ways of repairing conventional structures as well as constructing new ones, with longer lasting, low-maintenance components.

Mr. President, only by supporting these innovative ATP and TRP Programs can we maintain the cutting-edge commercial manufacturing capacity that is essential to meeting the rapidly evolving demands on our military capabilities.

At the same time, they provide the additional security of knowing that we are doing all we prudently can to assure that our domestic economy remains at the leading edge of commercial applications of new technologies.

We can no longer afford—if we ever could—wasteful duplication of military and commercial development of the same technologies.

And we certainly cannot afford to miss the next breakthrough in materials, information management, or communications, that could leave the men and women of our Armed Forces needlessly exposed to danger.

The greater their exposure—if we allow our technological edge to grow dull with false economies—the more reluctant we will be to face threats to our security. For want of the next generation of nails, Mr. President, the next century's battles may be lost.

These are difficult times—we must invest for long-term economic growth here at home and confront the confusing variety of new threats to our security abroad.

The Technology Reinvestment Program and the Advanced Technology Program are prudent, cost-effective means of dealing with both of those problems.

Mr. President, I want to commend the distinguished managers of this legislation, the members of the Defense Appropriations Subcommittee, Senators BINGAMAN and LIEBERMAN, and the other members who have spoken up for these programs, for showing the foresight to restore these important programs to more adequate levels of funding.

I am sure we will find ourselves revisiting these issues in the coming months and years. I will continue to support efforts that protect the technological foundations of our economic and military security.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if I could inquire of the Chair, what is the pending business?

The PRESIDING OFFICER. The pending business is the Kassebaum amendment to H.R. 889. That is the pending question.

Mrs. KASSEBAUM. Mr. President, I would say these comments represent my point of view on this issue at this point. The majority leader is in discussions now. I think he will announce the outcome of those discussions in a few minutes.

Mr. KENNEDY. Mr. President, I appreciate the comments of my friend and colleague, the Senator from Kansas. I want to say, every person in this body knows the seriousness with which the Senator from Kansas takes her responsibilities as the chair of the Labor and Human Resources Committee and as someone who delves deeply and is concerned, interested, and attentive to the range of public policy issues that come before that committee. In particular, the Senator spends a great deal of time and gives a great deal of thought to issues involving the relationship between workers and employers. This has been a matter of very great seriousness, I know, to her.

I understand that and respect it. She has indicated she will be back at another time to address these issues. We regret we have not been overwhelmingly persuasive to her and to others as to the legitimacy of our position.

But we welcome the opportunity to continue the dialog not just here on the floor but otherwise to see if we can find areas of common ground in this area as we have found common ground

with her and our other members of that committee in a great number of areas. We have been appreciative of the way that this debate and discussion has taken place.

We await the announcements of the majority leader as to the Senate business.

Again, I am grateful to both the Senator and her supporters as well as all of those who have spoken on this measure over the period of the past days, and for the courtesies and the attentiveness which they have given to this issue. I am also grateful to the leadership Senator DASCHLE and many of my other colleagues have personally demonstrated on this measure.

I thank all the Members. I yield the floor with the expectation that we will be on other matters after the majority leader speaks.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

DEATH OF WILLIAM ARTHUR WINSTEAD

Mr. COCHRAN. Madam President, it is my sad duty to advise the Senate that Arthur Winstead, former Congressman of Mississippi, died last night at the age of 91.

William Arthur Winstead represented the 3d Congressional District of Mississippi from 1943 to 1965. During his 22 years of service in Congress, he was firmly loyal to his constituents and his principles. In an ironic twist of history, in spite of his conservatism, he was the first Mississippi Congressman in this century to be defeated by a Republican. Reflecting the changing nature of politics in the South, he subsequently became a strong supporter of several Republican candidates.

I was flattered and honored that I had the privilege to become his friend. It was only about 2 weeks ago that he called to talk about his impressions of our efforts to bring about changes in the Washington Government. He was very proud of the role the members of our State's delegation were playing in this period of transition.

Prior to entering Congress, Arthur Winstead served his community as a teacher and subsequently as county superintendent of schools for Neshoba County. During the administration of the late Gov. John Bell Williams, he served as commissioner of the Mississippi Department of Public Welfare.

Arthur Winstead was a personal friend of mine and a friend of many throughout Mississippi. I offer my personal condolences to his wife and family. In honoring his memory, we honor a good and dedicated man who served with distinction in Congress with a deep sense of public duty and principle.

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

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

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCIS- SIONS ACT

The Senate resumed consideration of the bill.

Mr. DOLE. I ask unanimous consent that the cloture vote scheduled for Thursday on the Kassebaum amendment be vitiated.

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

Mr. DOLE. And with the consent of Senator KASSEBAUM, I would ask that her amendment be withdrawn.

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

So the amendment (No. 331) was withdrawn.

Mr. DOLE. I further ask unanimous consent that H.R. 889 no longer be the pending business and the bill be returned to the calendar.

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

MORNING BUSINESS

Mr. DOLE. Madam President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak not to exceed 5 minutes each.

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

A FAITHFUL SERVANT PASSES

Mr. BYRD. Madam President, Cecil Romine, the former president of the West Virginia American Postal Workers Union and long time national business agent for the American Postal Workers Union, passed away earlier this year at age 67. He was born and raised in West Virginia, and served in the Navy at a very young age in World War II. He came home to reside in Parkersburg, where he went to work in the post office. When postal workers were given the right to bargain collectively by Congress in 1971 he established his home Local in Parkersburg—the Mountaineer Area Local—and then the West Virginia State organization.

Cecil Romine was then elected as national business agent for the Clerk

Craft for the three-State region of Maryland, Virginia, and West Virginia in 1976. It is a mark of his extraordinary skill as an advocate and a negotiator that someone from a small Local like Parkersburg would be elected—and consistently reelected—in a region in which most voters come from much larger Locals such as Baltimore, Richmond, or Washington, DC. He was equally respected by postal management not only as one of the union's most resourceful and talented representatives, but also as a man of his word. He loved the union and the Postal Service and fought tirelessly to better both. Even after retirement, he worked hard and effectively with my office to preserve service in West Virginia.

Mr. Romine turned down many chances to take better paying and more secure jobs in management. Perhaps if he had, he would have enjoyed a longer and more normal retirement. But he knew his place was in the front line fighting for working people, and he was never interested in doing anything else.

He had 7 children, 13 grandchildren, and recently 2 great grandchildren. The pillars of his life were his family, his church, and his Union. He was a man of traditional values in the true sense of those words.

I know that Cecil Romine is deeply missed by both his personal family and his larger family of postal workers. In submitting this statement, I want to let his wife Betty and all of his family know that his memory is respected here.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Madam President, the enormous Federal debt which has already soared into the stratosphere is in about the same category as the weather—everybody likes to talk about it but almost nobody had undertaken the responsibility of trying to do anything about it until immediately following the elections last November.

When the 104th Congress convened in January, the U.S. House of Representatives approved a balanced budget amendment. In the Senate, however, while all but one of the 54 Republicans supported the balanced budget amendment, only 13 Democrats supported it. The balanced budget constitutional amendment, needing 67 votes, failed by just 1 vote. There will be another vote later this year or next year.

This episode—the one-vote loss in the Senate—emphasizes the fact that a lot of politicians talks a good game when they are back home about bringing Federal deficits and the Federal debt under control. But so many of them come back to Washington and vote in support of bloated spending bills rolling through the Senate.

As of the close of business yesterday, Tuesday, March 14, the Federal debt stood—down to the penny—at exactly