

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 exist, 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 contractors 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

record against any effort to repeal the Davis-Bacon Act and deny workers in the construction industry a fair wage."

Why would Davis-Bacon's opponents use race as an argument when, according to the Labor Department, more minorities work on Davis-Bacon projects than are employed on all non-Davis-Bacon projects across the country?

And why would they resort to such ugly accusations when the fact is the GAO says the proportion of minorities in apprenticeship programs in the U.S. has increased to more than 24% of all apprentices?

Are they unaware of the fact that minority participation in management-labor training programs is more than double that in non-union programs, and that 95% of all minority graduates of apprenticeship programs come up that way?

Evidently, there's no limit to the misinformation Davis-Bacon's opponent's are willing to spread, no argument too base or vulgar for them to use for purely political motives.

More than 21,000 contractors—the real voice of the construction industry—urge support of Davis-Bacon reform: H.R. 2472 and S. 1183. We represent a diverse, non partisan association of businessmen and women from every corner of the United States. We welcome an honest debate, based on facts. Racism? Check the source.

THE WHITE HOUSE,  
Washington, September 29, 1981.

DEAR BOB: I want to acknowledge the Building and Construction Trades Department letter of September 11 concerning efforts to repeal the Davis-Bacon Act. I have asked the Secretary of Labor to respond directly, but I want to assure you and your General Presidents that I will continue to support my campaign pledge to not seek repeal of the Act.

With best wishes.

Very sincerely,

RONALD REAGAN.

DAVIS-BACON BENEFITS MINORITY JOB OPPORTUNITIES AND IS SUPPORTED BY ALL LEADING MINORITY ORGANIZATIONS

Don't be misled by one of the most scurrilous, patronizing and knowingly untrue claims against the Davis-Bacon Act. Claiming the Act discriminates against minorities is a blatant attempt to divert attention away from the real issue. To quickly dispel this discrimination lie, all you need to do is look at the many minority organizations that support the Act.

In fact, 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, each worker will be paid at least the locally prevailing wage. According to Former Secretary of Labor Ray Marshall, the "workers most often victimized by unscrupulous contracts are minority workers."

The National Alliance for Fair Contracting and its 21,000 contractors is proud to join the nation's leading minority organizations in urging your support for the Davis-Bacon Act. While the record documenting that Davis-Bacon plays a major role in bringing minorities into the middle class is overwhelming, we ask that you also consider the following facts:

In the nine states that have repealed their prevailing wage statutes, minority participation in skilled training programs fell almost 50 percent.

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

According to the Department of Labor, in 1991 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.

The US Department of Labor's Bureau of Apprenticeship and Training (BAT) has reported that minority participation, both in terms of percentages and absolute numbers, is substantially higher in management-union training programs than in non-union "so called" training programs.

In light of these facts, how can anyone ever again believe anything that is said by Davis-Bacon opponents?

STATEMENT OF HON. MAJOR R. OWENS, "IS DAVIS-BACON RACIST?"—MAY 21, 1996

Thank you, Mr. Chairman for the opportunity to submit this statement for the record. The Republicans often ask the patronizing question, is The Davis-Bacon Act racist? The answer is a resounding and unequivocal NO! Don't be misled by one of the most scurrilous, condescending and knowingly untrue claims against the Davis-Bacon Act. Claiming the Act discriminates against minorities is a blatant attempt to divert attention away from the real issue. Why would Davis-Bacon critics use race as an argument when, according to the Labor Department, more minorities work on Davis-Bacon projects than are employed on all non-Davis-Bacon projects across the country? Further, one need only look at a letter from the Congressional Black Caucus dated December 13, 1995 to ABC's "20/20" supporting continuation of the Act. And if that were not enough concrete evidence, almost every major civil rights and related group representing minorities and women supports the Davis-Bacon Act and prevailing wage statutes.

In fact, 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, each worker will be paid at least the locally prevailing wage. And as Dr. John T. Dunlop, Former Secretary of Labor under President Ford said, "By protections flowing from the Davis-Bacon Act in part, the loss of minorities has been improved dramatically."

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. Smaller minority contractors have also been found to benefit from the Davis-Bacon Act. Smaller federal construction jobs, because of the equality of bidding opportunity provided by Davis-Bacon, serve as entry for small contractors into the construction industry. The smaller minority contractor may compete with large contractors because of the control on 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.

Even with the Davis-Bacon Act in place, exploitation of minority workers goes on today by dishonest contractors. This is an issue that the repeal zealots have refused to address. As a matter of fact, their zeal borders on fanaticism. For example, testimony submitted by a Department of Labor official to the Senate Subcommittee on Labor contained a vivid description of just how Davis-Bacon violations can have a particularly harsh impact on minority workers:

One Arkansas contractor was found owing \$7,000 in back wages to employees. Payrolls were falsified to show compliance. . . the employees were all black and yet another example of a group 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. These workers will not complain. They represent an ideal workforce for those who would exploit labor in government jobs. . . This subcontract was for the fabrication, transportation, and installation of bridge railing on a bridge across the Potomac River. The company employed undocumented workers at rates of \$10.00 per day plus food and lodging for work days of 7 to 10 hours daily, 6 and 7 days a week. It should be noted that this contractor is transporting many undocumented aliens from the South Texas area where wage rates are lower, to the Washington, DC area with prevailing higher rates.

Violations continued to mount as corrupt and unethical contractors come on the scene and old contractors take more chances and 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 dispel another myth; that Davis-Bacon unnecessarily increases the costs of public construction, that it is difficult to administer and is obsolete. What Davis-Bacon does is prevent unfair competition from low-wage "fly-by-night" contractors, provide essential protection for workers, and encourage higher quality workmanship—and save 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, is quoted as saying, "I would not seek repeal of the Davis-Bacon Act." Additionally, many representatives of the African American community have supported Davis-Bacon because of its role in protecting minority workers. Normal Hill, President of the A. Philip Randolph Institute has acknowledged the importance of Davis-Bacon "in preventing exploitation of minority construction workers." 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 were removed, many more minority workers would face exploitation. All construction workers, including minority workers, would be forced to accept lower wages and 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 sort of racism and paternalism.

The misnomers that Davis-Bacon and union coverage are equal, or that it hampers union apprenticeships, are nothing more than transparent ploys of the conservative Republican right. They ignore the simple facts that Davis-Bacon protects ALL workers, regardless of their affiliation to organized labor. Further, data from the Department of Labor's Bureau of Apprenticeship and Training, 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 non-union programs.

The protections provided by the Davis-Bacon Act to 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 contractors are the minority workers, whether he or she is Black, Hispanic, a native American or an undocumented worker. . . . Davis-Bacon is an integral part of ensuring a decent life for the hardworking men and women in the construction industry."

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3448, SMALL BUSINESS JOB PROTECTION ACT, AND H.R. 1227, EMPLOYEE COMMUTING FLEXIBILITY ACT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104-590) on the resolution (H. Res. 440) providing for consideration of the bill (H.R. 3448) to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, and for other purposes, and for consideration of the bill (H.R. 1227) to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, which was referred to the House Calendar and ordered to be printed.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MOLINARI (at the request of Mr. ARMEY) for today and for the balance of the week, on account of maternity leave.

Mr. ROHRBACHER (at the request of Mr. ARMEY) for today, on account of plane problems.

Mr. McNULTY (at the request of Mr. GEPHARDT) for today, on account of personal business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BEILENSON) to revise and extend their remarks and include extraneous material:)

Mr. PETE GEREN of Texas, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. ROMERO-BARCELÓ, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. BATEMAN, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. SHADEGG, for 5 minutes, on May 22.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BEILENSON) and to include extraneous matter:)

Mr. GORDON in 10 instances.

Mr. BARRETT of Wisconsin.

Mr. LIPINSKI.

Mr. JOHNSON of South Dakota.

Mr. MATSUI.

Mr. FAZIO of California in two instances.

Mr. UNDERWOOD in two instances.

Mr. BAESLER.

Mr. ANDREWS.

Mr. MANTON.

Mr. MASCARA.

Mrs. MEEK of Florida.

Mr. ACKERMAN.

Mr. STOKES in two instances.

Mr. SCHUMER.

(The following Members (at the request of Mr. JONES) and to include extraneous matter:)

Ms. ROS-LEHTINEN.

Mr. HOKE

Mr. YOUNG of Alaska.

Mr. TAYLOR of North Carolina.

Mr. CASTLE.

Mr. SOLOMON in two instances.

Mr. FIELDS of Texas.

Mr. SHAW.

Mr. PORTMAN.

#### ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 22, 1996, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3098. A letter from the Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's final rule—Business and Industrial Loan Program—Audit requirements (RIN: 0570-AA11) received May 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3099. A communication from the President of the United States, transmitting his request to make available appropriations totaling \$189,264,000 in budget authority to the Department of Agriculture, Commerce, and the Interior, and to designate the amounts made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104-219); to the Committee on Appropriations and ordered to be printed.

3100. A letter from the Mayor, District of Columbia, transmitting the District of Columbia Government's report on Anti-Deficiency Act violations for fiscal year 1995 covering the period October 1, 1994, through September 30, 1995, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3101. A letter from the Under Secretary of Defense, transmitting the Department's report entitled "Report to Congress: The International Cooperative Research and Development Program," pursuant to 10 U.S.C. 2350(f)(1); to the Committee on National Security.

3102. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Direct Submission of Vouchers to Disbursing Office (DFARS Case 96-D007) received May 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

3103. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Institutions of Higher Education (DFARS Case 96-D305) received May 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

3104. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide) (FRL-5508-5) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3105. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Washington SIP (FRL-5506-3) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3106. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—North Carolina SIP (FRL-5505-4) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3107. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Kentucky; Final Authorization of Revisions to State Hazardous Waste Management Program (FRL-5508-2) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3108. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oxo-Alkyl Acetates; Tolerance Exemption (FRL-5359-4) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3109. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Maleic Hydrazide, Oryzalin, Hexaninone, Streptomycin; Tolerance Actions (FRL-4996-1) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3110. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; Stay of Effective Date for Order Revoking Certain Food Additive Regulations (FRL-5372-2) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3111. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Idaho SIP (FRL-5449-2) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3112. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee;