

The facts were pointed out by the Senator from Massachusetts—what difference does it make if we have it codified? So we are prepared to take it up right now and pass the bill. But if my colleagues on the other side want to filibuster their minimum wage proposal and repeal of the gas tax, then they certainly are going to have that opportunity starting tomorrow.

Mr. KENNEDY. Reserving right to object, Mr. President.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. DASCHLE addressed the floor.

Mr. DOLE. I will be happy to yield to my colleague, the Democratic leader.

Mr. DASCHLE. Mr. President, I admire the majority leader a great deal, as he knows. We all know what he is trying to do.

We all know that the President, for good reason, opposes the TEAM Act, especially in its current form. Why? Because it gives license to companies to set up rump organizations to negotiate with themselves. That is what this is all about. This is not talking to employees. As the Senator from Massachusetts has indicated, they can do that right now. What they cannot do is set up rump organizations to negotiate with themselves and claim some new victory here. That is what this is all about.

So that is what I said earlier, if you will recall. I said if the distinguished majority leader is prepared to separate the issues, the TEAM Act and minimum wage, so we are not amending a bill that is going nowhere, we will take a look at that. But that is not what I understood to be the suggestion here.

So, again, as I said, we want to be real here. If we can be real—if we can come up with a scenario that we know will really work—then we are prepared to negotiate in good faith and come to some resolution here. But to add this amendment to a bill that the distinguished leader knows is going nowhere is not a deal at all.

Mr. KENNEDY. Reserving the right to object, will the Senator yield for one moment?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I am rather new at this, but it seems to me, when you get what you want plus you get a little icing on the cake, you get to vote to repeal the gas tax, you ought to take it. But now we are told—I did not know the President was opposed to this. I thought certainly he would be flexible on something like this. He probably is. But I know the labor unions have been in town and they dumped \$35 million into different races, and they have certain priorities. I thought their priority was passing a minimum wage increase, not killing the TEAM Act, which is really minor. It is minor legislation.

So here we are prepared—I will probably get a lot of criticism on this side for doing this, but I am prepared to

make this very generous offer to give my colleagues on the other side of the aisle a chance to vote to repeal the gas tax and to have their minimum wage proposal adopted. Who could be opposed to that? All we ask for is just one small, one little amendment. It probably would be hardly noticed by anybody. It simply says that employees can talk to management. They can talk about—in one case, they were talking about no smoking policies, and that was a violation of the NLRB. It seems to me we need to have a little common sense enter this debate.

I have listened. I have been persuaded by the Senator from Massachusetts we ought to take 30 minutes and pass a minimum wage, and we can add another 30 minutes for the repeal of the gas tax. Then we will put in 10 minutes for this little, tiny piece that nobody really cares about called the TEAM Act. Then we would have a package that we could all be proud of and we could accommodate the concerns of my colleagues on the other side of the aisle—I hope. I have discussed this with the majority whip. I think he is willing. I think my other colleagues may not be so willing, but they are prepared to accept this procedure if we can only convince our friends on the other side that we are now willing to give them what they want if they will just say yes.

The PRESIDING OFFICER. The Chair will simply state—

Mr. KENNEDY. Will the majority leader yield for a brief intervention for one question?

Mr. DOLE. I will be happy to.

Mr. KENNEDY. I would urge my leader to accept that proposal if the Senator would be willing to say that the workers will be selected by the employees rather than by the boss of the company. If you want to add that, I urge we move on ahead and get on with the business. That seems to me to be reasonable, that those who are going to represent workers will be selected by workers instead of the company. If the majority leader wants to make that as an amendment to give support to the TEAM Act, I urge we accept that this afternoon.

Mr. DOLE. The bill already ensures workers will retain the right to choose an independent union in the case of collective bargaining. I will be happy to consult my colleague, Senator KASSEBAUM, chairman of the Labor Committee, and run that by her and see what she thinks of it. I have not discussed that. I hope we will not scuttle this whole package over some little modification that may or may not be necessary.

So we are prepared now, or a half hour from now, to proceed, and I know my colleague from South Dakota—I guess maybe to clear up the present point, I object.

The PRESIDING OFFICER. There are two unanimous-consent requests pending.

Mr. DOLE. I object.

Mr. DASCHLE. And I object.

The PRESIDING OFFICER. Objection is heard to both, and the majority leader has the floor.

Mr. BREAU. Will the majority leader yield for a question?

Mr. DOLE. I will.

Mr. BREAU. I want to ask a question. It is a legitimate question. If we can all—almost all can—agree that the minimum wage increase is a good idea, the repeal of the gas tax is a good idea, and the passage of the TEAM legislation, as the majority leader described it, is a good idea, why should we not just take these up separately, debate them separately and vote on them separately? The ones that are good will pass, and the ones not good will not pass. What is wrong with doing them separately?

Mr. DOLE. Let me make it clear, some of my colleagues do not think minimum wage is a good idea. I read some of your colleagues feel the repeal of the gas tax is not a good idea and some of your colleagues feel the TEAM Act is not a good idea. So if you put them all together, it is not quite the good idea as taking them up separately, but when they are together, it becomes a fair idea that will get us enough votes to pass.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DOLE. I will be happy to yield to my colleague.

Mr. DASCHLE. I will wait until the majority leader is finished.

Mr. DOLE. Mr. President, as I understand, everything has been objected to?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. So where are we?

#### WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. H.R. 2937 is the business.

Mr. DOLE. That is the Billy Dale legislation?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. Mr. President, I say to my friend from Massachusetts, we can arrange to modify, chop a limb off the tree here, if we can agree on an amendment process.

Mr. KENNEDY. Why do we not just accept the pending amendment, which will open up the slot, and let us offer the minimum wage?

Mr. DOLE. We could not do that, but I think we can work out something. If you would rather have it on the Billy Dale travel matter just by itself, we can probably accommodate. But based on what the Senator from Massachusetts indicated—and I think we are closer maybe than we have been—I am going to ask the majority whip if he would visit with the Senator from Massachusetts. Let me again indicate, I did not think we would be rejected when

we offered our colleagues what they wanted. But we have been rejected. So we will try maybe a different approach. I suggest the absence of a quorum, unless you want to go.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, we are obviously in a situation now where nothing is going to get done. I think the President's answer to the question is the right one. We are not going to get anything done. We are not going to get the Travel Office issue done, we are not going to get the gas issue done, we are not going to get the Amtrak authorization or anything else done until we can resolve this impasse.

I know the majority leader is acting in good faith to try to find a way with which to do that, but we will remain committed to ensuring our rights as the minority to offer these amendments until we can have that assurance.

I think the distinguished Senator from Louisiana said it as clearly as anyone can. If they are good bills, regardless of whether there is opposition, you could argue about the merits of the bill, but they are bills offered in good faith. They ought to be voted up or down, independently of one another. Mixing them, as is now being proposed, clearly obfuscates the question and ultimately defeats the purpose.

I hope we can recognize that instead of continuing to be mired in absolute paralysis. We do not want to continue that. We want to find a way out, but we are not going to give up our rights. We are certainly not going to give up the opportunities we need to raise the issues we care deeply about.

I yield the floor, and I thank the majority leader.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I think there is probably one more refinement we could make, and then if cloture was invoked on the amendment, the Dole amendment, then we could divide the issue: division I being minimum wage and division II being the TEAM Act, and then we could have a separate vote on each of those.

It seems to me that would be going one step further, and then if there were majority votes for the TEAM Act, that prevails, and if there are majority votes for minimum wage, then there are separate votes on each issue, if that will resolve the problem.

My view is, if my colleagues in the minority are entitled to vote on what they want, why are not my colleagues in the majority entitled to vote on what they want to vote on? We are told we cannot pass anything unless those in the minority vote on what they want to vote on. I had problems at the policy luncheon explaining that to my colleagues in the majority. The minority has that right. Do we have that right to vote on what we want to vote on? It should not be debatable.

So maybe there is another way we can attack it, and we will certainly look for that. We would like to resolve this issue today if we can. Tax freedom day does not end until midnight, so we have several hours here. I will ask the majority whip to get to work and see what we can come up with.

It was our mutual understanding that legislation on the gas tax repeal through December 31 of this year would be offered today. Due to ongoing negotiations on the spectrum language in the bill, I hope that language will be prepared for introduction tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to express my strong support for the minority leader in this exchange effectively. But as he has pointed out, we are foreclosed from offering any amendments to H.R. 2937, which is before the Senate. We were foreclosed from offering amendments on the illegal immigration bill. We had cloture imposed and the request that was made would have foreclosed us from any opportunity of voting on minimum wage or on the gas tax repeal legislation.

I want to say, quite frankly, I understand the position which has been taken by the majority leader where he says, "Well, if the majority wants to vote, why shouldn't the majority vote?" The problem is the minority happens to be the majority with regard to minimum wage. We have the majority of the U.S. Senate on the issue of the minimum wage. That is the reason that the majority ought to be able to vote and not be denied that opportunity to do so.

I, quite frankly, with all respect, find it exceedingly difficult to understand the rationale for denying us the opportunity to deal with this issue up or down. We have done it in the past. The majority leader has voted in favor of that legislation in the past four times since he has been in the House and the Senate. He has voted against it eight times. He has voted for it in the seventies and eighties. We had hoped he would vote for it in the 1990's. That legislation, it is my understanding, were separate pieces of legislation. That is all we are asking, do what we have done before and permit the Senate to address it.

So, Mr. President, it is important to know that we have every intention of offering that amendment on every piece of legislation that is going to come through here. We can go through these gymnastics in terms of denying Members the opportunity to raise issues and present them to the Senate, although that is inconsistent with the great traditions of the Senate over a long period of time. Maybe that is the way it is going to be run at the present time, but that is certainly inconsistent with the Senate that I have seen here, both under Republican and Democratic leaders, for over a period of some 30 years.

I hope that we will have the opportunity to work out this impasse because, basically, all we are talking about is trying to provide for working families who work 40 hours a week, 52 weeks of the year the opportunity to get a livable wage to provide for themselves and their families. There is a great deal of rhetoric on this floor about the importance of work, and yet we have a key opportunity to do something to reward work, working families, which we have done under Republicans and Democrats alike over the history of time, and for over 60 years, and yet we are being denied that opportunity to do so now. I think that is often a tenable, unfair position to assume.

Finally, Mr. President, I am more than glad to get into a discussion on the action of the TEAM Act. As I mentioned earlier, even from the existing findings by our committee, it indicated this kind of cooperation is taking place today with some 80 percent of the largest employers. From those surveyed, 75 percent of responding employers, large and small, have incorporated means of employee involvement in their operations. That is happening at the present time.

The question is whether those who are going to be representing the employees are going to be the representatives selected by the employees or whether they are going to be selected by the company store or the company union. That is the basic issue. No one is against cooperation. We are in complete support for cooperation. With all respect, the case in 1992, the Electromotion case, does not deny the opportunity for that kind of cooperation.

We have supported that type of cooperation that we have seen in the State of Washington where employers and employees worked effectively together to reduce occupational health and safety risks and have seen about a 38- or 40-percent reduction in workers' compensation, and the associated industries in that State have said that it saved manufacturers about \$1 billion over the last 6, 7 years.

That is happening today. That is happening today. We are all for that. That can take place today. It is happening in the State of Washington and the State of Oregon. Basically, what this proposal is is an antiworker and an antiunion kind of a proposal. I do not question that that is the position of the majority. They have been opposed to the minimum wage. They are opposed to Davis-Bacon to try to provide a construction worker with an average of \$27,000 a year. They oppose that.

They put further restrictions on the earned-income tax credit which is for workers making below \$25,000, \$27,000 a year, a program that President Reagan warmly endorsed as the best anti-poverty program that can help have a positive impact on children. They are against that particular program as well. They have come out here with

opening up the pension programs for workers to permit corporations to take those pensions that did not belong to the corporations. We voted on that, and in spite of the fact we voted on it, the same provision came right back out after the conference.

The families of workers have taken it on the chin with the proposed reduction in education programs, the largest one that we have had in the history of the country, which we have defeated, and also the assaults on the increase in the Medicare Program and standards for nursing homes on Medicaid. These are the parents of working families.

So the idea that we have under the proposal of cooperation, the TEAM Act, and to say, "Look, all we want to be able to do is, in a competitive society, permit workers and employers to be able to work together to increase productivity," that is taking place all over this country. The report from our Committee on Human Resources indicates that, not only in the bill itself, in the findings, but also in the report.

There is something more behind it. And that is, instead of the workers being able to be chosen by their fellow workers to represent their interests, the boss gets a chance to do it. The boss gets a chance to set the agenda. The boss gets a chance to—the CEO of that company—to say when they will have those meetings. The CEO has a chance to decide whether these employees will continue to serve. That, my friends, is a dramatic change in the whole question of collective bargaining, and it deserves some debate.

This is not about cooperation in the workplace. It is far from it. We will have a chance to address that issue. It is a serious issue. We ought to have an opportunity to address it and to consider it. As I said, if the majority leader wanted to make sure that the employees that are going to be represented in that negotiation and in that cooperation are going to be employees that are selected by their fellow workers, by the unions in the companies and plants where they are unionized, and by the workers themselves in other plants, then we can move, I think, in an important way toward attempting to try and deal with this legislation in a very expeditious way. But that is not at the bottom of it. We know what is driving this legislation. It is antiworker legislation. It deserves to come under the debate and discussion here on the floor of the Senate.

Mr. President, I have just received a letter that has been sent by Secretary Reich on the TEAM Act. I will just take another moment of the Senate's time. I see others who want to address the Senate. This is a copy that was sent to the chairman of the committee and to the ranking minority member.

DEAR CHAIRMAN KASSEBAUM: We understand that your Committee may consider S. 295, the "Teamwork for Employees and Managers Act," on Wednesday, April 17. This bill would amend section 8(a)(2) of the National Labor Relations Act (NLRA) to broadly ex-

pand employers' abilities to establish employee involvement programs. I am writing to emphasize the Administration's opposition to S. 295, and to urge your Committee to not order the bill reported.

Section 8(a)(2) of the NLRA states that it is an unfair labor practice for an employer to dominate or interfere with the formation or administration of any labor organization. This provision protects employees from the practice of unscrupulous employers creating company, or sham, unions. Although S. 295 does not state an intent to repeal the protection provided by section 8(a)(2), S. 295 would undermine employee protections in at least two key ways. First, the bill would permit employers to establish company unions. Second, it would permit employers, in situations where the employees have spoken through a democratic election to be represented by a union, to establish an alternative, company dominated organization. Neither of these outcomes is permissible under current law nor should they be endorsed in legislation. Either one would be sufficient to cause me to recommend that the President veto S. 295 or other legislation that permits employers to unilaterally set up employee involvement programs.

The Administration supports workplace flexibility and high-performance workplace practices that promote cooperative labor-management relations, but has concerns about the impact of the TEAM bill. Current interpretations of the law permit the creation of employee involvement programs that explore issues of quality, productivity, and efficiency.

Just as I said.

Current interpretations of the law permit the creation of employee involvement programs that explore issues of quality, productivity, and efficiency.

It should be noted that the National Labor Relations Board has recently decided five cases involving employee involvement programs. In two of the five cases the Board found that the cooperative group at issue did not violate section 8(a)(2). The other three present classic cases supporting the concerns voiced above. Moreover, it appears that several more cases are pending before the Board which concern the relevant issue.

For the foregoing reasons, the Administration opposes the enactment of S. 295. If S. 295 were presented to the President, I would recommend that he veto the bill.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

ROBERT B. REICH.

The point is, Mr. President, as the letter indicates, this legislation, for the reasons outlined here, and that I stated very briefly, would provide a dramatic change in the current law. The idea that we could dispose of it in 10 or 15 minutes—that was going to be suggested for it—I think demonstrates a real disrespect for the legitimate rights of workers in this country to be able to pursue their interests, both those that are unions as well as those that are nonunion. It is too important a bill and too important a concept to be treated trivially. We will have more to say at an appropriate time. I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, at the request of the distinguished majority

leader, I will be happy to meet with the Senator from Massachusetts and talk about a procedure whereby these various bills could be brought up for consideration in the Senate later on today or certainly tomorrow.

I will repeat what the leader just said. This is a case where the majority has offered a deal to the Democrats that they ought to just say yes to. It is a fair proposal. As a matter of fact, the leader offered not one, not two, but three proposals as to how we can get these issues up for consideration.

First, he urged that we not hold up this White House travel matter, that we go ahead and proceed with the legislation that will allow for Billy Dale to be reimbursed for his expense that he had to very unfairly endure.

As a part of that, the leader asked that we be able to go ahead and bring up this afternoon the gas tax repeal amendment. That was objected to.

He then said, we could come up with a procedure that could be offered tomorrow whereby we could consider the gasoline tax repeal, the minimum wage that the Senator from Massachusetts has been so aggressively advocating, and the TEAM Act, which I want to point out right at the beginning is supported by the chairman of the Education and Labor Committee, supported by Senator KASSEBAUM from Kansas, and one that has broad support, not only from employers, but from a lot of employees that would like to work together with the employers on these issues. I will talk more about that in a moment.

He said we will get all three of them up, have a chance to discuss these issues, and be able to vote on it. That was objected to. Now, the minority leader got an opportunity to have the minimum wage considered, a repeal of the gas tax, which the American people overwhelmingly approve, with this one small addition of the TEAM Act. That was objected to. They got what they were asking for. They just do not seem to be able to say yes to a fair offer from the majority leader.

Then, the third proposal he made was, look, we will just consider them independently, separately. We will have the minimum wage that can be offered and voted up or down, the TEAM Act can be offered and voted up or down. Apparently that is objected to. The indication is that the minority would even filibuster a fair offer where each side gets to offer a proposal they feel strongly about. We would have a vote, and go forward. But that, once again, as I say was objected to.

I really think the American people need to take a look at what the majority leader just did. He offered not one, two, but three very fair proposals on how we can proceed on these issues. I will talk to the minority leader and to the Senator from Massachusetts more about that.

Let me talk a little bit about the proposals we have been talking about. On the gas tax repeal, I want to remind

my colleagues that this was included in the tremendous tax increase that was passed with no Republican votes in 1993. This 4.3-cent gasoline tax would not go into the highway trust fund as we have most often done in the past, but would go into the General Treasury, into the dark, deep hole of the General Treasury and, as a matter of fact, probably made no contribution to reducing the deficit, but it did raise gasoline taxes.

Now, the minority leader said that we are now looking at deficits that have gone down, but the fact of the matter is we have more debt now than we have ever had in the history of this country. The debt has gone up. It continues to go up. If we had gone along with the President's proposals, there would be no end to \$200 billion deficits into the future. We also have the highest tax burden on the American people right now than we have ever had in history—not just income taxes, but gasoline taxes, estate taxes, all the myriad of taxes the American people have to deal with. That is why we go right up until May 8 where people finally get a chance to get out from the burden of taxes to make use of their own money without it being taken for taxes.

It is a very fair proposal that we repeal this 4.3-cent gasoline tax and that we not allow this money to go into the General Treasury. We should have a gasoline tax go to build roads and bridges. We need that all over this country. We have highways and bridges that are deteriorating, need work, and the highway trust fund is not being released so that the bridges and highways can be improved. It is argued, well, 4.3 cents a gallon does not amount to much. Tell that to people driving 40 miles, 50, or 60 miles a day round trip or more to get a job, in many rural States in America. It adds up to over \$25 billion over the next 7-year period. This is a lot of money.

It is one way we can provide some immediate relief on the gasoline tax increase, or gasoline price increase that we have seen. It would go to the people. There is no way that these companies and gas stations would just take that 4.3 cents and absorb it. They would pass it on to the people. It was a telling point that the Senator from Texas made that 23 percent of the taxes that have paid for this is from families that make \$20,000 a year or less. They are the ones that are hit the hardest by this gasoline tax.

Let me talk a little bit about the TEAM Act because I think a lot of misinformation has been given. Over many years, the Federal Government laws have more or less assumed that workers and managers have an adversarial relationship. We should not have that. I think we are beginning to get away from that. Managers and employees should be working together. The attitude over the past 50 years has been that the employers and the employees really cannot work together to improve efficiency and productivity. The

TEAM Act responding, though, to the NLRB, the National Labor Relations Board, a decision in 1992, the Electromagnetism decision that has had significant consequences in recent months and in the last 2 years. There is beginning to be, now, a movement away from the cooperation that we had seen over the past few years.

Yes, there are currently 30,000 companies with workplace cooperative programs, but this decision and others have put a chill on that. There is an effort to move away from this cooperation. This act, the TEAM Act, just amends the Federal labor laws to make clear that employers and employees can meet together, in committee, or other employee involvement programs to address issues of mutual concern. Perhaps it could be smoking or it could be something that involves the quality of the workplace or productivity and efficiency—as long as they do not engage in collective bargaining.

There are a couple of other points that have been overlooked in some of the things that have been said on the floor today. The bill does not allow employees or employers to establish company unions or sham unions that undermine independent collective bargaining. So that is a mistake when it is inferred that there will be these company unions that would be formed. The bill ensures that workers will, however, be able to continue to retain the right to choose an independent union to engage in collective bargaining.

What we are talking about here is freedom of employers and employees to work together. That is not a big issue that is going to stir up a lot of controversy except for the labor union bosses. I repeat, even the workers, even employees like these arrangements. That is why in 30,000 instances it has been occurring. But it has been drifting away because NLRB is putting out decisions that undermine this type of cooperation, this type of freedom of employees and employers to work together.

I urge my colleagues to take a look at this TEAM Act. I will work with the Senator from Massachusetts and others to see if we can come up with a very fair package that will allow us to vote on all three of these issues. Then we will have dealt with them, and in a reasonable amount of time. The TEAM Act is not new. It has been reported out of committee. It is ready for consideration by the Senate. I am sure the majority leader would say we would allow adequate time, but after a period of debate there would be a vote here on that without a lot of amendments to completely take it apart.

We could have adequate debate on the minimum wage issue and on the repeal of the gas tax. All three of these issues could be addressed and we could move on with the business of the Senate. We have other issues that are very important that we would like to get debated and completed soon. We would have the budget resolution coming up

next week. We need to get these issues addressed this week and move to budget and the appropriations process. I yield the floor.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Louisiana.

Mr. BREAU. Mr. President, what the majority leader has presented to the Senate as an option is the old idea of mix and match. My wife tells me it is a great idea when you are shopping for clothes that you go out and mix and match and buy different things and try to mix and match them until you come up with a pretty good outfit. The problem is mix and match does not work in dealing with legislation. It may be a good way to buy clothes but a lousy way to legislate.

If you have three good ideas for bills, what is wrong with bringing them to the floor and debating? What is wrong with after you have dealt with the first, bringing up the second, follow the rules of the second, and then move on to the third. Let the Senate vote on each one of the appropriations. Why try and mix and match pieces of legislation that do not fit? When you are buying clothes and you mix and match and you buy the wrong size or color combination, you come out with a lousy product. The same is true when you try and put together pieces of legislation that do not fit, that are not the same color, that are not the same size. You come up with something that makes no sense. Mix and match may be good for buying clothes, but it is not for passing legislation.

I suggest that what we ought to do is look at each one of these propositions and talk about, then debate them. Some have merit, some have less merit, and some, I think, should not be passed at all. But there is no reason that I can see that you should somehow bundle everything up and have one opportunity to vote up or down. If you have bad items with good items, it just did not fit and should not be put together. They should be voted on, should be debated, and we should follow the rules of the Senate in considering legislation when it comes up in an orderly fashion.

I want to comment on the idea of repealing the 4.3-cent gas tax that has been suggested by the majority leader. I think it is an idea without merit. I think it is clearly a political idea, and being from Louisiana I have no problems with political ideas if they work. But if they do not work, a political idea is bad public policy.

Here is a case of exactly that. I will comment on why. No. 1, it is a dagger to the heart of any effort to balance the budget. In 1992, before we had the 4.3-cent gas tax, the Federal deficit was \$290 billion. People in this country said, "Senator, do what is necessary to reduce the Federal deficit, get us on a slope, a downward path towards a balanced budget." Congress took some tough steps. No one said it would be easy. Our constituents said, "Do it,"

and we passed a budget reconciliation bill that had the 4.3-cent gas tax in it.

Today, instead of having a \$290 billion Federal deficit, economists and the CBO tells us the projected deficit for this year is \$140 billion. Did that just happen? No, it happened because Congress had the courage and the guts to do something to bring the deficit down, to cut it by over 50 percent, which is where we are today. The first time things get tough, people start running for cover, and the first cover is, let us repeal the 4.3-cent gas tax. But let us just do it until after the election. Is that the clearest political proposition that you could possibly ask for in a political year? I think it is.

When we passed the 4.3-cent gas tax, after we passed it, the price of gas at the pump was lower than before. Do you know what caused all of that? The whole thing I thought everybody really believed in—it is called supply and demand. When you have a shortage of supply and a high demand, the price for the product is going to go up. When the opposite is true, the equal opposite result is also true. When you have an excess of supply and low demand, the price goes down.

I thought our colleagues on this side of the aisle were real believers in the marketplace. And the marketplace is what has caused, along with other congressional actions, a spike in the price of gas between the months of April and May.

Interestingly enough, last year, if anybody wants to look at the records—not Democratic records or Republican records—prices at the gas pump have increased before by 6 cents a gallon between April and May. And, as normal, toward the end of the summer and early fall, the price started going back down. At the end of the year for 1995, the average price of gasoline in this country was lower than it ever has been in recorded history, when adjusted for inflation, which is the only fair way of looking at it. It was lower in 1995 with the tax than in 1994, which was lower than it was in 1993, which was lower than it was in 1992, which was lower than it was in 1990. And you can go all the way back to about 1920. But what the 4.3-cent gas tax helped us do was to reduce the deficit from \$290 billion down to \$140 billion. It is a consumption tax. It all went for deficit reduction, which my colleagues on that side of the aisle said is the most important thing we can do—get the deficit down. We got it down. And the first time it gets a little difficult, everybody runs for cover—well, not everybody, but a large number run for political cover because we have had some complaints in that the price of gas is too high.

Instead of saying to our constituents, "Let me tell you what really caused it. We produced 8 percent more heating oil over last year because we had colder weather." That is not the fault of anybody in Congress. That is just what happened. That was nature. The colder

winter meant that we produced 8 percent more heating oil than gasoline.

In addition, something that Congress did was, we took the speed limit off and people started driving faster. Guess what? When you drive faster, you burn more gasoline. When you use more, it is going to cost more. Remember the law of supply and demand? People are using substantially more gas because of the repeal of the speed limit.

In addition, because of the Clean Air Act, which most Members support, and which I support, we told refiners in this country—particularly in California—"You are going to have to change your refinery, tear it down and rebuild it so you can now produce reformulated gasoline." Guess what? When they are not able to produce gasoline, you have less on the market and the price will go up as well.

I will give you another item that I think is one of the major things that has been done. Today, cars do not get as good gas mileage as they did when we were concerned about the price of gas, 4 out of 10 cars in America average about 14 miles per gallon. People are buying utility vehicles, larger cars, and they drive faster and further, and they are using more gasoline. Is it any surprise why the price of gas has gone up in the country?

For the life of me, I cannot follow anybody's argument that when you take the 4.3 cents off of the refineries at the pipeline, that it is going to automatically translate into 4.3 cents less at the pump. When I first heard this idea, I said the other day that lowering the gas tax by 4.3 cents has as much to do with lowering the price to consumers at the pump as spitting in the ocean does to raising the sea level, because there is absolutely no correlation that if you lower the tax that is paid for by oil and gas companies, they are going to necessarily pass it on to consumers at the pump—just like they did not increase and pass the increase on to the consumers at the pump when we passed it back in 1993. After we passed the increase, the price of gas at the pump was substantially lower than it was before we passed the gas tax. Why? The law of supply and demand. The price of crude oil started coming down, and the price of gas continued to go down. Consumers were not affected by the adding on of the 4.3 cents at that time.

I suggest that unless my colleagues on this side of the aisle or on my side of the aisle want to come in here with price controls—remember those, wage and price controls both?—come in here and mandate that everybody pass it all the way down the line to the consumer, there is absolutely no guarantee, or even a reasonable expectation that a consumer is going to really see the difference at the pump. So I think we have to be very careful, because I am concerned, as one member of a group that is trying to reach a balanced budget in a bipartisan fashion, where are we going to make up \$30 billion in

lost revenues, which can go to balancing the budget. If we lose this 4.3-cent gas tax, where will it come from? I heard a colleague on the House side suggested that we could cut education. Are we that weak in this country that we are willing to say we are going to cut education in order to pay 4.3 cents less at the pump? Is there no concern about our future and the future of our children, and we are willing to say we are so weak politically that we are going to cut education in order that we can have a 4.3-cent lower price at the pump, which is not guaranteed at all? Maybe all the oil companies—and my State has a few—will have a 4.3-cent increase in their profits per gallon, but there is no guarantee that the consumer will benefit. But to cut education to pay for this? Where are our priorities? Have we lost sense of the fact that education is the most important thing to do for our children and for future generations? Are we willing to say we are going to cut education before we stand up and do what is right regarding this? I think that is the wrong priority.

I heard somebody else say, "Let us sell the spectrum." We have heard that before. Boy, we have sold the spectrum more than we have sold the Brooklyn Bridge. Every time they want something, they say, "Let us sell the spectrum, and we are not going to step on anybody's toes." We are going to get \$30 billion from selling the spectrum—again? For what purpose?

I think that we have to be very careful about doing something in a political year and making it last only until the next election, which I think is very clear; you can see through it as clear as pure water. A lot of people talk about a flat tax. A flat tax is a consumption tax. I believe we ought to be taxing productivity less and consumption more. This proposal goes exactly contrary to that. We are taking a consumption tax, which, hopefully, regulates behavior in a proper way, and makes people more conscious about driving habits, and use it for deficit reduction. Instead we are chucking it and saying we would rather increase the deficit or cut education, or go back to selling something that we have sold so many times before that nobody believes it will ever work.

The final point I want to make, Mr. President, is that the market does work. The marketplace does work. That is a fundamental principle in this country—that the law of supply and demand in this country works. This is from April 26. I am reading from the prices of crude oil on a weekly basis, west Texas intermediate crude oil prices, or the prices posted once a week for the price of oil per barrel. "When the price of oil per barrel goes up, eventually it works its way down to the price of gasoline at the pump, and it goes up. But when the price of crude oil per barrel goes down, it generally takes about a month before it reaches the price at the pump. In this case, I will

share this with my colleagues because it is an indication of what is going to happen. If we just wait and have some political courage for a couple of days instead of running off and doing something that I think is damaging—as I said, a dagger to the heart—to a balanced budget in this country, the average price of west Texas intermediate crude on April 26 was \$23.80 a barrel. The price of west Texas intermediate crude at the close of business on May 3 was \$21.36 a barrel.

That is a 10-percent drop in 1 week—a 10-percent drop per barrel of crude oil in this country in 1 week, from April 26 to May 3.

Mr. President and all of my colleagues, I suggest that if you just hang around here a little bit longer, you will see that drop in the price of crude by 10 percent is going to be reflected in the marketplace. If we believe in the marketplace, which I think we should, that is going to be reflected in the price of a gallon of gas at the pump. I think that is the way this country ought to address this problem.

What we have before the Senate is a political idea that does not work, and political ideas that do not work are bad ideas, and sometimes I think too often politics makes bad policy, and this is an example, I think, of exactly that.

I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

#### UNDERMINING THE LEGISLATIVE AGENDA

Mr. GREGG. Mr. President, I believe it appropriate at this time to review where we stand because there has been some discussion that has occurred since the majority leader came to the floor and outlined a proposal. Maybe his proposal has been obfuscated a bit because it was such a clear and fine proposal that people are trying to undermine it. But the fact is that what the majority leader suggested was you can have your vote. You can have your vote on minimum wage. You can have your vote on repealing the gas tax.

All we are asking is that in this process of having those two votes, we also have a vote on something called the TEAM Act, which is not, as the Senator from Massachusetts said, all that big a deal because so many companies have already signed off on it.

Yet now we hear from the other side that they essentially intend to filibuster an attempt to increase the minimum wage and to reduce the gas tax, to roll it back, simply because of this TEAM Act proposal. That is pretty outrageous.

In a moment, I would like to talk a little bit about what that proposal is because I think you need to understand that basically what we are hearing is a party has been captured by a constituency and is allowing that constituency to stand in the way of good policy.

But let us talk about the gas tax first. Why should we not repeal this

tax? To begin with, it was sold under false pretenses. Three years ago, when this administration proposed this gas tax, they began by proposing a Btu tax, if you remember that, where they were going to tax all energy consumption in this country. States like New Hampshire and other States that depend on oil to heat our homes would have been hit with this tax at the home heating level and at the gasoline pumps and throughout the system that delivers energy to their communities.

That was such an outrageous idea that even Members on the other side rejected it. So the administration backpedaled and said, well, no, we will not do the Btu tax; we will do a gas tax. But at the exact same time we were hearing from the other side of the aisle that the taxes in the package which the President proposed 2½ years ago or 3 years ago were only going to affect the rich. In fact, the present Democratic leader, who was not the Democratic leader at that time, came to this floor and said this tax package is only going to affect people earning more than \$180,000 or companies that make more than \$560,000 a year.

That was the tax package that was sold to the American people, that was passed on to the American people's back and which included \$295 billion of new taxes, the largest tax increase in history delivered to us by this President and Members on the other side of the aisle when they were in the majority 2½ years ago.

Nobody on this side of the aisle bought that. We did not buy it for fairly obvious reasons. No. 1, a gas tax is not a tax on people who earn \$180,000 a year. When you pull into your gas station, your attendant does not ask you, "Do you make \$180,000 a year?" before he hits you with the tax. He has to collect that tax whether you make 10 bucks a year or whether you make \$1 million, whether you are in a small struggling company driving a pickup or whether you have a fleet of trucks. He still has to hit you with that tax.

So this was not a tax on the wealthy. This was a tax that was actually targeted in, as was pointed out by the Senator from Texas, on low- and middle-income people disproportionately because they have to pay the same rate of tax as people in the high incomes, and 23 percent of this tax falls on people with incomes, I believe, as the Senator from Texas said, under \$20,000, or something like that. A very low percentage comes out of people with higher incomes. So it was a disproportionately unfair tax when it was put in place and remains so, and it should be repealed.

So why is the other side resisting repealing it? Why? Because big labor is upset, the Washington big labor leadership, the big bosses here in Washington are upset. That is why they are opposing repealing the gas tax.

Now we come forward, and we on our side of the aisle say, OK, we will accept your proposal on the minimum wage,

we will accept the Kennedy language as proposed to increase the minimum wage. We ask that you accept our proposal to repeal the gas tax at the same time. We allow you to divide the votes. Just give us the chance to get both on a majority vote instead of having to have a filibuster around here where you have to get 60 votes.

What does the other side say? Nope. Sorry. We will not take the deal. We cannot accept that deal any longer. We are not that interested in increasing the minimum wage that we are going to stand in the face of the big labor bosses here in Washington who do not want this little thing called the TEAM Act. So we have the opposition, the other side of the aisle, saying essentially that two major points they consider to be, I suspect most of them, good policy—one, repealing this incredibly regressive gas tax that was put on 2½ years ago and, two, raising the minimum wage—are going to be held up because of what was described basically by the Senator from Massachusetts as an inconsequential amendment dealing with a minor point of labor law. Why? Because they have gotten the telephone calls from a couple streets over that said under no circumstances is TEAM Act going to pass this House.

But what is this horror called TEAM Act? It is not much, folks. TEAM Act just simply says what used to be the law and what most people think should be the law and what was the law up until 1992, I believe it was, when something called the Electromation was passed by the NLRB, the National Labor Relations Board.

Essentially, it says that people can get together in their workplace—what a radical idea—people can get together in their workplace and they can talk about issues that involve quality and productivity and efficiency. I think most of us have heard of things like TQM, the philosophy of management that basically grew out of the Deming approach which essentially revolutionized Japan and made them competitive in the world.

TQM is where you have a Deming approach, you have a team approach to managing the workplace. That is basically what TEAM Act does. It says you can have a TEAM Act approach operating in the workplace.

Now, you cannot do it under this bill, under TEAM Act, in any way that would undermine the independence of the collective bargaining effort. You cannot establish a company union. The specific language says that you cannot establish sham unions. But you can get together to discuss things like smoking policy; you can get together to discuss things like productivity: How do you make the place work better? Workers happen to be the best source of good ideas in many instances, and probably in most instances actually, certainly in large companies. The chance to bring them together in working teams works for Japan. It produces products in a much more efficient and effective way