

political views began to change toward a more conservative position and I began to realize that I really do not agree with some of the agendas and the candidates that the union endorses. Yet, we are all required to fund these agendas and campaigns just by virtue of our membership in the union. As I searched for relief from this unjust requirement, I found out about the "Beck Supreme Court Decision" which in effect gives a union member the right to a refund of the non-bargaining expenditures of the union. The problem is, I must relinquish my union membership and the rights associated with that membership to seek this refund. It is absurd to require me to fund the contract bargaining, contract enforcement and administration of the Local, yet require me to forfeit my rights to a voice in these affairs, only because I oppose the political expenditures of the union. I still attend the union meetings and enjoy having a voice in the affairs of the union and my career, I am not willing to give up this activity to receive the refund afforded me by the "Beck Decision."

In September of 1996, I transferred back to Tulsa as a Crew Chief. I have duties and responsibilities covering the assignments of 20 mechanics and welders. I have attended about six union meetings in the past eight months, I have had no conflicts with the union that would influence my decision to come to Washington and testify. I would like to believe that my status as a union member of the T.W.U. will not be affected by my testimony before this committee.

My options under current law are best described as follows:

Option A:

During the month of January, of any given year I can send a notice of my objection to the International Secretary Treasurer. I must first assume non-member status in my union. I am required to renew this objection in January of each year to object for the subsequent twelve months. As an objector, I shall have neither a voice nor a vote in the internal affairs of the Local Union or of the International Union; nor shall I have a voice or a vote in the ratification of or in any matter connected with the collective bargaining agreement, whether or not it covers my employment. My paycheck shall continue to have a fee equal to full union dues deducted by my employer and transmitted to the union. The Local and the International, place these fees in an interest bearing escrow account. After completion of an audit, I will receive a rebate equal to an amount ascribed by the audit to non-chargeable activities. This rebate of course does not include any portion of the interest applied to the escrow account. I can at my own expense challenge the validity of the audit. This procedure is very cumbersome and probably cost more than the challenge would change the audit report.

Option B:

I can continue to fund all of the non-germane and political expenditures of my union. This option allows me to maintain the very important voice and vote in the affairs of the Local and International Union. More importantly, as a bonus for funding these activities, I have a voice and a vote in the ratification of the collective bargaining agreement. It should be pointed out here, that I will fund the collective bargaining process regardless of which option I choose. I only get a voice and a vote as a reward for funding the other non-germane expenses.

Option C:

Seek assistance from my government representatives and attempt to get the laws changed that hold my voice and vote hostage as a result of the Supreme Court Beck Decision of 1988. The bottom line is this, I continue to fund the non-germane expenditures

so that I can receive the reward for voice and vote in the union business associated with the germane.

I am currently a participant for Option B, and I appear before this committee today to exercise Option C.

It is my understanding that Organized Labor will oppose this legislation. I find this to be an interesting position, because it will not outlaw expenditures, only require consent from each member. If Labor is convinced that the membership supports their non-germane spending, they should also be convinced that the consent to continue, and even an increase in this spending should be very easy to obtain. I have no pride in the 35 Million Dollar attack on members of Congress in the election of last fall. I was disgusted to watch the misleading television ads attacking decent members of Congress, and I know many of my co-workers feel the same. On the other hand, an active campaign has begun to garner support for changes to the Federal Aviation Regulations, a bill to equalize regulations between domestic and foreign Aviation Repair Stations, this is a political expenditure that myself, and my co-workers must spend whatever it takes to seek support, this is one issue I should not oppose expenditures and volunteer funds for. This is where I stop and think to myself . . . why does everything require political funding for passage? Or, why don't we just do the right thing for the voter anymore? However, these hearings are not about Federal Aviation Regulation changes, Republican vs. Democrat, Pro-Union vs. Anti-Union, Right-to-Work Laws vs. Union Security Agreements. The issue is about allowing a union member to object to political expenditures and retain the right to vote on issues associated with the germane expenditures of the union that he will fund regardless of which option described above is exercised.

I feel privileged to sit before this committee today, as the debate over the campaign finance becomes the focus of our government. Very few Americans today believe that a single voter as myself without a huge bankroll of cash to fund the next campaign could ever reach this level of participation. I have already, and will continue to spread the word that indeed with persistence and knowledge of the issue, a constituent is still welcome on the hill.

I believe very strongly that the Paycheck Protection Act introduced by Senator NICKLES is the answer to my woe as a union member. I can object to the collection by intimidation of my hard earned money for political views and agendas I oppose, yet continue to have involvement and support those affairs of my union that I have no opposition to. It is refreshing to see that my Senator, has the insight and courage to help the union members of this country by authoring "the Paycheck Protection Act" Senate Bill No. 9.

Mr. KENNEDY. I ask unanimous consent that Tom Perez on my staff be given floor privileges.

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

PRESIDENTIAL RACE INITIATIVE AND AFFIRMATIVE ACTION

Mr. KENNEDY. Mr. President, I commend President Clinton for his impressive Presidential initiative on race, which he announced in his recent commencement address at the University of California, San Diego.

This initiative combines constructive dialog, study and action. It carries forward the President's longstanding con-

cern that the country must remain One America, and that all Americans must have an opportunity to share in the American dream.

Too often, the race issue is used as a wedge to divide America.

President Clinton's goal is to unite America by examining where we have been, and where we need to go, in order to achieve lasting racial reconciliation. President Clinton correctly recognizes that our Nation's diversity is our greatest strength, and that we must improve the ability of all Americans to realize their full potential.

Civil rights is still the unfinished business of America. We have come a long way toward the goal of equal justice and opportunity. But as the church arson epidemic, the Texaco debacle, the O.J. Simpson trial and the Good Ol' Boys Roundup demonstrate, we are not there yet.

Incredibly, there appear to be some who believe that discrimination is a thing of the past, and that the playing field is now level for women, for people of color, and for other victims of discrimination. The facts clearly belie this claim.

The unemployment rate for African-Americans is twice that of whites. Women still earn only 72 percent as much as men.

The average income of a Latina woman with a college degree is far less than that of a white man with a high school degree. The Glass Ceiling Commission reported that 97 percent of the top executive positions in Fortune 500 companies are held by white men, although they are just 43 percent of the work force. In the Nation's largest companies, only 1 percent—1 percent—of senior management positions are held by Latinos or African-Americans.

Hate crimes continue to occur at alarming rates.

The scales of justice are supposed to be blind, but these figures demonstrate that race and gender discrimination are distorting the balance.

Yet, there are those who want to eliminate all affirmative action programs, claiming that they have outlived their usefulness. It's time to dispel the barrage of misinformation about affirmative action.

Affirmative action is not about promoting or hiring unqualified women and minorities, admitting unqualified students, or awarding contracts to unqualified businesses.

Affirmative action has clearly worked in the Armed Forces. Does anybody doubt the qualifications of Gen. Colin Powell?

Affirmative action has clearly worked in education. College admissions practices that allow universities to consider race as a factor—not the main factor or the controlling factor—have a positive impact on the ability of minorities to escape the cycle of poverty through education.

The overwhelming majority of educators feel that colleges and universities are failing in their mission if

they ignore the diversity that is the essence of the American experience.

Done right, affirmative action works. President Clinton's impressive and exhaustive review concluded that affirmative action is still an effective tool to expand economic and educational opportunities, and to combat bigotry, exclusion and ignorance. I strongly support President Clinton's "mend it, don't end it" prescription for affirmative action.

There has always been bipartisan support for affirmative action. From President Kennedy to President Nixon to President Clinton, there has been bipartisan support in the White House and Congress, because no one can say with a straight face that the playing field is level for women and minorities.

In addition, President Clinton's nomination of Bill Lee to head the Civil Rights Division is also significant step in ensuring equal justice for all Americans. Bill Lee has dedicated his entire career to finding real-life solutions to real life problems of discrimination. The son of Chinese immigrants, Bill Lee grew up dirt poor in New York City. His parents operated a laundry in a poor section of New York. Bill Lee and his family suffered discrimination first hand, and know how it feels to be taunted and excluded simply because of one's appearance.

But he overcame their barriers and graduated from Yale University and Columbia Law School with honors.

For the past 22 years, he has worked on behalf of all victims of discrimination—African Americans, Asian Americans, Latinos, women, and the poor. He has won remedies that have aided them financially, and given them hope that they too can be part of America.

His ability to forge consensus has earned him the respect of all Americans. Republicans and Democrats alike, including Mayor Richard Riordan, and Senators WARNER and THURMOND, have written letters of support on his behalf. I hope that he will be confirmed expeditiously so that he can help lead the effort to ensure that civil rights guarantees do not remain hollow promises.

The issue of discrimination is too important to become a political football in Congress. As we continue the discussion of race and gender, I urge my colleagues to support President Clinton's initiative, and continue the tradition of bipartisan support that has served this country well in recent decades. Our goal is still to guarantee equal opportunity for all Americans. Let us be sure that when we say "all," we mean "all."

SUPPORT FOR THE ARTS ENDOWMENT

Mr. KENNEDY. Mr. President, this week the House of Representatives will take up the Department of Interior appropriations bill, which includes funding for the National Endowment for the Arts.

It will be a watershed debate in Congress, because Republican extremists in the House are trying to eliminate Federal support for this important agency. The House Appropriations Committee has recommended only \$10 million for the Endowment, and these funds would be used only to phase out the agency. The misguided Republican goal is to eliminate direct Federal support for music, dance, symphonies, and other arts in communities across America.

The Republican position is so weak on the merits that the House leadership is attempting to use the parliamentary rules to block an up-or-down vote on the merits of this important issue.

Clearly, this unacceptable attack on the Arts Endowment deserves to be rejected. The Endowment has raised the quality of the arts in America. It has also strengthened support for the arts and interest in the arts by Americans in all walks of life in cities, towns, and villages in all parts of America.

For example, under the Endowment's tenure the number of orchestras in America has doubled and the number of dance companies has increased tenfold. Other arts have witnessed similar expansions and earned broad public approval.

An eloquent op-ed article in today's New York Times by the renowned actor, Alec Baldwin and Robert Lynch discusses the extraordinary record of achievement by the Arts Endowment. The article reminds each of us how much is at risk in the current debate, and the cynical Republicans strategy to prevent a vote on the merits. I ask unanimous consent that the article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, July 8, 1997]

TYRANNY OF THE MINORITY

(By Alec Baldwin and Robert Lynch)

Whether or not you believe the National Endowment for the Arts should be eliminated, there is one basic principle upon which we should all agree: Congress should at least vote on the matter, and the majority should prevail.

This notion may seem obvious, but it is the very principle that the House leadership is undermining. The House Appropriations Committee recommended giving the endowment \$10 million for the fiscal year beginning Oct. 1—only enough to shut it down.

We believe that a clear majority of House members want to reject this scheme. After all, poll after poll shows that the public supports the endowment. The Senate leadership has indicated that it is willing to continue the N.E.A.'s current level of financing, and the White House has threatened to veto any bill eliminating the agency altogether.

Despite these clear signals, House leaders are using parliamentary rules to block an open and fair vote. The leadership is requiring advocates for the N.E.A. to win a procedural vote—before the bill can even be debated on the House floor. If this sounds unfair, that's because it is.

Why does the House leadership want to drive this train into a head-on collision? If Congress can't eliminate a small agency like

the N.E.A., conservatives argue, it can never cut big-ticket items that will help balance the budget and reduce the deficit. As Representative John Doolittle of California put it, "It is gut-check time for the entire House."

This statement sounds compelling, but it's a red herring. If anything, the N.E.A. actually helps balance the budget. The endowment has helped a booming nonprofit arts industry, which each year generates \$36.8 billion in revenue and pays \$3.4 billion in Federal income taxes.

Every argument for elimination of the endowment crumbles under scrutiny. Conservatives say the agency is elitist, but the facts show that the N.E.A. actually helps average American families gain more access to the arts. When extremists argue that the Government should not be deciding what is good art, the facts show that it is not the Government, but panels of everyday citizens with working knowledge and expertise in the arts who are the ones making grant recommendations.

And although the agency is depicted as nothing but the purveyor of pornography, the reality is far different. The N.E.A. has made more than 112,000 grants supporting everything from the design competition for the Vietnam Memorial in Washington, to gospel music in Lyon, Miss. Fewer than 40 grants have caused controversy—that means 99.96 percent of the endowment's grants have been an unquestioned success. Moreover, two years ago Congress tightened the rules for N.E.A. grants to prevent further controversy.

Facts, however, no longer seem relevant when it comes to the N.E.A. Some members of Congress continue to invent one myth after another as a pretext for eliminating the N.E.A., just so they can claim victory in some form, any form.

Dick Armey, the House majority leader, claims that a handful of Republicans worked out a budget agreement two years ago that pledged partial financing for the N.E.A. in exchange for a phase-out of the agency over two years. As a result, he is now calling for this new Congress to uphold this alleged deal.

But Mr. Armey doesn't point out that this agreement was specifically excluded in the final appropriations bill two years ago. In fact, it was never included in any bill enacted into law.

Even if the agreement were valid, Mr. Armey himself provides a reason not to support it. Explaining why he was not bound by the recent balanced budget agreement, he recently said: "The basic rule around this town is that if you're not in the room and you don't make the agreement, you're not bound by it."

Mr. Armey makes an excellent point. He and other House leaders should stop bullying rank-and-file members to eliminate the N.E.A. After all, will Americans think that using arcane parliamentary rules to eliminate the endowment is an achievement worthy of the 105th Congress?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.