

"[Salting] has become a method to stifle competition in the marketplace, steal away employees, and to inflict financial harm on the competition. Salting has been practiced in Vermont for over six years, yet not a single group of open shop electrical workers have petitioned the local union for the right to collectively bargain with their employers. In fact, as salting techniques become more openly hostile . . . most workers view these activities as a threat to their ability to work. In a country where free enterprise and independence is so highly valued. I find these activities nothing more than legalized extortion."

There can be no disputing what these "salts" are trying to do. As a former NLRB field attorney testified before the subcommittee, from his experience, "salts have no intention of organizing a company by convincing the co-workers that unions are a good thing for them. Instead, once a salt enters the workplace, that individual engages in a pattern of conduct to disrupt the workplace; to gather information about the employer to feed to the union; to disrupt projects; and ultimately to file charges with the National Labor Relations Board."

Another witness quoted directly from the International Brotherhood of Electrical Workers' organizing manual, which states that the goal of the union salt is to "threaten or actually apply the economic pressure necessary to cause the employer to raise his prices, scale back his business activities, leave the union's jurisdiction, go out of business and so on."

Hiding behind the shield of the National Labor Relations Act, unions "salt" employers by sending agents into non-union workplaces under the guise of seeking employment. These "salts" often try to harm their employers or deliberately increase costs through various actions, including sabotage and frivolous discrimination complaints with the NLRB. If an employer refuses to hire the "salt," the union files unfair labor practice charges. Alternatively, if the "salts" are hired by the employer, they often attempt to persuade bona fide employees of the company to sign cards supporting the union. The union agents also often look for other reasons to file unfair labor practice charges, solely to impose undue legal costs on the employer.

The stark reality is that "salting" puts companies out of business and destroys jobs. Clearly, the drafters of the 1935 National Labor Relations Act did not intend this result. The Act was not intended as a device to circumvent the will of employees, to strangle businesses into submission to further a union's objectives, or to put non-union employers out of business." One construction company testified before the subcommittee that it had to spend more than \$600,000 in legal fees from one salting campaign, with the average cost per charge of more than \$8,500. Beyond legal fees, one employer testified, "it would be impossible to put a dollar amount on the pain and suffering caused by the stress of the situation to a small company like ours who does not have the funds to fight these charges."

Thus, under current law, an employer must choose between two unpleasant options: either hire a union "salt" who is there to disrupt the workplace and file frivolous charges resulting in costly litigation, or deny the "salt" employment and risk being sued for discrimination under the NLRA.

The Truth in Employment Act of 1999 would protect the employer by making it clear that an employer is not required to hire any person who is not a "bona fide" employee applicant. The bill states that someone is not a "bona fide" applicant is such person "seeks or sought employment with the employer with the primary purpose of furthering other employment or agency status." Simply put, if someone wants a job, but at least 50 percent of their intent is not to work for the employer, then they should not get the job and the employer has not committed an unfair labor practice if they refuse to hire the person.

As drafted, this legislation is a very narrow bill simply removing from the protection of Section 8(a) of the NLRA a person who seeks a job without at least 50 percent motivation to work for the employer. At the same time, the legislation recognizes the legitimate role for organized labor, and it would not interfere with legitimate union activities. The Act contains a proviso, which, by the way, passed the House 398 to 0 last March during consideration of H.R. 3246, the Fairness for Small Business and Employees Act, making clear that the bill does not affect the rights and responsibilities available under the NLRA to anyone, provided they are a bona fide employee applicant. Employees and bona fide applicants will continue to enjoy their right to organize or engage in other concerted activities under the NLRA, and, employers will still be prohibited from discriminating against employees on the basis of union membership or union activism.

It was alleged last Congress by some throughout the course of the many hearings on "salting" and during floor debate last March that this legislation overturns the Supreme Court's decision in *NLRB v. Town & Country Electric, Inc.* However, in fact, the Act reinforces the narrow holding of *Town & Country*. The Court held only that paid union organizers can fall within the literal statutory definition of "employee" contained in Section 2(3) of the NLRA. The Court did not address any other legal issues, but the effect of the decision is to uphold policies of the NLRB which subject employers to unwarranted union harassment and frivolous complaints.

The Act does not change the definition of "employee" or "employee applicant" under the NLRA, it simply would change the Board's enforcement of Section 8 "salting" cases by declaring that employers may refuse to hire individuals who are not at least half motivated to work for the employer. So long as even a paid union organizer is at least 50 percent motivated to work for the employer, he or she cannot be refused a job pursuant to the Act.

This bill establishes a test which does not seek to overrule *Town & Country* and does not infringe upon the legitimate rights of bona fide employees and employee applicants to organize on behalf of unions in the workplace. Indeed, the Supreme Court's holding that an individual can be the servant of two masters at the same time is similarly left untouched. In fact, it is the acknowledgment that an applicant may in fact be split in motivation between an employer and a union that gives rise to the need for examining an applicant's motivation—a "primary purpose" test that the NLRB general counsel and courts will apply.

In closing, Mr. Speaker, forcing employers to hire union business agents or employees, who are primarily intent on disrupting or even destroying employers' businesses, does not

serve the interests of bona fide employees under the NLRA and hurts the competitiveness of small businesses. This bill does not prohibit organizers from getting jobs, and it is completely consistent with the policies of the NLRA. All the legislation does is give the employer some comfort that it is hiring someone who really wants to work for the employer. The Truth in Employment Act of 1999 returns a sense of balance to the NLRA that is being undermined by the Board's current policies. I urge my colleagues to support its passage.

IN HONOR OF THE 100TH ANNIVERSARY OF THE VETERANS OF FOREIGN WAR

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 100th anniversary of the Veterans of Foreign War (VFW).

The VFW traces its roots back to 1899 when Veterans of the Spanish-American War (1898) and the Philippine Insurrection (1899–1902) founded local organizations to secure rights and benefits for their service. A group of veterans founded the American Veterans of Foreign Service in Columbus, Ohio. Similar groups were later formed in Denver, Colorado and throughout Pennsylvania.

In 1913, the Veterans of the Foreign War came into existence as a result of the merger of these three separate foreign service organizations which held the same ideals and similar membership requirements. The mission of the VFW is to support and further the interests of United States veterans. Membership in the VFW is available to all US citizens, honorably discharged from the armed forces, who have earned an overseas campaign medal.

Currently, the VFW has a membership of 2.1 million. In addition to assisting veterans with numerous issues the organization is involved with national programs such as the Americanism Program. This program provides materials and information, sponsors events and promotes activities which are designed to stimulate interest in American's history and tradition, institutions of civic responsibility and patriotism.

A key element of VFW involvement is community service. The organization sponsors programs benefitting education, the environment, health services, civic pride, and community betterment. VFW is also the sponsor of Voice of Democracy, a national audio essay competition which annually provides more than \$2.7 million in college scholarships to high school students across the nation. In addition, members work with a variety of youth organizations including Junior and Special Olympics and the Boy Scouts of America. The organization is also active in drug awareness and missing children efforts.

The VFW raises money for needy veterans and their families through the Buddy Poppy program. More than 17 million Poppies are sold each year, generating funds for the national veterans service program, relief for local veterans and their families and the VFW National Home.

My fellow colleagues, please join me in honoring the VFW's 100th anniversary and its members who have bravely risked their lives to serve the United States.

## TRIBUTE TO HARRY BAKER

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 15, 1999*

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Harry Baker on the occasion of his retirement from the Madera County Board of Supervisors. Harry attended his last board meeting on December 15, 1998, after 12 years of dedicated service.

Harry Baker was born in Eastern Madera County over 70 years ago. As a veteran of World War II, Harry was a first hand witness to the most turbulent time in the history of the twentieth century. Today Harry is a life member and Past Post Commander of Veterans of Foreign Wars, Post 8753 and a life member of the American Legion. Thanks to the GI Bill, Harry was able to go to college and finish his education, he is a graduate of the University of California, Berkeley.

Harry has been successful not only in politics, but also in business. In addition to serving as President and Chairman of the board of Sierra Tel Tronics, he also serves as President and Chairman of the Board of Sierra Telephone, Sierra Cellular, Sierra Tel Logic, Sierra Tel Internet, Sierra Telephone Long Distance, Sierra Tel Tronics Business Center, Sierra Tel Tronics Business Systems, El Dorado Cellular, and ST Air Services. Harry has operated Sierra Telephone, one of the area's largest employers, for over 48 years. Harry has taken the company through remarkable growth, increasing in size from 200 customers and 4 employees, to 20,000 customers and 230 employees. Harry was a founding member of the Western Rural Telephone Association and served as its president in 1967, he's been on the Board of Directors for 14 years.

Despite a busy work schedule, Harry makes time for many worthwhile community activities. He's a Life Member of the Madera County Historical Society and was appointed to the Madera District Fair Board by former Governor George Deukmejian. Harry is a Charter Member of the Gateway Yosemite Elks Lodge, and a member of the Sierra Oakhurst Lions Club. Harry is also an example to youth, he is a Cub Scout and Boy Scout Troop Leader as well as a 4-H Leader.

Mr. Speaker, I rise today to pay tribute to Harry Baker, on the occasion of his retirement from the Madera County Board of Supervisors. Supervisor Baker has been a devoted public servant during his 12 years of service. I urge all of my colleagues to join me in wishing Harry Baker many years of continued success.

## REGARDING THE PASSING OF MS. SONYA BEMPORAD OF DALLAS

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 15, 1999*

Mr. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, Prime Minister Winston Churchill once said "There is no finer investment for any community than putting milk into babies."

I believe that Ms. Sonya Bemporad of Dallas lived by these words and committed her time, energy and soul to investing in children.

One of the most notable advocates of children and leaders of child care policy, Ms. Bemporad died Saturday, March 20, 1999. She was 64 years old.

She is known throughout Texas, and our Nation as the leading and chief theoretician with the child care group here in Dallas. The child care group is an innovative non-profit organization that operates day-care centers, manages public subsidies for child care in north Texas, conducts training for child-care workers and provides other services. She was the group's senior vice president at the time of her death.

While Congress is still debating on proposals to improve the safety, quality and delivery of child care, Ms. Bemporad worked during her entire life to find new ways to care for children. She was on the cutting-edge with her design of the child-care group's "relationship-centered child care" approach. This approach advocated a small, family-like environment and interaction with one "constant caregiver."

Mr. Speaker, Ms. Bemporad's methods are so widely accepted and acknowledged that First Lady Hillary Rodham Clinton visited one of the day care centers in Dallas that the group operates.

On February 20, 1998, the First Lady toured the Martin Luther King, Jr. Child Development Center with me, witnessing first hand, Ms. Bemporad's model. Ms. Bemporad's model on child-care is so effective that the First Lady showcased it nationwide as she worked with the President to travel throughout the country and across the world to visit child-care facilities that work for children and their parents.

Mr. Speaker, the year before, Ms. Bemporad's success was featured on ABC's *World News Tonight with Peter Jennings* as a solution to the Nation's child-care crisis. In addition, the child-care group founded the Sonya Bemporad chair for relationship-centered child care. A position she had stewardship over until her passing.

These accolades are testimonials to her commitment to children. She deserves that recognition and more, Mr. Speaker. Many children are better cared for, receive more attention and are surrounded by providers who have an interest in their long-term well-being. Due to her efforts, many children in an "relationship-centered child care environment" usually score higher on reading and language tests in public schools than their peers.

Countless children who will produce and achieve in classrooms throughout the city of Dallas, the State of Texas, and our Nation have Ms. Bemporad to thank. She could not develop such an approach if she did not possess the time and desire to know children and what makes them function. This innate sense of Ms. Bemporad's is what helps make children successful and cared for. She influenced her peers to subscribe to this method, moving away from simply studying and analyzing children. She influenced them to accommodate and fashion learning environments to children and their most pressing needs.

However, Mr. Speaker, this is a part of a long career in attending and addressing to the needs of children. Over the last 25 years, she lent her talents and heart to other child-care organizations. The Dallas county child welfare and the Dallas County Mental Health and Mental Retardation Agencies all benefited from her sage advice, unlimited compassion and concern for children. In addition, she was

also a member of the American Association of Psychiatric Services for Children and the city of Dallas Health and Human Services Commission.

Mr. Speaker, I join the parents and children of the 30th Congressional District in paying tribute to Ms. Sonya Bemporad. Like trees, children cannot grow without a seed. Ms. Bemporad was indeed a seed that allowed many children to grow and reach new heights.

## IN HONOR OF MONTACHUSETT GIRL SCOUT COUNCIL GOLD AWARD RECIPIENTS

**HON. JAMES P. MCGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 15, 1999*

Mr. MCGOVERN. Mr. Speaker, I rise today to acknowledge the accomplishments of thirteen outstanding young women of my District who have been selected as recipients of the Girl Scout Gold Award. These thirteen recipients from the Montachusett Girl Scout Council in Worcester, Massachusetts are: Kendra Beauvais, Diana Brink, Sarah Broders, Donnielle Crossman, Michelle Curtis, Bridget Donahue, Laura Gallant, Asavari Kamerkar, Mary-Elizabeth Morgan, Jennifer Mummhenty, Sarah Potty, and Bridget Strom.

I am pleased to be able to acknowledge their accomplishments in service to their community.

## IN HONOR OF THE CLEVELAND SLOVAK DRAMATIC CLUB

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 15, 1999*

Mr. KUCINICH. Mr. Speaker, today I rise in honor of the 50th anniversary of the Cleveland Slovak Dramatic Club. The Cleveland Slovak Dramatic Club is a vital part of the Cleveland area as it encourages Slovak youth to be loyal Americans and to be active and proud of their Slovak heritage.

Throughout its 50 years of existence, The Cleveland Slovak Dramatic Club (C.S.D.C.) has been involved in many activities to help the Slovak community in the Cleveland area. During the first 10 years of the C.S.D.C., it actively sponsored various Slovak cultural activities such as live stage plays which were performed throughout the Cleveland area. Profits from these cultural events went to aid Slovak refugees who had escaped persecution in Slovakia and were dispersed throughout Europe. The events raised over \$20,000 which was donated from the club to aid refugees.

In addition to C.S.D.C.'s cultural plays, the club also provided live cultural programs on Christmas and Easter holidays on Cleveland's Slovak radio.

C.S.D.C. members have become very active in all Slovak movements and activities in various Slovak Clubs, fraternal and social organizations such as, Slovak League of America, Slovak World Congress, First Slovak Catholic Union, and many others. It is through their help and activity in these organizations, that Slovak heritage, culture and Slovak fraternalism have prospered and grown for many years.