make improvements. We are prepared to work with the majority when they decide to proceed in a bipartisan fashion and put good policy ahead of what they evidently perceive to be better politics.

That time has not come today, and I ask my colleagues, for that reason, to oppose the cloture motion.

I yield the floor.

Mr. ABRAHAM. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. Mr. President, I yield myself time under leader time to conclude the debate. I realize we had notified Members we would be having a vote around 12:30, so I will not use the full 10 minutes. I will just use a portion of it.

I want to begin by commending and thanking Senator ABRAHAM and Senator DOMENICI for their leadership in this area. As always, Senator DOMENICI pays very close attention to how we proceed on the budget and what happens with the people's money. He is a very good custodian of the people's money, and he has provided real leadership in this area; and Senator ABRAHAM has been persistent.

What we are trying to do is very simple. It doesn't need a lot of explanation. We have the good fortune after many years of having not only a balanced budget but having a surplus. But an important factor is that the surplus is caused or provided by the FICA tax. It is Social Security revenue that comes in that gives us this surplus. The question is, What are we going to do with it?

There are a lot of really innovative, thoughtful Members in this and the other body who will surely come up with a variety of ways and say, well, this is an emergency, or that is an emergency, or we need to add more money here, or we need a tax cut somewhere else. Social Security taxes should go for Social Security, and only for Social Security—not for any other brilliant idea we may have. We need some way to lock that in.

I have talked to young people about this. I talked to my mother. Bless her heart. She is 86 years of age and is living in an assisted care facility, and is very dependent on Social Security. I have talked to people from Montana to Pennsylvania, and Missouri. It is overwhelming. People say: You mean, it doesn't already exist this way? You mean that money has been being used or could be used for somebody else? The answer is, it can be, unless we have some procedure, some way to put it in a lockbox.

Senator DOMENICI and Senator ABRAHAM had a tighter lockbox, one that would really be hard to get out of, and it would include the President in the lockbox. We ought to do it that way. But the Senate has indicated three times it does not want to do that. The House has passed overwhelmingly—I think with 415 votes, bipartisan votes—this procedure, this procedure that would allow or require a super vote of 60 votes in the Senate to use these funds for anything else.

That is all we are trying to do—just say that Social Security tax money should go for Social Security; that people support this overwhelmingly, probably at least in the 80 percentile.

As far as amendments, I would be glad to try to work to consider other amendments. I have asked for, and I presume we will be receiving, a copy of one amendment, at least, that Senator DASCHLE has discussed.

But the problem is, this is really simple. It is not complicated. We shouldn't be getting off into all kinds of other areas, which are very important. But Medicare should be dealt with as Medicare. We should have broad Medicare reform—not starting to piecemeal it or trying to attach it to Social Security.

That is why we want a clear vote. We want a straight vote. It is a simple procedure. Everybody can understand it. And we can move on and deal with other issues.

I urge my colleagues to vote for cloture. Let's get this done. Let's move on. We will have other opportunities to deal with other issues. It is something that is long overdue, and it is only the first step. The next step should be a tighter lockbox, and the next step beyond that should be not just more spending for Medicare but genuine, broad Medicare reform.

But, for now, let's protect Social Security. Let's vote for cloture, and let's pass this procedure.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative assistant read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999.

Trent Lott, Spencer Abraham, Rick Santorum, Gordon Smith of Oregon, Mike Crapo, John H. Chafee, Judd Gregg, Larry E. Craig, Rod Grams, Connie Mack, Frank Murkowski, John Warner, Slade Gorton, Fred Thompson, Michael B. Enzi, and Paul Coverdell.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on H.R. 1259, an act to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgeting enforcement mechanisms, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote ''no.''

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays result—yeas 55, nays 44, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NAYS—44

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Johnson	Reid
Bryan	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

NOT VOTING—1

Harkin

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 60 minutes.

The Senator from Maine.

Ms. COLLINS. I thank the Chair. Mr. President, I will be speaking off the time allocated to the Republican side. For the information of my colleagues who are waiting to speak, I do not anticipate taking more than 10 minutes.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1225 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. COLLINS. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

JUSTICE FOR WORKERS AT AVONDALE SHIPYARD

Mr. WELLSTONE. Mr. President, I rise today in solidarity with the workers at Avondale Shipyard in Louisiana, who exactly 6 years ago exercised their democratic right to form a union and bargain collectively.

They voted for a union because that was the only way they knew to improve their working conditions, conditions that include more worker fatalities than any other shipyard in the country, massive safety and health violations, and the lowest pay in the shipbuilding industry.

Unfortunately, Avondale and its CEO, Albert Bossier, have refused to recognize the union Avondale workers voted for back in 1993. For 6 years the shipyard and its CEO have refused to even enter into negotiations. According to a federal administrative law judge, Avondale management has orchestrated an ''outrageous and pervasive'' union-busting campaign in flagrant violation of this country's labor laws, illegally firing and harassing employees who support the union.

I met with some of the Avondale workers several weeks ago when they were here in Washington. What they told me was deeply disturbing. They told me about unsafe working conditions that make them fear for their lives every day they are on the job. They told me that job safety was the number one reason why they voted to join a union back in 1993. And they told me that Avondale continues to harass and intimidate workers suspected of supporting the union.

In fact, it appears that one of those workers, Tom Gainey, was harassed when he got back to Louisiana. Avondale gave him a three-day suspension for the high crime of improperly disposing of crawfish remains from his lunch.

The Avondale workers also told me that they are starting to lose all faith in our labor laws. For 6 years Avondale has gotten away with thumbing its nose at the National Labor Relations Board, the NLRB. The Avondale workers said they are starting to think there is no point in expecting justice from the Board or the courts. And given what they have been through, I think it is hard to disagree.

In February 1998, a Federal administrative law judge found Avondale guilty of ''egregious misconduct,'' of illegally punishing dozens of employees simply because they supported the Avondale union. The judge, David Evans, found that Avondale CEO Albert Bossier had ''orchestrated'' an anti-union campaign that was notable for the ''outrageous and pervasive number and nature of unfair labor practices.''

In fact, Judge Evans found Avondale guilty of over 100 unfair labor practices. Specifically, Avondale had illegally fired 28 pro-union workers, suspended 5 others, issued 18 warning notices, denied benefits to 8 employees, and assigned ''onerous'' work to 8 others.

Judge Evans also found that, during public hearings in the Avondale case, Avondale's Electrical Department Superintendent, a general foreman, and two foremen had all committed perjury. He further found that perjury by one of the foremen appears to have been suborned, and he implied that Avondale and its counsel were responsible.

Avondale's intimidation of its employees was so outrageous, so pervasive, and so systematic that Judge Evans came down with a highly unusual ruling. He ordered CEO Albert Bossier to call a meeting with Avondale workers and personally read a statement listing all of the company's violations of the law and pledging to stop such illegal practices. Judge Evans further ordered Mr. Bossier to mail a similar confession to workers at their homes.

Finally, Judge Evans fined Avondale $3 million and ordered the shipyard to reinstate 28 workers who had been illegally fired for union activities. Pretty remarkable.

What is even more remarkable is that Avondale still hasn't paid its fine, still hasn't rehired those 28 workers, and still hasn't made any apology. Why not? Because instead of complying with Judge Evans' order, Avondale chose to challenge the NLRB in court.

Judge Evans' ruling concerned Avondale's unfair labor practices during and after the 1993 election campaign. A second trial was held this past winter on charges of unfair labor practices during the mid-1990s. Now the NLRB has filed charges against Avondale for unfair labor practices since 1998, and a third trial on those charges is scheduled to begin later this year.

This has been one of the longest and most heavily litigated unionization disputes in the history of the NLRB. After workers voted for the union in June 1993, Avondale immediately filed objections with the Board. But in 1995 an NLRB hearing officer upheld the election, and in April 1997 the Board certified the Metal Trades Council as the union for Avondale workers, once and for all rejecting Avondale's claims of ballot fraud.

At this point, you might think Avondale had no choice but to begin negotiations with the union. But they didn't. Avondale still refused to recognize the union or conduct any negotiations. So in October 1997 the NLRB ordered Avondale to begin bargaining immediately. Instead, Avondale decided to challenge the NLRB's decision in the Fifth Circuit Court of Appeals, and has succeeded in delaying the process for another two years, at least.

Safety problems at Avondale were the central issue in the 1993 election campaign. ''We all know of people who have been hurt or killed at the yard,'' says Tom Gainey, the Avondale worker who was harassed after visiting Congressional offices several weeks ago. ''That's one of the main reasons we came together in a union in the first place.''

Avondale has the highest death rate of any major shipyard. According to federal records, 12 Avondale workers died in accidents from 1982 to 1994. Between 1974 and 1995, Avondale reported 27 worker deaths. The New Orleans Metal Trades Council counts 35 work-related deaths during that period. One Avondale worker has died every year, on average, for the past thirty years.

It doesn't have to be that way. Avondale's fatality rate is twice as high as the next most dangerous shipyards. And it's more than twice as high as its larger competitors, Ingalls Shipyard and Newport News.

Avondale workers have died in various ways, many from falling or from being crushed by huge pieces of metal. Avondale workers have fallen from scaffolds, been struck by falling ship parts, been crushed by weights dropped by cranes, and have fallen through uncovered manholes.

Avondale's safety problems are so bad that it recently got slapped with the second largest OSHA fine ever issued against a U.S. shipbuilder. OSHA fined Avondale $537,000 for 473 unsafe hazards in the workplace. OSHA found that 266 of these violations—more than half—were ''willful'' violations. In other words, they were hazards Avondale knew about and had refused to fix.

Most of these violations were for precisely the kind of hazards that account for Avondale's unusually high fatality rate. These 266 ''willful'' violations involved hazards that can lead to fatal falls, and three of the seven workers who died at Avondale between 1990 and 1995 died from falls. Didn't Avondale learn anything from these tragedies?

OSHA found 107 ''willful'' violations for failure to provide adequate railings on scaffolding. 51 willful violations for unsafe rope rails. 30 willful violations for improperly anchored fall protection devices. 25 willful violations for inadequate guard rails on high platforms. And 27 willful violations for inadequate training in the use of fall protection.

OSHA also found 206 ''serious'' violations for many of the same kind of hazards. ''Serious'' violations are ones Avondale knew about—or should of known about—that pose a substantial danger of death or serious injury.

This is what Labor Secretary Alexis Herman had to say about Avondale's safety problems: ''I am deeply concerned about the conditions OSHA found at Avondale. Falls are a leading cause of on-the-job fatalities, and Avondale has put its workers at risk of falls up to 90 feet. The stiff penalties are warranted. Workers should not have to risk their lives for their livelihood.''

OSHA Assistant Secretary Charles Jeffress said, ''Three Avondale workers have fallen to their deaths, one each in 1984, 1993, and 1994. This inspection revealed that conditions related to these fatalities continued to exist at the