

current law, the employer can respond factually to the campaign-puffing of the union so that the choice made by the employees is an informed choice. Through a quickie card check process, that ability will effectively be denied.

So let's be clear: When down the road the union lobby offers to compromise by preserving secret ballot elections supported by a majority, even a super-majority, of signed union authorization cards but only where such secret ballot elections are conducted by the NLRB in a week or two from the date the union files an election petition, it will be no compromise. There are still a few of us around who remember the quickie election provision of the so-called labor law reform bill in 1977 and 1978. The unions then, just as today, were seeking to in effect silence employers during union organizing campaigns. Today, they are seeking that result by denying workers secret ballot elections. If they thought they could get away with it, unions would have Congress repeal employer free speech rights entirely.

Denial of employee secret ballot elections and denial of free speech vital to ensure an informed choice doesn't sound very much like employee free choice to me. It sure doesn't sound very democratic with a small "d" or even a large "D." That is only part of it. If you get into the mandatory arbitration that will inevitably occur because they won't be able to negotiate, in fairness, union contracts, you are going to have the wonderful people here in the Federal Government telling not only the unions but especially the businesses what they can and cannot do. They will set the terms and conditions of employment by mandatory arbitration and, in the end, they will also basically determine things such as pension plans. This isn't right.

We believe in secret ballot elections in this country. We believe in fair processes. As I have said, the process works pretty well because unions win 60 percent of these elections. When they win fairly, that is the right thing. That may be a good thing. The fact is, under this bill, it stacks the whole labor process in favor of one side—the unions—and takes away the rights of employers to be able to inform their employees of the truth if there are misrepresentations by the union and, even if there aren't, to inform their employees how much better off they may be without a union so that they can make truly an informed choice. There are decent provisions in the labor laws that permit a reasonable, decent, honorable process.

What really interests me is that the trade union movement is demanding a secret ballot election process in other countries. Why would they demand it in other countries and yet deny it here for both employers and employees in these very important decisions that have to be made by employees under our current very fair laws?

Right now, the balance is a little bit in favor of unions. That is maybe as it

should be. But at least it is a balance. Both sides have basically an equal chance of keeping unions, accepting unions, or denying unions.

Frankly, one of the reasons my friends in the trade union movement want this type of an unfair process is because they have been losing members. It is easy to see why. We are on an energy bill right now that may be the death knell of our automobile industry if we don't handle it exactly right. The fact is, we could lose the American automobile industry, run by Ford, General Motors, and Chrysler, if we don't handle it properly. We will go to foreign-made cars. That would be disastrous, in my opinion. But part of the reason is the unions have negotiated contracts that are so expensive that a lot of the companies just can't produce the high-quality cars at reasonable prices that they used to be able to do.

There are good reasons for unionization. I am one of the few people here who actually held an AFL-CIO union card. I came up through the trade union movement, learned a trade through a formal apprenticeship, became a journeyman, a skilled tradesman. I believe in unions. I believe in a fair collective bargaining process. But it ought to be fair. One of the ways you make it fair is by having secret ballot elections. In this particular case, this hoax which is going to be brought up on the floor and done in a very quickie way is not the way to go.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

OUR NUCLEAR DETERRENT

Mr. DOMENICI. Mr. President, for more than six decades, the bedrock of American national security has been a strong, reliable, and cutting-edge nuclear deterrent. Literally thousands of the best scientists and engineers in the world have dedicated themselves to ending World War II, winning the Cold War, and protecting the free world.

Each year, the Directors of the three national nuclear weapons laboratories must certify to the President, and through him to the rest of the United States, that our nuclear weapons systems are reliable. That certification process assures Americans, and warns our adversaries, that the Nation's nuclear stockpile will be able to continue to perform its basic mission—prevention of a nuclear weapons exchange.

During these six decades, discussion of the nature and size of our nuclear deterrent has been literally constant. Each year, hundreds of scientists, engineers, and global strategists devote in-

numerable hours and days to intense discussions of the proper strategy for the Nation and the proper nuclear stockpile to implement that strategy.

Each year, Presidents have recommendations based upon the work of specialists inside and outside the Federal Government. Since the end of physical testing of our nuclear weapons stockpile—a big event; and, in fact, a major event in American nuclear weapons evolution, the idea we would no longer test our weapons—America has relied on a concept called stockpile stewardship to try to keep our nuclear weapons resources certifiably reliable.

This Nation has already embarked upon, and through three different Presidents has reaffirmed, a commitment to physical testing-free testing that has cost billions of dollars. Our strategy has been simple: the most reliable weapons without physical testing, upgraded as strategy dictates.

At the same time, the United States has embarked on a major reduction in the size of our stockpile and in the nuclear stores of other nations. We have done this through programs this Senator has supported and authored during the past 20 years. I salute Senator RICHARD LUGAR, my colleague from Indiana, and former Senator Sam Nunn of Georgia, for their groundbreaking work in forging these programs, and I am proud I have been able to work with them in these critical efforts.

Because of these initiatives—the Nunn-Lugar, Nunn-Lugar-Domenici, the Nuclear Cities Initiative, the Global Initiative for Proliferation Prevention, the Nuclear Nonproliferation Research and Development Program, and others—our world is safer.

In total, under Nunn-Lugar, we have deactivated 6,982 warheads, 644 ICBMs, 485 ICBM silos, 100 mobile ICBM launchers, 155 bombers, 906 air-launched cruise missiles, 436 submarine-launched ballistic missile launchers, 611 submarine-launched ballistic missiles, 30 strategic missile submarines, and 194 nuclear test tunnels. Indeed, nine more warheads were deactivated in the last month.

We have offered thousands of Russian nuclear scientists alternative pay and occupations, in hopes they will be less susceptible to blandishments from other parties. We are sharing nonproliferation efforts with other nations beyond the former Soviet Union states.

In more stark terms, under the Washington-Moscow Treaty, ratified by the Senate and signed by the President, we will have in our nuclear stockpile, by 2013, fewer weapons than at any time since the era of President Eisenhower. We will have fewer nuclear weapons than we had, in other words, before the Cold War began in earnest.

So this two-pronged approach—international cooperation against proliferation and for elimination of weapons, coupled with the inception of Science-Based Stockpile Stewardship—has been America's strong response to the need to reduce the danger of both nuclear

weapon stockpiles and physical nuclear testing.

Almost a decade ago, in a speech at Harvard University, I outlined what I called a new nuclear paradigm. That paradigm envisioned, among other things, a cut in American nuclear weapons to what I then called a threat-based nuclear stockpile; that is, a stockpile commensurate with the anticipated international threat to our Nation.

Critical to that concept was, and remains, the principle of reliability and the continuous battle against degradation of our present stockpile. No serious expert advocated simply keeping the very same physical weapons we had 20 or 25 years ago, with no upgrading or improvements. At some point, the degradation of components in those weapons would mean the certification necessary from the three weapons labs Directors to the President could not be honestly made.

In short, without upgrades and continuous nonphysical monitoring, our nuclear weapons deterrence could be put in serious doubt. Yet at this very time, the youngest nuclear weapons designs in our arsenal are 20 to 25 years old. Age-related component degradation could impact several different systems at the same time, calling into question reliability.

For the past several years, this Senate has supported, on a bipartisan basis, spending the money necessary to protect our stockpile from degradation. At the same time, we have recognized some of our systems are too complicated, pose risks to workers, and need substantial upgrading.

This background brings me to the present Energy and Water Development Appropriations bill for fiscal year 2008 proposed by the House Appropriations Committee and scheduled for House floor action this week.

That bill, if enacted without substantial change, would send American nuclear deterrence strategy in a new, unknown, direction. Think about that. More than 20 years of intensive study, by some of the best minds in the world, could begin to be overturned by enactment of a single appropriations bill. The new direction wouldn't be enacted as the result of 3 to 4 years of intensive study and hearings by all of the relevant committees of Congress. It wouldn't result from a convocation of the best minds at our disposal. It wouldn't result from the kind of painstaking analysis of future risks that any prudent American would demand from its government. No, that new path would begin by a single appropriations bill, devised by a small group with the best of intentions, but far from public view and analysis. In that regard, I ask unanimous consent that an article from the Washington Post, "Congress seeks new direction for Nuclear Strategy," by Walter Pincus, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 18, 2007]

CONGRESS SEEKS NEW DIRECTION FOR
NUCLEAR STRATEGY
(By Walter Pincus)

Congress is moving to change the direction of the Bush administration's nuclear weapons program by demanding the development of a comprehensive post-Sept. 11, 2001 nuclear strategy before it approves funding a new generation of warheads.

"Currently there exists no convincing rationale for maintaining the large number of existing Cold War nuclear weapons, much less producing additional warheads," the House Appropriations Committee said in its report, released last week, on the fiscal 2008 Energy and Water Development Appropriations Bill. The full House is expected to vote on the measure this week.

The Bush administration had sought \$88 million for the Reliable Replacement Warhead program next year so that cost and engineering studies could be completed and a decision could be reached on congressional approval to build the first RRW model, with the first new warheads ready by 2012.

The House already passed the fiscal 2008 Defense Authorization Bill, which reduced RRW funding and called for development of a new nuclear weapons strategy before steps are taken to produce new warheads.

While the Senate has yet to act on the authorization or appropriations measure, the Senate Armed Services and Appropriations committees are expected to follow the House's example by reducing proposed RRW spending and demanding development of a new nuclear weapons policy.

Rep. Ellen O. Tauscher (D-Calif.), chairman of the House Armed Services subcommittee that handles strategic weapons, said in an interview last week that she expects that the question of future U.S. nuclear weapons policy will be passed to the next administration, since the Bush White House is preoccupied with other subjects.

The House appropriations bill eliminates RRW funding and directs the Energy and Defense departments and the intelligence agencies to develop a "comprehensive nuclear defense strategy based on current and projected global threats." And it slows down funding of the Bush administration's program to modernize the facilities where nuclear weapons are built, stored and dismantled.

"These multi-billion dollar initiatives are being proposed in a policy vacuum without any administration statement on the national security environment that the future nuclear deterrent is designed to address," the report said. "[I]t is premature to proceed with further development of the RRW or a significant nuclear complex modernization plan."

The committee pointed out that neither the Pentagon's Quadrennial Defense Review last year nor the administration's 2001 Nuclear Posture Review "provided a long term nuclear weapons strategy or the defined total nuclear stockpile requirements for the 21st century."

The House bill more than triples the amount the Bush administration is asking for dismantlement of old warheads and adds \$30 million to modify a facility at the Nevada nuclear test site so it can be used for dismantling weapons. At present, the only facility that does that work is the Pantex plant near Amarillo, Tex., which also refurbishes currently deployed weapons.

Sen. Byron L. Dorgan (D-N.D.), chairman of the Appropriations subcommittee handling the nuclear program, has indicated he is thinking along the same lines, according to a senior Democratic staffer familiar with his views. "The Tauscher approach makes sense," the staff member said.

He noted that senior Bush administration officials had not publicly supported the RRW program despite a request by Sen. Pete V. Domenici (R-N.M.), a former Appropriations subcommittee chairman and a proponent of the new warheads. The Senate subcommittee is expected to provide limited funds for the program "so we have a couple of years to gather information while the next administration lays out future requirements."

Mr. DOMENICI. Note an important point in this story. The funding cuts are proposed now; a new strategic direction will be forged later in this decade. Such an approach is absolutely backwards. We should forge the new direction, if one is believed appropriate in a world of increasing threats to our security, after great study. We should fund our present strategy, 20 years in the making, now.

The House Bill and the Post story focus on the so-called RRW, the Reliable Replacement Warhead. The RRW is a proposed new element of administration policy. The intent of the RRW, to enable increased reliability and design simplification in weapons of comparable explosive yield is, in my view, a very appropriate consideration, which may well result in the ability to maintain still smaller future stockpiles supported by a still smaller future weapons complex. But, as other legislators have suggested and as I noted in the last paragraph, I agree that a study of the complete role of the RRW in the Nation's nuclear deterrent is appropriate. That study must involve far greater resources than those involved in the House report language. Furthermore, Congress will have many opportunities to review and finalize any decision for actual deployment of the RRW, but the funds proposed for investment in the RRW now should provide the detailed data to underpin any future congressional decision to shift portions of our deterrent to that design.

But far beyond the RRW debate, with or without any RRW, stockpile stewardship is absolutely vital to our national security. As long as this Nation requires a nuclear deterrent in our defense or in support of our allies, we must maintain the skills and infrastructure that support the viability of that stockpile. That must include both trained people and the facilities to enable their work to proceed. The House bill does harm to the Stockpile Stewardship Program. It cuts all funding for the new CMRR facility, which would replace the present facility, which will be inoperable after 2010. Without a new facility, our Nation will not be able to support the pit mission, which is a single point failure in the complex. Without a viable pit capability, the U.S. nuclear deterrent is vulnerable. The House bill cuts the Nuclear Material Safeguard and Security Upgrade, required to meet the Design Basis Threat around the key nuclear facilities that contain special nuclear material; it would cut stockpile services, the foundation of the production capability for our Nation; it would cut almost in half

our pit mission, the critical component of our nuclear deterrent systems; it would cut funding for the repair and elimination of old and unused facilities that now drain funds from required new facilities; it would cripple advanced computing, the key to science-based stockpile stewardship; force the shutdown of LANSCE, the accelerator needed for a variety of research; and, cut the Z machine, another component of our nonphysical testing regime.

I urge all my colleagues to attend to this debate as it moves through the House and to markup in subcommittee next week on the Senate side. Implementing and funding a new strategic policy after extensive debate is intelligent; defunding critical parts of our present strategy without a clear new path in view poses serious risks to our national security.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The time controlled by the minority has expired.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe we are in a period of morning business.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, I yield myself 12 minutes.

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

DEATH OF THE CHARLESTON FIREFIGHTERS

Mr. KENNEDY. Mr. President, my heart goes out this morning to the families of the nine fallen firefighters in Charleston, to my colleagues Senators GRAHAM and DEMINT, and to the people of Charleston. These fallen heroes made the ultimate sacrifice to protect their fellow citizens. Today we remember them and all firefighters and their families for whom courageous service is a part of their everyday lives.

My home State of Massachusetts endured a similar disaster several years ago when six firefighters died in Worcester, MA. I read a poem at the funeral of those fallen heroes, and I would like to read it again now. I hope it brings some small measure of comfort to those whose hearts are aching today for their brave husbands, fathers, brothers, and friends who perished so tragically.

The poem is called “May They Not Be Forgotten.”

Brother when you weep for me,
Remember that it was meant to be.
Lay me down and when you leave,
Remember I'll be at your sleeve.
In every dark and choking hall,
I'll be there as you slowly crawl.
On every roof in driving snow,
I'll hold your coat and you will know.
In cellars hot with searing heat,
At windows where a gate you meet,
In closets where young children hide,
You know I'll be there at your side.
The house from which I now respond
Is overstuffed with heroes gone.
Men who answered one last bell
Did the job and did it well.

As firemen, we understand
That death's a card dealt in our hand,
A card we hope we never play,
But one we hold there anyway.
That card is something we ignore,
As we crawl across a weakened floor.
For we know that we're the only prayer
For anyone that might be there.
So remember, as you wipe your tears,
The joy I knew throughout the years
As I did the job I loved to do.
I pray that thought will see you through.

EMPLOYEE FREE CHOICE ACT

Mr. KENNEDY. Mr. President, I wish to address the Senate on a matter we will have an opportunity to vote on as this week goes on; and that is the Employee Free Choice Act. I think to understand this issue, we have to understand what has been happening to the middle class, the working families in this country over the period of these last 30 years and what happened to the middle class in the 20 or 30 years before that and what happened at the turn of the century as we came into the 20th century.

In my own State of Massachusetts, at the turn of the century, coming into the 1900s, we had the most extraordinary and excessive exploitation of American workers. They were not just American workers, they were children.

All one has to do is travel up to Lowell, MA, where we have a national park, and travel through the areas that are preserved—some of the old textile mills—and you will read, encased in many of those wonderful viewing stands, these letters of children who were 8 or 9 or 10 years old who worked 15 hours a day. They were paid very minimum salaries, and they were required to work. We had the exploitation of women in those conditions. The conditions were extraordinarily dangerous. We had the wages that were completely inadequate to provide a decent wage for people who were working long and hard.

Then we saw the changes that took place in the 1940s as workers came together and demanded economic and social justice. We saw the changes that took place in the workplace in terms of fairness and equity. Interestingly, we saw the vast increase in productivity. The American economy grew stronger. The middle class were the ones who brought us out of the Great Depression, the ones who fought in World War II, the ones who put us back on track after we had 16 million Americans who served in World War II and brought us back to a strong and expanding economy, where everyone moved along together. Everyone moved along together.

We made enormous progress during the 1950s and the 1960s and in the early 1970s. We made economic progress for workers and working families, and we made social progress too. We passed Medicare and Medicaid. We passed the higher education bill. We passed legislation to stop child labor. We passed a whole range of different kinds of pro-

grams to make this a more fair and a more just country with strong opposition, but I don't hear any effort to try and repeal those marks of progress we made in terms of economic and social justice. And, the courts obviously filled an enormous responsibility.

So what happened during this period of time? I am putting up a chart that shows the number of abuses of workers. This part of the chart shows from 1941 to 1966. During this period of time, we had what we are talking about—majority sign-up. We had it in effect during this period of time, interestingly enough. Card checkoffs were in effect during this period of time, from 1941 all the way up to 1966 and then the National Labor Relations Board and the Supreme Court gradually eliminated of that protection. Then we found an increase in the various abuses we had during this period of time; that is, firing workers who were interested in trying to form a union. The refusal to accept the outcome of an election. We find a series of different kinds of abuses to make it more and more difficult for people to be able to join the unions.

But what we had here is the fact that we had labor and management agreements and we had progress and economic prosperity during this period of time.

This chart shows during that same period of time, where we talked about actually peak union membership, wages and productivity rise together. Look at from 1947 to 1964. We see an increase in productivity and an increase in wages and America moved along together. There was economic progress that moved along.

Then, as we find the unions beginning to decline, we find that workers are falling further and further and further behind. Wages now have flattened, basically, and often, in terms of their purchasing power, have actually gone down. We see that since the loss of card check, productivity grew 206 percent more than wages.

So we had the idea that workers were able to get together and represent their views, and we had the increase in productivity. Then we saw the country making very important progress.

Well, how is that reflected in the Nation? This chart shows what was happening in that same period of time, from 1947 to 1973. Growing together. Here it is in 1947, 1957, 1967, up to 1973: The lowest, 20 percent; the second, 20 percent; the 20 percent in the middle; and then, fourth and fifth, virtually all the same in terms of real economic growth during the same period I just pointed out where we had maximum union activity, increasing productivity, and the Nation, the United States of America, all growing, growing, and growing together. That was going on from 1947 through 1973.

I see my friend from the State of Washington. How much time—I can make this long or short. How much time do I have?

The PRESIDING OFFICER. The Senator has 2½ minutes.