

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 overstaffed 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 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.

Mr. KENNEDY. If we divide a half hour between us, I would then have how many minutes?

The PRESIDING OFFICER. Let me back up. There is 20 minutes remaining in morning business for the majority.

Mr. KENNEDY. All right. Well, then I yield myself 5 minutes, which would be a total of 15 minutes, if that is agreeable.

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

Mr. KENNEDY. If the Chair would let me know when I have 1 minute.

We have just seen what has happened from 1947 to 1973 through the course of the middle class. Now let's take a look at the years 1973 to 2000. We have the beginning of America growing apart. Look what is happening. The lowest, the second lowest, the middle, the fourth. Look at what is happening at the top: 20 percent, growing higher during this period of time. This was the beginning of the Reagan revolution that was taking place, extraordinary tax programs that were taking place, reflecting itself in how America is growing. Are we growing more together, or are we growing more apart?

Look what has happened now in the most recent times. The lowest 20 percent, because of the rates of inflation, are actually going down. Then the second 20 percent, the middle 20 percent—and the top 1 percent is the one that was growing during this period of time.

What has happened at the same time is that we see the corporate profits have now gone up 63 percent more compared to workers' wages and benefits, which have now basically stabilized. This country, the United States, grows together, works together. We are a united people. We see what has been happening as a result of the fact that unions have been effectively attacked and diminished in this country.

Before I conclude, this past Sunday was Father's Day. Look at the difference between fathers and sons in 1964 and 1994. From 1964 to 1994, what we have seen is the sons did better. The middle class was expanding. The sons did better than their fathers over this period of time. There was growth. Look what is happening from 1974 to 2004: a decline of 12 percent. The son is doing poorer than the father for the first time in the history of this country—the first time in the history of this country.

We know the corresponding difference. We had workers who were able to get together, and we find out there is a corresponding increase. When you diminish the unions, you diminish the power of working men and women. That happens to be the fact.

What is the trade union movement asking for? All they want is what we had years ago. All they are asking for is what we had during the period from 1947 to 1966, and it worked then. Look at the wages and productivity and what happened in the United States of America. We all grew together. We all grew together. So why this emotional

reaction and response from the other side: My God, the Employee Free Choice Act. This is some crazy idea that we can't possibly even think about or even tolerate.

This is an idea that has been tried and tested. How few the times are in the Senate when we are trying to do something that has been tried and tested and successful. We had the measure which was effectively the card checkoff during the period when wages and productivity grew together and we had the fact that America, the United States of America grew together.

That is the choice we have in the Employee Free Choice Act. Are we going to go back to this period of time when we as a country and a society grow together, or are we going to continue to grow apart? That is the heart of the question, and the Employee Free Choice Act is really the resolution and the solution.

So I look forward to more time. I see my friend. I have taken time now. I am thankful that my good colleague and friend from the State of Washington wishes to address this issue. This is very basic and fundamental about our country and about the kind of America we want.

I come from a State that takes pride in the fact that the *Mayflower* arrived on the coast off of Massachusetts, and the captain and the crew came together after 6 weeks and they signed the Mayflower Compact. And that is the compact that made Massachusetts a commonwealth. What is a commonwealth? It is a common interest in all of the families saying we are going to work together to make a better State, a better country, a better nation, a better world. That is what is at the base of this legislation and what it is all about, and I hope the Senate will give us a chance to vote in favor of it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I come to the floor this morning to join my colleague from Massachusetts and thank him for his work. I rise today to voice my support for workers, for their families, and for their right to share in the prosperity the Senator from Massachusetts talked about that they helped create for this country.

As chairwoman of the Employment and Workplace Safety Subcommittee, protecting workers' rights is a critical priority for me.

In last year's election, we all heard the voice of America's voters calling for change. I am very proud to say that Democrats have been working very hard to help working Americans and their families secure a better future, and we are making progress. We recently, in fact, passed legislation to increase the minimum wage—the first increase in a decade. For the first time in 10 years, many Americans now have the opportunity to begin to lift themselves out of poverty. So we are moving in the right direction.

But our work doesn't end there. Now it is time to help workers by ensuring that their voices are heard in the workplace—voices for better benefits, voices for better wages, voices for better health care, and voices for better pensions. As we all know, unfortunately, today in too many of our workplaces workers who do try to exercise their legal rights are blocked by an unbalanced system that can trap them in unacceptable working conditions. I think it is time for Congress to stand with our Nation's workers and give them their voice back by strengthening protections for our workers so they can freely choose to join a union.

The Employee Free Choice Act will make the promise of employee choice a reality, and it will restore the balance of the relationship between our employers and our employees. I am very proud to be a cosponsor of this important and balanced legislation.

So why is this bill necessary? Well, because workers should be able to share in the prosperity they helped to create. This bill is an important step in helping millions of working families get their fair share of the economic pie.

Our Nation's greatest asset is our people. American workers drive our economy. Their determination for a better future bolsters our Nation's prosperity. That is why I was so concerned to learn that workers believe the American dream is slipping away from them today. In fact, according to a poll conducted earlier this year by the Change to Win Federation, 82 percent of those surveyed said they believe working families are falling behind. I find that troubling, given that worker productivity has increased 3.1 percent each year between 2000 and 2004, and that corporate profits have more than doubled since 2001.

To me, it doesn't add up that American workers and American families are the ones who are losing. They are working very hard to help our country prosper, but they are not reaping their fair share of the benefits.

Unions can make a very positive difference. They allow our workers to collectively express their voices to employers on working conditions, health care, pensions, and other benefits, and the benefits we are talking about lead to better lives for Americans. Women who belong to a union earn 31 percent more than women workers who are not union members. That is an extra \$179 a week and \$9,300 more a year in income. Think about it. An extra \$179 could help working moms put more food on the table for their family or help to pay for the education of a son or daughter. It could help her put a little more away for retirement, making she and her family less dependent on Social Security.

Workers who are union members are twice as likely to have employer health care coverage. Union families who pay insurance premiums for their coverage pay 36 percent less than their counterparts, saving them almost \$1,300 a year.

With the enactment of the Employee Free Choice Act, it is estimated that up to a quarter of a million workers and their families in my home State of Washington alone would participate in their employer's health insurance plan. That is a step in the right direction for the 866,000 Washington State residents who were uninsured in 2005. They are also more likely to have guaranteed pensions. Sixty-eight percent of unionized workers are covered compared to only 14 percent of nonunion workers—68 percent compared to 14 percent.

The AFL-CIO estimates that up to 250,000 Washington State workers would participate in their employer's defined benefit pension plan with the passage of the bill we are talking about today.

Workers recognize the benefits that unions offer them. In fact, 53 percent of U.S. workers say they would join a union if they could.

Clearly unions empower their members to access better benefits and provide a better life for their families.

But what about other workers, those who don't belong to a union? Are unions beneficial for the rest of us? The answer is an emphatic yes.

Unions have forged the way for millions of working families—union and nonunion—to share in the prosperity they helped create.

Progressive employment policies such as the minimum wage, the 8-hour work day, the 40-hour work week, employer-provided health care and pension plans emerged from the labor movement and have become the standard in today's workplace.

I think we can all agree that unions benefit our society as a whole. I am sure the 60 million U.S. workers who say they would join a union if they could think so, too.

Why is union membership declining when so many workers want to join and unions clearly benefit all of us. As it turns out, exercising your right to organize with other workers isn't an easy task under our current system.

The system is broken. We all know that a fair labor market can only exist when employers and employees have a respected voice in the system. I am sorry to say that is not the case today.

Some unscrupulous employers are silencing employees who try to join a union to better their economic situation for their families, and that is not fair.

Under current law, workers who want to join a union use the majority sign up method to let the union know they are interested.

Then, employers have the power to make a choice.

They can choose to recognize their employees' wishes, and many progressive employers do, or they can demand a NLRB election, stalling the process and silencing the voices of their employees.

During the election process, employers have unlimited access to workers in the workplace. They can require work-

ers to attend mass meetings to hear antiunion messages and even require one-on-one meetings between supervisors and employees. And, under our country's labor laws, these practices are perfectly legal.

I think we can all understand how intimidating these tactics can be. More often than not, employers create an unfriendly work environment where employees don't feel comfortable discussing unions or their benefits. In many cases they fear for their livelihood, and rightfully so.

Unlike the peer relationship between coworkers, employers hold a special position of power over their employees. Employers have power over a worker's wages and benefits and, ultimately, they can fire an employee.

A recent analysis from the National Labor Relations Board shows that one in five union supporters are illegally fired for union activity during the organizing campaign.

Too often, workers who clearly voice their desire for representation have been silenced by their employers.

On the other hand unions do not have access to workers while on the job. They are not allowed to enter the workplace at any time to meet with employees. Employees interested in learning about union membership must meet with representatives and employees on their own time.

The Employee Free Choice Act does nothing to change this relationship. It does not limit the access employers have to workers. And, it doesn't expand the union's access to employees on the job.

If employees make it through this obstacle and elect to form a union, the ordeal is not over yet. Bad faith employers can drag out the initial negotiations process, often for years, using the time and their unlimited access to employees on the job to convince them that unions are a bad idea.

It is easy to see who holds most of the cards in this relationship. Workers shouldn't have to risk their livelihoods to exercise their right to form a union. But it happens all the time.

Hardworking Americans shouldn't have to go through such an ordeal to form a union. The Employee Free Choice Act can help eliminate some of the unfair barriers that workers face and make it easier for them to organize.

How does this bill address the problem?

The Employee Free Choice Act can make a difference. It can help workers gain a respected voice in the conversation with employers, and it can penalize bad faith actors who break the law.

First, the bill ensures that employees who want to organize can do so without interference. By allowing employees to choose majority sign up, the Employee Free Choice Act gives workers their voice back.

Second, this bill ensures there's time for reasonable negotiations, but it does not allow one side to act in bad faith

and string employees along in a never-ending process that is designed to block their ability to self-organize.

Third, this bill will hold bad actors accountable if they break the law. According to "American Rights at Work," every 23 minutes in America, an employer fires or retaliates against a worker for their union activity.

We shouldn't tolerate illegal discrimination and retaliation against workers who are just trying to exercise their rights. If an employer violates the rights of its employees and is charged by the National Labor Relations Board, this bill will impose stricter penalties.

It balances the playing field by requiring that the NLRB stop bad faith employers from interfering in a union campaign or contract negotiations.

It puts teeth in the current law by making employers who break the law pay three times back pay and imposes civil penalties for unfairly discriminating against pro-union workers.

This will ensure that breaking the law doesn't just become part of "the cost of doing business."

Some would have us believe that the Employee Free Choice Act radically changes the rules of the game or takes away employers' rights. Nothing could be further from the truth.

First, it does not eliminate the secret ballot. I am pleased that this bill gives employees the opportunity to vote by secret ballot if they so choose. For too long, some employers have had control over the balloting process, and this bill gets the balance right by making sure employees have the free choice to use a secret ballot or majority sign up.

Second, it does not create a new process. Some would have us believe this bill upsets the current system by creating a new process for forming a union. But majority sign up has always been allowable under the law. Today, some progressive employers voluntarily recognize their employees' choice to organize.

Third, it does not trap employees into union membership. Opponents of this bill would also have us believe that allowing employees to choose majority sign up as their preferred method for choosing a union would lead to union coercion or would trap other workers into union contracts against their will. That is not true.

Let's look at the facts about coercion and intimidation.

American Rights at Work found that antiunion behavior is widespread among some employers. Among those employers faced with a union campaign, 30 percent of employers fire prounion workers; 49 percent of employers threaten to close a worksite when workers attempt to form a union, although only 2 percent actually do; 51 percent of employers coerce workers into opposing unions with bribery or favoritism—both are illegal; 82 percent of employers faced with an organizing campaign hire union-busting consultants to stop union campaigns; 91 percent of employers force employees to

attend one-on-one antiunion meetings with their supervisors.

Some would have us believe that unions can be just as bad, but the data doesn't back that up.

In her testimony before a House committee earlier this year, Nancy Schiffer, an attorney with AFL-CIO, told that they had reviewed 113 cases cited by the HR Policy Association as "involving" fraud coercion.

It found that only 42 decisions actually identified coercion, fraud or misrepresentation in the signing of union authorization forms—and that's since the passage of the National Labor Relations Act in 1935. That is less than one case per year.

Compare that one case a year with the more than 31,000 cases filed in 2005 alone of employers engaging in illegal firings and other discrimination against workers for exercising their right to form a union. Clearly, unions have proven to be good faith actors in this process.

Fourth, it does not change an employer's free speech or property rights. One thing this bill does not change is the access to employees that exists today. Currently, employers have full access to employees during the workday. Unions do not. This bill leaves that relationship unchanged.

Finally, it does not bankrupt or harm businesses. Opponents to this bill would also have us believe allowing workers the free choice of forming a union would be bad for business or would bankrupt employers. Again nothing could be further from the truth.

We know that majority sign up can work for employers and employees because it is already happening for some progressive employers. Take Cingular Wireless, now known as AT&T, for example.

In my home State of Washington, we have seen proof that companies can remain competitive and profitable and still follow the law and respect worker rights.

Cingular Wireless gave its workers in Bothell, WA, the free choice they are entitled to. As a result, nearly 1,000 workers in my hometown decided to organize, and Cingular won praise for its responsible, respectful approach to employee choice.

Today, the company continues to be one of the top wireless providers in the country. Choosing to respect their employees' choice to unionize did not bankrupt them or make them any less competitive.

This bill helps us find the right balance in relationship between workers and management. I hope that my colleagues will join with me in raising our voices in support of workers and their families by voting yes on this bill.

Thank you Mr. President,

I wish to speak to amendment No. 1614 sponsored by Senators BYRD, LANDRIEU, WEBB, ROCKEFELLER, SALAZAR, and TESTER.

The energy bill we have been debating this week is going to bring us

greater energy independence and clean up our energy supply to help combat climate change.

The bill is clean and green and will make great strides in developing clean energy sources, and increasing efficiency.

But we must admit that we have done little in this bill to address America's largest energy resource and also one of our largest polluters—coal.

Coal supplies over half of our electricity generation, it drives our industry and manufacturing and can be turned into a liquid transportation fuel to replace foreign oil.

Coal is relatively cheap and easily accessible.

We have enough coal for 250 years if we keep using it at the same rate that we are now.

Not only are we going to keep using coal, but most energy experts predict we are going to use more of it in the future.

But we have to start doing better when it comes to greenhouse gas emissions from coal.

I do not believe that government has been providing the right incentives to move the coal industry in the right direction.

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 231 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 231) recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past solving the challenges of the future.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CARDIN. Mr. President, today is the 142nd anniversary of Juneteenth, a day when our Nation celebrates the complete abolition of slavery. The Emancipation Proclamation freed slaves beginning January 1, 1863, and brought to an end what Abraham Lincoln called "two hundred and fifty years of unrequited toil." America's Civil War had ended at Appomattox, VA, in April 1865, but it was not until June 19, 1865, 2 months later, and a full 2½ years after the Emancipation Proclamation that the news finally reached Galveston, TX. That day has become known throughout our Nation as "Juneteenth."

In communities across the country, Juneteenth is an occasion for all Americans to reflect on a tragic period that shaped our Nation and continues to influence us yet today. For Marylanders, Juneteenth is a time to reflect upon our own history. Slavery existed in

Maryland from the State's inception as an English colony. In 1664, slavery was officially sanctioned by law, and it thrived until 1864 when it was abolished with ratification of a new State constitution.

In 1820, Maryland's population was approximately 400,000, less than one-tenth our current size. The slightly more than 100,000 slaves in Maryland accounted for one-quarter of Maryland's population, while the 39,000 free Black Marylanders accounted for nearly 10 percent. By 1860, the State's overall population had grown considerably, while the number of slaves had declined to about 87,000, or 13 percent, while the number of slaves had free Blacks numbered about 83,000 or 12 percent.

Although Maryland was a slave State, it did not secede from the Union. And the contributions of Marylanders to the Union cause and the abolitionist movement did much to tilt the national balance in favor of freedom. Antislavery activists—Black and White, free and enslaved—took tremendous risks for the cause of freedom. Harriet Tubman, who was born Araminta Ross in Dorchester County, and Frederick Douglass, who was born Frederick Augustus Washington Bailey in Talbot County, were both born into slavery, put their own lives on the line as courageous crusaders for freedom. Having escaped their own captors, they dedicated their lives to fighting for the emancipation of all slaves. They are true American heroes.

This year, the Maryland General Assembly passed a resolution that I will quote here in part:

Resolved by the General Assembly of Maryland, That the State of Maryland expresses profound regret for the role that Maryland played in instituting and maintaining slavery and for the discrimination that was slavery's legacy; and be it further

Resolved, That the State of Maryland commits itself to the formation of a more perfect union among its citizens regardless of color, creed, or race; and be it further

Resolved, That the State of Maryland re-commits itself to the principle that all people are equal and equally endowed with inalienable rights to life, liberty, and the pursuit of happiness.

Today, on the 142nd anniversary of Juneteenth, I wish to commend my former colleagues in the Maryland General Assembly for this resolution, and I urge all my colleagues in the Senate to join me in celebrating Juneteenth and honoring those who made that day possible.

Mr. LEVIN. Mr. President, today we celebrate Juneteenth Independence Day in observance of the date upon which slavery finally came to an end in the United States, June 19, 1865. It was on this date that slaves in the Southwest finally learned of the end of slavery. Although passage of the 13th amendment in January 1865 legally abolished slavery, many African Americans remained in servitude due to the slow dissemination of this news across