has been protected by decades-old federal laws. The National Labor Relations Act places an employee's right to organize and bargain collectively on an equal footing with these other rights, and so it should.

This bill would effectively repeal that right. It leaves employees in an intolerable position.

In 1995, the National Labor Relations Board ordered nearly 7,500 workers reinstated. Those workers had been fired unlawfully for union activity. Over 26,000 workers discharged for unionizing were awarded back pay. On average, workers waited four years from the date of the unlawful discharge before being awarded any relief. And, the Dunlop Commission on the Future of Worker-Management Relations found in 1994 that union supporters were unlawfully fired in one out of every four union election campaigns.

These figures demonstrate that workers who become active supporters of a union after they are hired run a substantial risk of being fired. Under this bill, if the employer thinks an employee might become active in a union, that worker never gets the job in the first place. This is not progress. Instead, it takes us back to the days when employees could be required to sign ''yellow dog contracts,'' promising never to join the union, in order to be hired.

The Supreme Court has emphatically rejected this approach. In 1995, the Court unanimously ruled that union supporters are employees protected by the National Labor Relations Act when they apply for a job. In the Town & Country decision, the Court dismissed the employer's claim that union organizers are inherently untrustworthy because they owe their primary loyalty to the union. But that is precisely the premise underlying this bill.

Current law gives employers many ways to advance their legitimate interests in an efficient and productive workforce—without undermining employees' rights to engage in concerted activity. For example, an employer can establish a policy barring its employees from all outside employment. The Sixth Circuit Court of Appeals held just a few months ago that such a policy can be applied against union organizers, so long as it is also applied neutrally to all other types of employment.

Workers who neglect their job duties in order to organize other workers can be disciplined or discharged. The Fourth Circuit Court of Appeals has held that it is lawful for an employer to fire employees who fail to carry out their duties because they are trying to organize.

Employers can lawfully discipline employees who fail to do the job they were hired to do, or disrupt the employer's operations, or engage in unlawful conduct. Employers can file charges with the National Labor Relations Board, or even the police, if the conduct is criminal. In short, employers have many tools available today to address the concerns that supposedly motivate this bill.

Finally, I note that many of this legislation's proponents are also strong supporters of the so-called TEAM Act. TEAM Act supporters claim that bill is necessary in order to promote employee participation in the workplace. The present bill would permit employers to refuse to hire workers who band together in order to participate in the workplace.

It is ironic that supporters claim to favor employee participation in the one context, but seek to squelch it in the other. The common thread appears to be employer domination. Participation is seen as desirable only if employers can control the ''team,'' and worker-controlled groups such as unions can be prohibited.

This legislation poses a significant threat to employee rights that have been fundamental to our industrial democracy for over 60 years. Because the bill is dangerous as well as unnecessary, I must oppose it.

I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, thank you.

THE FARM CRISIS

Mr. BREAUX. Mr. President, I will not take a long time. I know the hour is late. But there are still very important issues that I think Congress needs to pay attention to and to address. I know that all of the news in Washington today has been generally about the problems of the President. While I understand that, it is also very important, I think, for all of us to realize that we cannot pretend to be ostriches and stick our heads in the sand, and not face other very serious problems that many of our constituents are facing around this country.

I would like to bring to my colleagues' attention the very serious agricultural disasters that exist as we stand here in Washington today throughout a large portion of the agricultural belt in the United States of America. It is a serious problem. We cannot allow the problems of the moment to distract us from very important duties that we have, as legislators, to do everything within our power to try to help solve the problems of America's farmers.

It is really interesting, because while the farmers are having problems throughout the United States, there are different reasons for the disasters which I would like to point out.

In the northern and many of the western parts of the country—the northwestern part of our United States—the problems in agriculture are very simple—they have very low prices for their products—while in the South, in the Southwest, and in my State of Louisiana, the problem is also very simple to understand: It is not that the crops have low prices but, rather, that they have no crops. They have no crops because of the drought conditions that have caused an economic, agricultural, farming disaster.

While the reasons for the problems for the farmers are quite different, the results are the same. Whether you are a farmer in the northern part of the United States who can't get enough money for your crop to justify your cost of production, or whether you are a farmer in my State of Louisiana, which has no crop because of the extreme drought that has ravaged my State, the end result of the farmer and the family farm is the same; it is loss of income; it is loss of the ability to continue as a family farm. What happens to a family farm affects not only that family farm but it affects the community that they live in. When farmers suffer economic loss, the entire State suffers as well.

What I want to mention is the severity of the problem in my State, which is not unlike many other States. We just recently had the Louisiana State University Agricultural Economic Department review the losses that my farmers in Louisiana have faced. Their report as of August 14 is truly astounding. The total State reduction in farm income for the following crops is as follows:

For the corn crop, it is over $64 million of loss;

For cotton, it is over $50 million of loss;

For just soybeans, it is over $72 million;

For rice, it is over $14 million;

For sugar, it is nearly $45 million;

For sorghum, it is over $4 million.

The total crop loss they are estimating is $254 million.

Sweet potatoes, over $8 million;

Commercial vegetables, almost $4 million;

The pine seedlings for forest reproduction is estimated at $10 million;

Pasture, $90 million;

Hay, almost $25 million.

The current estimated total as of August 14 was over $390 million.

When you factor in the problems with some of the diseases that are being experienced—aflatoxin, for instance—you have to look at about $420 million. This is just in one State.

So the loss is truly devastating.

These are real problems. These family farm problems affect not only the family farmers, as severe as that is, but they affect the economy, the community, and the people who sell the harvesting equipment, the tractors and combines; the people who sell the seed and the fertilizers; the people who sell shoes and clothes and food in town. If the farmers do not earn a living, they cannot buy the other products; the implement dealer and the car dealer, all suffer. It has a ripple effect throughout the United States of America.

The problems in the North—as I said, because of low prices, because of cheap

imports being dumped from Canada, because of the overall depressed economy in many parts of Asia and Europe, and particularly in the South, in addition to low prices on the crops, we have no crops.

So the question is now not the extent of the problem. We know that. The question is now, What do we do?

I just think it is interesting. When we have a hurricane, tornado, or earthquake, there is always a rush to provide economic assistance. There is always on the nightly news when someone is visiting a hurricane-ravaged area or area that has been hurt by a tornado, a reaching out to the people. When you have the earthquake, it is the same result. Somehow it seems like it is different with the farmers because I think it is so gradual. If you have an earthquake, it happens, it is over, the people come in, they leave, and they have made an expression of their concern. But when it is an economic disaster over a longer period of time, it is harder to have people focus on the severity of the problem.

I think that is what is true in the agricultural disaster that we are now experiencing in my State. But the loss is just as severe, the hurt is just as severe. When you have to sell the family farm and move, and you can't pay your bills, you are hurting just as much as someone who has lost a family home because of a tornado, earthquake, or hurricane, or some other natural disaster.

The question now is, What do we do? It is clear, in my opinion, that the current agricultural programs that are designed to address assistance are too bureaucratic.

They do not work. They are outdated. They need something else to be helpful. What I mean by that is, for instance, with the loan program, emergency loans, the Government tells a farmer, well, you have to get turned down by three lending institutions in your local area and then you can come to the Government and get some financial assistance in terms of a Federal loan. If you could get the local loan, you would not need the Federal loan. But somehow you have to show that you could not get the local loan, but that if you get the Federal loan you can pay it back. If you could pay back the Federal loan, you could have paid back the local loan and you would not have had any need for help at the Federal level in the first place.

Those programs, well intended as they are, are simply too bureaucratic and do not work in providing real assistance to millions of American farmers.

What we are working on is to try to present a package, and this should be bipartisan. Republicans did not cause the problem and Democrats did not cause the problem, but the truth is we are going to have to work together to solve the problem. If we do not work together, chances are it is not going to get solved. This is not a political problem; it is a natural disaster problem. So what we are trying to do is provide some assistance.

Some have suggested increasing the loan levels, the artificial target prices, removing the caps on those programs to allow for a higher loan rate in order to give more assistance to farmers. That is a good thing to do. But in my area, it does not really help because my farmers don't have a crop to put in the Federal loan program. So in the South where you have no crop, we support what we are trying to do for our northern farmers. It is very important and I think it is the right thing to do. But in the southern portion of the United States where there is no crop at all and they have not been able to benefit from the program, we are suggesting direct financial assistance. It would go to farmers who do not have their losses covered by any other type of program. If someone has crop insurance, well, they may be helped a little bit. And the amount of help they get under the Crop Insurance Program should not allow them to double dip, but crop insurance is not going to cover their entire losses. So that part of their loss which is not covered by some insurance program should be clearly eligible for direct financial assistance. And for many of our farmers, they can't even afford crop insurance and so they have nothing. So their losses should be also covered, obviously, by any type of direct financial assistance to try to help them survive.

It is strictly a question of this one-time aid to help them survive until the next year so they can still be around to plant and grow the crops that help feed most, if not all, of America and much of the rest of the world.

Some will say, well, Senator, this is going to be expensive. Where is it going to come from? Well, No. 1, because of the good economic conditions, I think because of many of the things we have been able to do in the Congress, fortunately, the economy of the country is good in other areas, and, fortunately, we do not have a Federal deficit which we used to have—we now have a Federal surplus and we have had estimates of $50-, $60-, $75 billion just in this year—why not look at this disaster as an emergency, and if you have a surplus in the Federal budget, let's consider using that surplus to address a real economic disaster which has huge consequences if we do not do something to help out family farms.

Some say, well, we should use the surplus for a tax cut. There is certainly room for a tax cut. I think if it is the right type of tax cut and is helpful to the people who need help, we should move in that direction. Should we use it for saving Social Security? Yes. Certainly, that is a higher priority. But should we also use some of it to help save family farms that are facing an economic disaster beyond their control? They had absolutely nothing to do with it. The answer is yes.

This is what Government is all about, trying to help those who are in need and creating an economic climate whereby through hard work and industrial spirit they can produce and be profitable. If something happens not related to anything they have done that causes an economic disaster, I think we in Government have an obligation to participate in finding some solution to that problem. That is why, hopefully, in the coming week we will be able to join forces, Republicans and Democrats, and say, look, no one here caused the problem but, by golly, we had better work together in order to solve it; otherwise, we will not have done our duty. I certainly want to participate in that effort and plan to be very actively involved.

Just this week we had a very good meeting with the Secretary of Agriculture, Dan Glickman. The Secretary understands the nature of the problem. He understands the severity of it. He also understands that many of the programs we have on the books simply are not enough to address the problems that we are experiencing this year, and he has pledged his cooperation to try to come up with something that can provide the type of direct financial assistance that is certainly needed in my State of Louisiana. I look forward to accomplishing that in the coming weeks.

Mr. President, that concludes my remarks.

I yield the floor.

ADJOURNMENT UNTIL 11 A.M. MONDAY, SEPTEMBER 14, 1998

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 11 a.m. Monday, September 14.

Thereupon, the Senate, at 2:44 p.m. adjourned until Monday, September 14, 1998, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 11, 1998:

DEPARTMENT OF STATE

CRAIG GORDON DUNKERLY, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR CONVENTIONAL FORCES IN EUROPE.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

DANIEL AVENANCIO, 1110
PHILIP J. BECKMAN, 3133
JEFFERY J. BERNASCONI, 6431
STEPHEN J. BOHN, 8840
CURTIS L. BROWN, 0980
JAMES S. CAMPBELL, 7648
MICHAEL R. COUGHLIN, 3925
MICHAEL L. CROCKETT, 9220
JAMES E. CROSLEY, 2164
LARRY DEATON, 4753
ALAN D. DORRBECKER, 8921
RANDELL DYKES, 0213
BRIAN P. ECKERLE, 4396
PIERRE A. FULLER, 9424
NICOLAS GERACE, 6218
MICHAEL E. GOCHENOUR, 9594
DOUGLAS V. GORDON, 6334
CHRISTOPHER JACOBSEN, 7291
THOMAS KISS, 7429
JOHN M. KUBERA, 5180
MICHAEL LEHMAN, 5705
OLIVER T. LEWIS, 7331
KENNETH S. LONG, 6866
RONALD LUNT, 9274
RICHARD MALONEY, 8411
MICHAEL G. MCLOSKEY, 9283
MARK F. MILLER, 5152
ELMER M. NAVARRO, 4922
ALBERT G. ONLEY, 2432
ENRIQUE N. PANLILIO, 9002
BRIAN M. REED, 4630
ANGUS P. REGIER, 0225
JOHN F. RINKO, 9623
STEVEN F. SMITH, 9946
DANIEL SPAGONE, 1311
JEFFREY SULLIVAN, 1307
JAMES S. TALBERT, 6196