

Finally, I am very pleased to also be working with my colleagues on bipartisan bioterrorism legislation that targets problems posed by bioterrorist threats to our Nation's food supply and public health. I believe that the measures provided for in my Imported Food Safety Act of 2001, and the bipartisan bioterrorism bill, will significantly reduce the threat to our country. I hope that we will pass both pieces of legislation this year.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2088. Mr. INOUYE (for himself, Mr. AKAKA, Mr. STEVENS, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2088. Mr. INOUYE (for himself, Mr. AKAKA, Mr. STEVENS, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; which was ordered to lie on the table; as follows.

On page 47, line 19, strike the closing quotation marks and the second period.

On page 47, between lines 19 and 20, insert the following:

"SEC. 1403. ALLOCATION OF RESOURCES

"In carrying out this title, the Secretary of Transportation shall ensure that not less than \$2,000,000 in loans and loan guarantees under section 1401, and not less than \$6,000,000 in grants under section 1402, are made available for eligible projects (as defined in section 1401(d)) located in any State to which reference is made by name in section 607 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(k)(8)) during each of the fiscal years 2002 through 2006."

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on November 6, 7, and 8, 2001, in SR-328A at 8:30 a.m. The purpose of these business meetings will be to continue discussion on the next Federal farm bill.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a nomination hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will take place on Wednesday, November 14, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the nomination of Kathleen Clarke to be Director of the Bureau of Land Management, Department of the Interior.

Those wishing to submit written testimony for the hearing record should e-mail it to Sam_Fowler@Energy.Senate.Gov or fax it to 202-224-9026.

For further information, please call Sam Fowler on 202/224-7571.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, November 14, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the investigative report of the Thirtymile Fire and the prevention of future fire fatalities.

Because of the limited time available for the hearing, witnesses may testify by invitation only. Those wishing to submit written testimony for the hearing record should e-mail it to shelley_brown@energy.senate.gov or fax it to 202-224-4340.

For further information, please contact Kira Finkler of the committee staff at (202) 224-8164.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Monday, November 5, 2001, at approximately 6:15 p.m., following the first vote of the day, for a business meeting to consider the nomination of Mark W. Everson to be Controller, Office of Federal Financial Management, Office of Management and Budget.

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

DISCHARGE AND REFERRAL—S. 1586

Mr. REID. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 1586, and the measure then be referred to the Committee on Environment and Public Works.

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

ORDERS FOR TUESDAY, NOVEMBER 6, 2001

Mr. REID. Madam President, I ask unanimous consent that the previous

order regarding the convening hour of the Senate, on Tuesday, November 6, be changed to 2:15 p.m.; that there be 15 minutes of debate equally divided between Senators DASCHLE and LOTT or their designees in relation to the Daschle-Kennedy collective bargaining amendment to the Labor-HHS Appropriations Act prior to a 2:30 p.m. cloture vote on the amendment; further, that the remaining provisions of the previous order remain in effect.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, as a reminder, notwithstanding the convening hour of the Senate on Tuesday, second-degree amendments to the Daschle-Kennedy amendment must be filed prior to 1 p.m.

I say to those within the sound of my voice, both parties will still have their usual Tuesday caucuses from 12:30 p.m. to 2:15 p.m. There is a lot of other Senate business that can be conducted prior to the 2:30 vote.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, with the exception that Senator NICKLES be allowed to speak for up to 12 minutes and the Senator from Tennessee, Mr. THOMPSON, be allowed to speak for up to 12 minutes.

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

The Senator from Oklahoma.

Mr. NICKLES. Madam President, I thank the Chair and my colleague, Senator REID, for his cooperation.

THE DASCHLE-KENNEDY AMENDMENT TO LABOR-HHS APPROPRIATIONS

Mr. NICKLES. Madam President, tomorrow, at 2:30 p.m., the Senate will vote on the Daschle-Kennedy amendment which deals with collective bargaining for municipal employees. I say "municipal employees," meaning public safety employees in the States.

I used to be a State legislator. I was in the State senate for 2 years. We dealt with collective bargaining in my State. Almost every State has dealt with that issue. Some States prohibit collective bargaining for police, firefighters, sheriffs, and emergency personnel. Most States allow it.

But I am looking at the legislation that Senator KENNEDY and Senator DASCHLE are trying to put on the Labor-HHS appropriations bill, and they go a lot further than most of the States.

Then I think, wait a minute; one, we are not supposed to legislate on appropriations bills. We passed a rule, Senate rule XVI, saying we are not going to legislate on appropriations bills. This is clearly legislation on an appropriations bill. It is brand new legislation creating a new title. It says this title may be cited as the "Public Safety Employer-Employee Cooperation Act of 2001." It is brandnew legislation. It is dealing with collective bargaining on public safety employees. It does not belong on this bill. It has been reported out of the Labor Committee.

Senator DASCHLE is the majority leader. He can call it up at any time. It should not be on an appropriations bill. I checked the parliamentary procedures, and I was told the Parliamentarian would say there is underlying language in the House bill, so maybe it would be germane, and therefore we would have a vote on germaneness. In other words, it is OK to legislate on this appropriations bill. I do not agree with the result, but, anyway, the net result is, we are talking about legislating on dealing with collective bargaining that almost all the States do. Why are we doing it on the Federal level?

I read the Constitution and the 10th amendment to the constitution says:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Why is the Federal Government getting ready to do something that it has never done? We are going to take over what the States and what the cities have done. We are going to dictate collective bargaining rights; there is a whole series of rights. I do not disagree with any of them particularly; I just think it should be done by the State, not by the Federal Government.

I have no problem if firefighters or police or sheriffs or emergency personnel want to organize within the States' laws. Great. Most of them do. Most States have some collective bargaining rights. Fine. But it should not be a Federal statute. It should not be a Federal cause of action. There should not be things in this legislation that most States do not have.

There is language in this bill that most States are not aware of and most individual Senators, who may have said they would support this amendment, are not aware of. There is requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures.

I will tell you, as State legislators, we fought for a long time on whether we would have binding arbitration. This amendment is basically saying you have to have something like binding arbitration. Wow. I wonder if people are aware of that.

My point is, this amendment that we are going to be voting on, the Kennedy-

Daschle amendment, dealing with public safety, employer-employee relations, is not a Federal issue. It has never been a Federal issue. Yet some people are trying to make it that. And they didn't do a very good job legislating.

I mention that they dictate a lot of things that a lot of States do not have. They affect a lot of individuals who have never been in collective bargaining.

They go to very small cities. Somebody says: We exempt those small cities. Yes, a population of less than 5,000. That is way too small. Oh, yes, we will exempt employee groups if they have 25 people or less.

Wait a minute. The Federal Government is going to now get involved in employer-employee negotiations on units in small towns with a population that is greater than 5,000 people? Or if they have 26 or more employees, we are going to dictate: Here are your collective bargaining procedures? And, yes, there is a new Federal agency that is going to dictate the rules for negotiating contracts for elections. We are going to make that a Federal issue?

There is no reason to do it. There are lots of reasons not to do it.

I urge my colleagues to look at these letters. I will ask to have them printed in the RECORD.

I will read part of the letter from The United States Conference of Mayors:

However, the federal government should not impose collective bargaining procedures and practices on those local governments that have chosen over time to develop alternative methods for the management of the human resource and personnel administration needs.

The National Volunteer Fire Council:

The National Volunteer Fire Council is a non-profit membership association representing the more than 800,000 of America's volunteer fire, EMS, and rescue services.

They are not exempt in this bill. As a matter of fact, the unions that this bill purportedly is trying to help do not really care for volunteers. As a matter of fact, people who join their union cannot be a volunteer. Lots of small communities have volunteer firefighters, volunteer police organizations, sheriff volunteers. The volunteers—I will just read from the letter—are very opposed to this amendment. Part of the letter says:

As you know, firefighters, 75% of which are volunteers, are our nation's first responders to all types of emergencies. . . .

Currently, the International Association of Fire Fighters Constitution includes a provision prohibiting its members from becoming volunteer firefighters or advocating that other members become volunteer firefighters. We have found that in some collective bargaining negotiations in the past, local unions have incorporated similar provisions in their agreements with their local governments. As such, a union may prevent its firefighters from serving as volunteers and a union may negotiate for a provision in a collective bargaining agreement pre-

venting all firefighters working for the employer from serving as volunteer firefighters.

The National Volunteer Fire Council believes these provisions are a violation of first amendment rights: "Once again, we urge you to oppose the Daschle amendment unless language is inserted to" exempt volunteers.

For my colleagues' information, if cloture is invoked, we are going to have a lot of amendments to fix this language. It should not be in here. I have already stated that this is legislation on an appropriations bill. This is the right jurisdiction for the States, not the Federal Government. If we are going to legislate, we are going to do it right. So we are going to have a lot of amendments. I am aware of the fact that Senator SPECTER kept offering amendments that were going to be hotly debated and contested and take a long time.

If cloture is invoked tomorrow, then we are going to have a lot of amendments. I think having an exemption that says 25 or fewer is way too small. I am going to have an amendment to increase that. I think the exemption for communities being as small as 5,000 is way too low. So I am going to have an amendment to increase that. I am going to have an amendment, along with Senator GRAMM, making sure people are not coerced into joining the union. Nobody should be compelled to do that. Some might say: Wait a minute; why is that a Federal issue? It should not be, but this bill tries to turn it into a Federal issue.

We are also going to have an amendment to make sure people are not compelled to pay dues. If they want to, that is great; I have no objection to that. We want to have an amendment making sure volunteers are exempt. We should not discourage volunteers, but that is the net impact of this legislation. This legislation doesn't belong on this bill. The States have legislative bodies. Let them decide. They have done it. Already two States have said, no, they don't believe in collective bargaining for public service employees. Those States are North Carolina and Virginia. The volunteers, the firefighters, and safety employees of Virginia did an outstanding job. So whether they are union or nonunion, they did a great job. I compliment all of the relief workers. We had relief workers from Oklahoma in New York, and they were union and nonunion.

This amendment should not be on this bill. We should allow the States, as the Constitution provides in the 10th amendment, to dictate this policy. It should not be resolved on the Federal side. But if it is, we are going to have to have several amendments on the Kennedy-Daschle amendment to improve it substantially, to exempt volunteers and smaller communities, and a greater number of people and allow people the freedom to join unions and/or the freedom not to pay dues.

I urge my colleagues, let's not preempt States, tell the States we know better with one quickly drawn amendment that does not belong here, and that we are going to superimpose our will on the States. Many of them have wrestled with collective bargaining for their cities and counties. I would venture to say most sheriffs departments are not unionized in most States. Under this bill, they would be encouraged to do so. I don't think that is our job. Let the States decide that. And the same goes for emergency workers, ambulance workers, and so on. If they want to unionize, let the States wrestle with that issue. We should not be making those decisions. Allow the States to decide what groups should have collective bargaining rights, how far the rights should go, and whether they should have binding arbitration or other remedies as provided for in this bill.

I don't think this bill is right. I think it should be preserved to the States. I encourage people, if you want to unionize, do it under State laws. Almost all States allow collective bargaining but not in the same manner as dictated in the amendment proposed by Senators DASCHLE and KENNEDY.

Finally, this side has shown some restraint on nongermane amendments to the underlying bill. I urge our majority leader, Senator KENNEDY, and others to show restraint as well and hopefully withdraw this amendment. If not, I urge my colleagues to vote no on cloture tomorrow at 2:30.

I ask unanimous consent to have the letters I have referred to printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE UNITED STATES CONFERENCE
OF MAYORS,
Washington, DC, November 5, 2001.

Hon. DON NICKLES,
Assistant Republican Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: The United States Conference of Mayors opposes Amendment 2044 to the Labor-Health and Human Services-Education Appropriations bill.

It is our position that this measure, if passed, would be a preemption of local authority and would impose an unfunded mandate on a large number of our nation's cities. While the costs may not be evident at first glance, they would be significant in that time-tested working personnel systems would have to be significantly modified.

No one can dispute the valuable contribution our public safety forces make daily, especially after their outstanding work in the wake of the September 11 attacks on our Nation where their contributions received deservedly high level attention. However, the federal government should not impose collective bargaining procedures and practices on those local governments that have chosen over time to develop alternative methods for the management of the human resource and personnel administration needs.

On behalf of The U.S. Conference of Mayors, I thank you for your assistance on this

important matter. If you have any questions, please contact Ed Somers or Roger Dahl with the Conference staff at (202) 297-7330.

Sincerely,

J. THOMAS COCHRAN,
Executive Director.

NATIONAL VOLUNTEER FIRE COUNCIL,
Washington, DC, October 31, 2001.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: The National Volunteer Fire Council (NVFC) is a non-profit membership association representing the more than 800,000 members of America's volunteer fire, EMS, and rescue services. Organized in 1976, the NVFC serves as the voice of America's volunteer fire personnel in over 28,000 departments across the country. On behalf of our membership, I urge you to oppose the Daschle Amendment as currently written that would insert the language of Public Safety Employer-Employee Cooperation Act (S. 952/H.R. 1475) to the Labor-HHS-Education Appropriations Bill (H.R. 3061).

As you know, firefighters, 75% of which are volunteers, are our nation's first responders to all types of emergencies. Most volunteer departments serve small, rural communities and are quite often the only line of defense in those communities. The brave men and women of these departments, who risk their lives in the name of public service, save local taxpayers an estimated \$36 billion per year.

Currently, the International Association of Fire Fighters (IAFF) Constitution includes a provision prohibiting its members from becoming volunteer firefighters or advocating that other members become volunteer firefighters. We have found that in some collective bargaining negotiations in the past, local unions have incorporated similar provisions in their agreements with their local governments. As such, a union may prevent its firefighters from serving as volunteers and a union may negotiate for a provision in a collective bargaining agreement preventing all firefighters working for the employer from serving as volunteer firefighters. The NVFC feels that these types of provisions are a violation of First Amendment rights.

One of the largest problems faced by America's volunteer fire service is recruitment and retention. Even though fire department call volumes continue to increase, the number of volunteer firefighters has declined over 10% since 1983. Major factors contributing to the decline include increased fundraising and time demands, more rigorous training standards, and the proliferation of two-income families whose members don't have the time to volunteer. Therefore, any legislation that may lead to the prohibition of volunteerism is contrary to the interests of the volunteer fire service and must be opposed by the NVFC and its membership.

Once again, we urge you to oppose the Daschle amendment unless language is inserted to explicitly protect a person's right to serve as a public safety volunteer. If you have any questions, please contact Craig Sharman, NVFC's Government Affairs Representative, at (202) 887-5700. We appreciate your continued support of America's volunteer fire service.

Sincerely,

PHILIP C. STITTLEBURG,
Chairman.

NATIONAL RIGHT TO WORK COMMITTEE,
Springfield, VA, November 1, 2001.

DEAR SENATOR: On behalf of the 2.2 million members of the National Right to Work

Committee, I am writing you today to request your full-fledged opposition to the deceptively titled "Public Safety Employer-Employee Cooperation Act" (S. 952, now masquerading as Amendment 2044, to the Labor/HHS Appropriations bill H.R. 3061, pending on the Senate floor).

Senator, if enacted, this language would represent the most far-reaching expansion of union officials' power to corral workers into unions in decades.

S. 952/Admt. 2044 is a dangerous, freedom-crushing bill that must be stopped.

It is designed to install union officials as the "exclusive" bargaining agents of police, firefighters, county paramedics and other public-safety officers in all 50 states.

It would by federal fiat force public-safety officers, including many who have chosen not to be union members, to accept union officials as their "exclusive" negotiators in employment contract talks.

Effectively, Organized Labor thus obtains a monopoly over employees' participation in the bargaining process.

Twenty-seven states have so far either refused completely to grant union officials monopoly power over public-safety employment, or have acquiesced to a more limited form of "exclusive" bargaining than is mandated by S. 952/Admt. 2044.

If this bill is enacted, hundreds of thousands of police, firemen and paramedics will be stripped of their freedom to negotiate on their own behalf.

And the personal safety of millions will be jeopardized as a result of these employees' loss of freedom.

One predictable result of enactment of S. 952/Admt. 2044 would be the decimation of volunteer firefighter departments currently protecting countless communities that cannot afford to hire enough professional firefighters to meet their needs.

The constitution of the International Association of Firefighters union (IAFF/AFL-CIO) bars its 245,000 members from becoming volunteer firemen.

IAFF officials who are already empowered by state law to act as "exclusive" bargaining agents for taxpayer-funded firemen regularly demand and obtain contract provisions barring these firemen from volunteering on their own time.

The fact is, 75% of all firemen are volunteers.

And more than half of these volunteers are professional firemen who offer their spare time to help their communities, saving local taxpayers an estimated \$37 billion annually.

Such unselfish professional firemen, who are already trained and experienced, are the backbone of volunteer units.

Enactment of S. 952/Admt. 2044 would ultimately force volunteer departments across the country to disband or to operate while severely understaffed.

This bill merits no consideration by Congress, especially at a time when communities of all sizes must face the possibility of having to rescue victims of terrorist attacks.

And the grave harm S. 952/Admt. 2044 would inflict on volunteer fire departments is only the tip of the iceberg.

State and local taxpayers could expect to be hit up for hundreds of millions of dollars just to pay for the direct costs of the "exclusive" bargaining process.

And the bill would predictably inspire a spate of illegal, dangerous police and firefighter strikes.

States adopting laws mandating public-sector "exclusive" bargaining endure, on average, four times as many strikes against

vital public services once the law takes effect, according to the Public Service Research Council of Vienna, VA.

Legal provisions allegedly intended to ban strikes have proven useless.

Union officials simply refuse to call off illegal strikes against vital services until they win amnesty for having broken the law.

If S. 952/Admt. 2044 is adopted, its so-called "no-strike" provisions are sure to prove equally useless.

Senator, by promptly taking a clear public stand against this Amendment language, you can strongly discourage union lobbyists from delaying congressional action on truly important national issues in order to get it to your desk.

I'm sure you agree with me that Congress's focus over the next year should be on protecting Americans' lives and liberty, and not on expanding forced unionism.

That's why I hope you will oppose the Daschle Amendment, Admt. 2044 to the Labor/HHS Appropriations bill.

If you have any questions about this measure, please call me or Mark Mix, the Right to Work Committee's Senior Vice President for Legislation, at 703-321-9820.

Sincerely,

REED LARSON.

NATIONAL LEAGUE OF CITIES,
Washington, DC, October 31, 2001.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: The National League of Cities is writing in opposition to Amendment No. 2044 to H.R. 3061, the Labor-Health and Human Services-Education Appropriations bill. We believe that this measure should not be included as an authorizing provision in the spending bill. Furthermore, several state municipal leagues strongly believe that this amendment would preempt state and local authority, where many state laws sufficiently cover collective bargaining rights, without the need for federal intervention.

The National League of Cities applauds the heroism of firefighters and all public safety personnel, especially in the wake of the September 11 terrorist attacks on America. However, NLC's *National Municipal Policy* does not support this approach through Amendment No. 2044.

NLC believes that the federal government should not undermine municipal autonomy with respect to making fundamental employment decisions by mandating specific working conditions. The federal government should not mandate collective bargaining rights, legalize strikes, or require compulsory binding arbitration. In view of the labor protections provided by state laws, labor agreements, city government civil service systems and municipal personnel procedures, NLC opposes Amendment No. 2044.

Thank you for your consideration of the National League of Cities' position on this matter.

Sincerely,

DON BORUT,
Executive Director.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Denver, CO, November 5, 2001.

Reference: Amendment No. 2044 to the Labor/HHS Appropriations bill (H.R. 3061).

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. TED STEVENS,
Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATORS BYRD AND STEVENS: The National Conference of State Legislatures is writing in opposition to Amendment No. 2044 to H.R. 3061, the Labor-Health and Human Services and Education Appropriations bill. The amendment would federalize a critical area of labor law best left to state and local governments. We believe that this measure should not be included as an authorizing provision to the spending bill. This amendment would preempt state and local authority, where many state laws sufficiently cover collective bargaining rights.

The National Conference of State Legislatures applauds the heroism of firefighters and all public safety personnel, especially in the wake of the September 11 terrorist attacks on America. However, NCSL reminds Congress that absent a compelling reason for preemption, abandoning a commitment to balance in the state-federal partnership is uncalled for and shortsighted.

NCSL believes that the federal government should not undermine state and municipal autonomy with respect to making fundamental employment decisions by mandating specific working conditions. The federal government should not mandate collective bargaining rights, legalize strikes, or require compulsory binding arbitration. In view of the labor protections provided by state laws, labor agreements, city government civil service systems and municipal personnel procedures, NCSL opposes Amendment No. 2044.

Thank you for your consideration of the National Conference of State Legislatures' position on this matter.

Sincerely,

WILLIAM T. POUND,
Executive Director.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized for 12 minutes.

Mr. THOMPSON. Madam President, the Daschle amendment is simply another amendment in the long tradition of amendment after amendment basically federalizing things that have been under the purview of State and local government for many years. Usually, we choose a politically opportune moment to do this; we give lipservice all the time to the concept of federalism. We have tort reform debates, where it comes up many times in many different ways, and many proponents of the Daschle amendment and I have joined together in pointing out that we should be slow to federalize things that have been under the purview of State law for 200 years.

We give lipservice to the fact that State and local governments are closer to the people and the Federal Government doesn't have the solution to all problems. All the time, while we are giving lipservice, we are slowly, bit by bit, amendment by amendment, pass-

ing things that go against the entire concept of federalism.

Those who are promoting this amendment a short time ago, during the Patients' Bill of Rights debate, were taking the position that State liability law should apply; that State courts should be the ones to determine State liability. Federalism was a good thing back then. Federalism was a good thing when we considered issues on tort reform. But now we have an amendment that basically federalizes and preempts State and local laws regarding the unionization of public safety officers.

It seems that some of us want to be Jeffersonians on Mondays, Wednesdays, and Fridays and Hamiltonians on Tuesdays, Thursdays, and Sundays. So we have this amendment before us, and it is an amendment that is a significant intrusion on the rights of States to set their own rules. As we know, the National Labor Relations Act applies to unionism in the private sector employment. No Federal statute regarding unionism applies to State and local Government employees. It has always been within the purview of States and local communities to create laws governing the employment of police officers and firefighters.

The Daschle amendment would be an unprecedented expansion of Federal authority at the expense of State and local communities. It basically gives Federal labor relations the authority and the power to determine whether or not a State's laws are up to par. If they determine that the State's laws are not up to par or in compliance with Federal standards, the Federal Labor Relations Authority will establish collective bargaining standards that will apply to the States.

Madam President, this amendment would require changes to the laws of over half the States in the Nation—the laws that they have been administering all this time. Two States have passed laws that explicitly prohibit public safety unions. We are all familiar with the debates we have concerning whether or not it is a good idea for people in certain public professions to unionize, whether or not we are more likely to be faced with strikes and things of that nature which go against the public welfare. Different States have reached different conclusions as to whether or not this is a good idea, whether or not it is a good idea to allow them to unionize. Of course, that is what States do. They do different things, depending on what the people in the States want.

Many other States, including my home State, are silent on the issue of union rights of public officials, which allows counties, cities, and other local communities to determine whether or not they will allow unions to collectively bargain with them or not.

In my view, this is exactly where these decisions should be made. Surely,

questions about hiring decisions and the qualifications of the people who provide services that safeguard the community should be made by the people who live in those communities.

I have received letters from a dozen communities in Tennessee from Fayetteville to Johnson City, Smyrna, Germantown, and many others. Many of those letters were sent by police departments expressing their concern over the adverse impact of this legislation on their communities.

No one can doubt the tremendous service that is provided by our firefighters and police officers. They put their lives on the line every day to ensure our safety. But this amendment is not a fitting response to that service. It is not a fitting response to subvert the basic relationship between the States and the Federal Government or the local communities and the Federal Government. It is not a fitting response to fundamentally alter a system

that has been established and has served us well for 200 years.

This amendment essentially writes State laws for States and requires the States to pass them or have the Federal Government apply their own standard. It is not the place of the Federal Government to make decisions that are closely tied to the needs of traditional responsibilities of States and local communities.

This amendment is an unwarranted intrusion on self-government. I urge my colleagues to oppose it.

I yield the floor.

ADJOURNMENT UNTIL 2:15 P.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2:15 p.m. tomorrow.

Thereupon, the Senate, at 7:11 p.m., adjourned until Tuesday, November 6, 2001, at 2:15 p.m.

NOMINATIONS

Executive nominations received by the Senate November 5, 2001:

EXECUTIVE OFFICE OF THE PRESIDENT

RANDALL S. KROZSNER, OF ILLINOIS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE KATHRYN SHAW.

PEACE CORPS

JOSEPHINE K. OLSEN, OF MARYLAND, TO BE DEPUTY DIRECTORS OF THE PEACE CORPS, VICE CHARLES R. BAQUET III, RESIGNED.

DEPARTMENT OF EDUCATION

JACK MARTIN, OF MICHIGAN, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF EDUCATION, VICE DONALD RAPPAPORT, RESIGNED.

CONFIRMATION

Executive Nomination Confirmed by the Senate November 5, 2001:

THE JUDICIARY

LARRY R. HICKS, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA.