

## SENATE—Tuesday, November 6, 2001

The Senate met at 2:16 p.m., and was called to order by the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, who knows what is going on in our minds, we thank You that more than providing our surface needs, You meet our deepest needs. Help us to put and keep things in perspective. Thousands of men and women of our armed services are in harm's way in a just battle against terrorism and despotism, and hundreds of thousands are on alert. Meanwhile, so much has changed for our life here in the Senate. An anthrax scare has gripped us, our routines have been disrupted, temporary offices cause frustration, and the instability of everyday conveniences unsettle us. In a time like this, we learn that faith and flexibility are inseparable. Our trust is in You and not in having everything in our control. While we pray for those who are making a much greater sacrifice than we, we also ask for the qualities of greatness rooted in Your goodness and grace. Thank You for this new day in which to find our security in You, our serenity in Your peace, and our strength in Your power. You have taught us to seek first Your Kingdom with the assurance that all things necessary for our joy would be added to us. You are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEAN CARNAHAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 6, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEAN CARNAHAN, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. CARNAHAN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. DASCHLE. Madam President, the Senate will resume consideration of the Labor-HHS Appropriations Act with 15 minutes of debate in relation to the firefighters amendment. The Senate will vote on cloture on the amendment at approximately 2:30 this afternoon. We hope to complete action on the Labor-HHS appropriations bill today. Then it would be my intention of moving to the D.C. appropriations bill.

I yield the floor.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 3061, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3061) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Daschle amendment No. 2044, to provide collective bargaining rights for public safety officers employed by States or their political subdivision.

Gramm modified amendment No. 2055 (to amendment No. 2044), to preserve the freedom and constitutional rights of firefighters, law enforcement officers, and public safety officers.

The ACTING PRESIDENT pro tempore. Under the previous order, there is now 15 minutes for debate to be equally divided and controlled by the two leaders or their designees.

The Senator from Oklahoma.

Mr. NICKLES. Madam President, I yield myself 3½ minutes.

Madam President, I urge my colleagues to vote no on the Daschle-Kennedy amendment. This is an amendment which, for the first time in over 200-some-odd years in our Nation's history, we have the Federal Government trying to pass a law dealing with collective bargaining for cities, counties, and States for fire, police, sheriffs, and emergency personnel.

We have never done it before. We shouldn't do it now. That is and should be the prerogative of the States. The 10th amendment to the Constitution says all of the rights and powers are reserved to the States and to the people. It doesn't say: States, you have been doing this for all these years, but now we will have the Federal Government pass a collective bargaining law that also says you should have remedies, arbitration, and so on.

Why is the Federal Government doing that when States should be doing it? The States are doing it. Why should we tell the States they are not doing it well enough? We will have a bureaucrat go in and review the State's laws and say, maybe your State doesn't comply. Some people have estimated 26 to 30 States don't comply. Maybe the State of Missouri will have to rewrite its collective bargaining law or the State of Oklahoma. Frankly, over half of the States have local options where the State legislatures have said: We will leave that up to the cities. And now the Federal Government will say: No, that is not good enough; we will have the Federal Government come in and make that decision.

This bill says we will exempt small communities. Communities that have less than 5,000 will not be covered by this law. If we don't get cloture, we will have an amendment because I will raise that number. I think 5,000 is way too small. We will exempt cities with fewer than 5,000 employees. I think that is too small. We will have to have a bigger exemption. The legislation forgot to exempt volunteers. Why should we cover volunteers? So we will have to have an amendment dealing with volunteers. There are over 800,000 volunteer firefighters and police officers in the country.

Why should we mandate that people contribute to an organization against their will? We need voluntary contributions.

This bill is legislation on an appropriations bill. It should be dealt with separately. It doesn't belong on this appropriations bill. Let me read comments from a couple of organizations.

The U.S. Conference of Mayors:

However, the federal government should not impose collective bargaining procedures