

REPORT ON CONGRESS

By Lane Kirkland

fter six long years of Ronald Reagan, 1987 ushered in a Democratic-controlled Congress better equipped to stand up and fight for American workers and their legislative agenda.

Although the 1986 Senate election victories and subsequent elimination of right-wing leadership of key committees did not guarantee liberal and prolabor achievements, it did result in important progress. By the end of 1987, the labor lobby, bolstered by grass-roots lobbying and the staunch support of the Democratic leadership in the Congress, had chalked up one of its most impressive years in memory.

The first confrontation between Congress and the Reagan Administration proved a major embarrassment for the President. He had angered Congress with his veto of a highway construction reauthorization bill to provide the billions of dollars necessary to repair the nation's crumbling infrastructure and generate over 700,000 jobs. Scores of Republicans deserted the President as the House

and Senate both overrode the veto in early spring.

Democratic control in the 100th Congress also pushed trade reform legislation to center stage. After being stalemated by Republican free traders for the last half dozen years, the House and Senate both passed trade bills with tough remedies to combat the unfair trade practices of our global competitors. These omnibus trade bills are now before a conference committee. Early passage of a strong bill is a major priority for the AFL-CIO.

On another trade issue, the House passed legislation to limit imports of textile and apparel products. Senate floor action on this trade bill is expected during 1988.

The Democratic Congress also set an ambitious agenda on worker rights issues. First among these was legislation to give workers advance notice of plant closings. Facing a likely Republican-led filibuster, Senators Kennedy and Metzenbaum teamed up to add the plant closing measure to the Senate trade bill. Republican efforts to remove it were beaten decisively.

In other action, the Senate beat back conservative attacks on labor standards. Texas Sen. Phil Gramm tried three times to attack labor standards. And three times—on the Davis-Bacon Act, the Service Contracts Act and collective bargaining protections for mass transit workers—he lost by lop-sided votes.

On other labor issues, the House passed legislation to outlaw double-breasted contracting in the construction industry, protect workers hurt by airline mergers, establish a high-risk notification system for workers exposed to job-site toxic substances, and a measure to outlaw the use of lie detectors in private sector employment.

A fifth bill—to reform the Hatch Act and restore to federal government workers the political rights enjoyed by other American citizens—passed with overwhelming bipartisan support as the House Republican leadership joined in this effort despite Reagan Administration opposition. While the airline workers' merger protection bill has made it through the Senate, the others may face tough going and some may have already been tagged "veto bait" by the Reagan Administration.

The most well-publicized legislative clash of the year came on the President's controversial nomination of Judge Robert Bork to be an Associate Justice of the Supreme Court. Working through the Leadership Conference on Civil Rights, a coalition of labor and other organizations generated backhome constituent pressure that led to the overwhelming defeat of the Bork nomination—and still another embarrassing setback for the President as key Senate Republicans deserted him again.

There were other examples of labor working as the "people's lobby" in coalition with other longstanding allies. The AFL-CIO backstopped lobbying on behalf of the nation's senior citizens in promoting health care legislation to help alleviate potentially ruinous medical expenses for the nation's elderly in the event of catastrophic illness. Alongside anti-poverty groups we beat back efforts to slash housing funds for the poor and cripple welfare reform legislation. With consumer watchdogs, we tried to codify the Fairness Doctrine to protect the integrity of the airwaves, but lost out to a veto. With the civil rights community, we worked for legislation to provide long-overdue reparations for the Japanese-American victims of World War II internment.

On many of these issues, labor's successes and labor's agenda could not have been accomplished without the support of the Democratic leadership of Senate Majority Leader Robert Byrd and House Speaker Jim Wright. But these allies in labor's fight for social and economic justice were not labor's only advantage.

An expanding and aggressive grassroots lobbying program helped put additional pressure on those Democrats and Republicans who needed to hear that union members back home cared about the crucial issues outlined in this voting record. In 1987 the AFL-CIO used an arsenal of grassroots weapons to build constituent pressure—Legislative Action Committees in targeted districts, state fed-

eration teleconference strategy sessions with key members of Congress, mailgram campaigns, postcard and letter-writing efforts, face-to-face meetings with "swing vote" lawmakers, direct mail and phone bank outreach, call-in campaigns aimed at the local offices of federal legislators, plant gate handbilling, video technology and media support tactics. Each of these techniques was used with increasing sophistication and effectiveness in the House fights on such measures as the Gephardt trade amendment and construction industry "double-breasting" and in the Senate battles over plant closing legislation and Judge Bork. These tactics plus the assistance of the AFL-CIO's state and local central bodies were key to our successful year on Capitol Hill.

In the final analysis, after too many years of being on the defensive, labor's turn at the plate came because conservative forces no longer controlled the Congress, and union members participated by the thousands in labor's grassroots lobbying campaigns.

This year—the second session of the 100th Congress—will be even more important as labor seeks to move House-passed initiatives through the Senate and onto the President's desk. Veto override fights may become frequent and labor won't win them all, but the veto battles will be part of the 1988 political campaign and it will be our job to educate union members and their families on issues important to all workers.

As union members and their families get ready to go to the polls in 1988, this voting record gives them an account of how their lawmakers voted on critical issues in 1987.

I hope the members of our affiliated unions will study this record—in terms of issues and votes—before they make any Election Day decisions. These voting records help to determine COPE endorsements, but just as important, they help to create an informed electorate.

Labor's 1987 report card on Congress tabulates the votes on major issues of concern to the AFL-CIO in the first session of the 100th Congress.

House members have been judged on 15 key issues—"Rright" or "W-wrong"—on the basis of the position the AFL-CIO took on the legislation. Senators have been rated on 10 key votes.

The tables also include the cumulative voting record and cumulative "right" percentage of each member since election to the House or Senate. With the voting records are brief descriptions of the issues—what the vote was about and its importance to the labor movement and the nation.

Issues of prime importance to labor are the first 12 votes in the House and the first seven votes in the Senate. In the tabulations they are the votes listed to the left of the rules.

MAJOR ISSUES IN THE HOUSE

1. Trade i

In 1987, America's economic woes were exacerbated by the effects of the record \$170-billion 1986 trade deficit. With thousands of plants being padlocked, surrounding communities devastated and millions of jobs lost, the 100th Congress began to come to grips with legislative remedies necessary to restore fair trade as the guiding principal in international commerce. But the long wait for trade legislation cost the United States its pre-eminent economic role in the free world as, for the first time since 1914, our country became a debtor nation, forced to borrow funds from abroad to pay its bills. In 1986 alone, the United States borrowed \$256 billion, with economists projecting that this figure would reach \$1 trillion by 1990.

Early in 1987, trade reform legislation was reported out of the House Ways & Means Committee. Designed to combat unfair trade practices and restore trade balance, the legislation, however, failed to include specific language providing specific goals, methods and timetables for reducing the trade deficit. When the bill came to the House floor Rep. Richard Gephardt (D-Mo.), the lead sponsor of the bill, offered a key labor-backed amendment to restore the original enforcement mechanism. His amendment would require the International Trade Commission to determine which of our major trading "partners" had excessive trade surpluses and if unfair trade practices contributed to that advantage. If both conditions existed, the President would have eight months to negotiate or eliminate unfair trade practices. Failure to achieve one of these goals would require the President to take action to reduce the deficit with the offending countries by 10 percent a year starting in 1989. Despite strong Administration opposition, the House approved the Gephardt amendment by a narrow 218-214 vote on Apr. 29. The trade bill was later approved by the House and sent to the Senate.

For—Right Against—Wrong

2. Trade II

By the fall of 1987 the House and Senate were in conference on their respective versions of the trade legislation. House Republicans opposed to the Gephardt amendment tried to pull an end run on the House floor under the leadership of Republican Majority Leader Bob Michel (R-Ill.). Michel offered a motion to instruct House conferees on the trade bill to drop their support for inclusion of the Gephardt amendment in the final trade legislation. Michel's motion failed by a 175-239 vote on Nov. 14.

For—Wrong Against—Right

3. Trade III

During the 100th Congress the continued public outcry over record-level U.S. trade deficits and the loss of American jobs to imports kept the trade issue at political center stage. The House re-



Grassroots message is sent to Capitol Hill by Cincinnati union members rallying in importbattered Norwood, Ohio, in support of strong trade legislation.



AFL-CIO President Lane Kirkland confers on strategy with two staunch allies of labor—Rep. Augustus Hawkins (D-Calif.), chairman of the House Education & Labor Committee, and Rep. William Clay (D-Mo.).

sponded by passing specific legislation to deal with an economic sector badly battered by the flood of low-wage imports—the textile and apparel industry. Despite 1974 international trade agreements to provide for the orderly growth of textile and apparel imports, these imports mushroomed from 12 percent of the U.S. market in the early 1970s to nearly 50 percent by 1987. The result: over 300,000 jobless American textile workers.

The bill would force compliance with existing trade agreements for textiles, while also providing relief for the import-stricken shoe industry. President Reagan vetoed similar legislation late in 1985. Under the 1987 version, imports of 185 categories of textiles and apparel would be limited to a 1-percent annual increase, based on 1986 levels, and imports on 15 categories of shoes would be frozen at 1986 levels. Despite continuing Reagan Administration opposition and a lobbying blitz by retail associations, the House passed the textile bill on Sept. 16 by a 263-156 vote. Senate action is expected in 1988.

For-Right Against-Wrong

4. Jobs

The first major legislative confrontation between the 100th Congress and President Reagan came early on jobs legislation. With the nation's transportation infrastructure decaying, its roads and bridges deteriorating, Reagan vetoed an \$88-billion highway/mass-transit funding bill. With 700,000 construction jobs hanging in the balance, the House, in a major setback for President Reagan, voted by a lopsided 350-73 margin on Mar. 31 to override the veto as scores of Republican repre-

sentatives deserted Reagan and joined the override effort. The Senate also overrode the President's veto.

For-Right Against-Wrong

5. Construction Industry Contract Protections

In 1959, the federal laws governing the rights of workers to join a union and bargain with an employer were amended to recognize the unique nature of work in the construction industry. Congress enacted Section 8(f) of the National Labor Relations Act (NLRA) to allow construction unions to enter into pre-hire agreements with their employers. In return for access to a pool of skilled employees, a construction contractor agrees that work will be performed in accordance with a union contract.

In recent years, however, construction industry employers have been engaging in a practice known as "double-breasting," whereby contractors with collective bargaining agreements establish a second, non-union company which is not covered by the contract. The employer then transfers work from its union company to its non-union alter ego, circumventing federal labor law. To stop this double dealing, the AFL-CIO supported an amendment to the NLRA by Rep. William Clay (D-Mo.) to ban double-breasting. On June 17, despite strong opposition from the Chamber of Commerce, building contractors and other business groups, the House passed the legislation by a 227 to 197 vote.

For—Right Against—Wrong

6. Job Safety

Thousands of toxic substances and physical agents are in wide industrial and commercial use in the United States. As a result, approximately 11 million workers are exposed to known carcinogens. About 100,000 workers die and 240,000 more are disabled each year from the occupational diseases caused by these exposures.

In response to this growing crisis, the AFL-CIO endorsed legislation in 1987 to promote early detection and prevention of occupational diseases. This legislation, the first occupational safety and health initiative in years, would establish a system to provide notification, information and medical monitoring to high-risk workers. The bill would establish a federal Risk Assessment Board in the Dept. of Health and Human Services to identify and notify individual workers in danger of contracting occupationally induced diseases and to counsel them appropriately on medical surveillance procedures.

During debate on the bill, Rep. James Jeffords (R-Vt.) introduced an amendment to effectively kill the labor-backed bill by substituting a two-year study on the need for an occupational disease risk-

notification program and mandating more stringent enforcement of existing occupational safety laws. Despite strong support from the Chamber of Commerce, the Jeffords amendment was defeated by a vote of 191 to 234. The House later passed the High Risk Notification bill and sent it to the Senate.

For—Wrong Against—Right

7. Polygraph Protection I

The use of polygraphs and other so-called lie detectors has reached shocking levels in America's workplaces. Workers in the private sector are subjected to more than two million "lie detector" tests every year, four times the number given just ten years ago. According to estimates, at least 200,000 Americans lose jobs or are denied their employment opportunities solely because of inaccurate "lie detector" tests. Because of the continuing widespread abuse of polygraphs and their lack of reliability, 22 states have limited or outlawed polygraph examinations in the workplace. But a state-by-state approach to banning these devices would take years to accomplish. Thus, a uniform federal prohibition is needed.

To put an end to this abuse of workers' rights, the AFL-CIO supported bipartisan legislation introduced by Reps. Pat Williams (D-Mont.) and James Jeffords (R-Vt.) which outlawed the use of polygraphs in private-sector workplaces. When the bill came to the House floor, opponents of the legislation, led by Rep. Marge Roukema (R-N.J.), lined up a series of industry exemption amendments. Since labor and other groups backed an all-out ban on polygraphs because they do not work, supporters of the exemption amendments, in essence, viewed lie detectors as effective employment

screening devices. Roukema's first amendment would have exempted certain security guards. Despite strong labor lobbying against the amendment, it passed by a narrow 210 to 209 vote on Nov. 4. Of the other exemption amendments, only one passed as the House approved the antipolygraph bill.

For-Wrong Against-Right

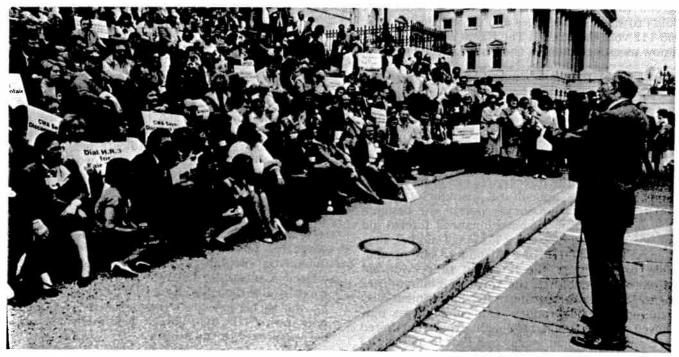
8. Polygraph Protection II

In a second assault on the anti-polygraph bill, Rep. Bill Young (R-Fla.), backed by Rep. Buddy Darden (D-Ga.), offered a substitute amendment to allow private employers to use polygraph tests as long as they told employees it was voluntary and followed specific guidelines. By setting guidelines for administering polygraph tests, those supporting the Young amendment were, in effect, giving legitimacy to the accuracy and use of lie detectors. Despite a lobbying blitz by the Chamber of Commerce, the House on Nov. 4 rejected the Young substitute amendment by a vote of 169-242.

For—Wrong Against—Right

9. Collective Bargaining Rights

After seven years without any new legislation to address the growing housing crisis, both the House and the Senate adopted new Housing Authorization bills in 1987. One important provision of the House bill protected existing collective bargaining



AFL-CIO Sec.-Treas. Thomas R. Donahue addresses CWA grassroots lobbyists before they make their rounds on Capitol Hill.

rights for affected housing authority workers. The legislation stipulated that resident management corporations for public housing units must abide by pre-existing collective bargaining agreements with public housing employees. On June 10, antiworker conservatives led by Rep. Steve Bartlett (R-Tex.) introduced an amendment to strike this important collective bargaining protection from the bill. This attack on trade union rights was defeated by a vote of 176 to 249.

For-Wrong Against-Right

10. Hatch Act Reform

Since 1939, the Hatch Act has disenfranchised 2.8 million federal and D.C. government employees from participating fully in partisan political activities. These employees are barred, for example, from working phone banks, handing out leaflets, running for convention delegate, publicly endorsing candidates, putting up yard signs and other activities. The original rationale for the Hatch Act of 1939 was to prevent political appointees from coercing employees into partisan campaign work. Today, however, these government employees are protected from such coercion by their unions, new laws and agencies in the federal government that did not exist in 1939.

Legislation to restore basic and fundamental political rights to these American citizens was introduced in 1987 by Rep. William Clay (D-Mo.). The Hatch Act reform bill would allow federal employees the right to engage in partisan political activities away from the job site, while strengthening the existing protection against political coercion by supervisors. Despite Reagan Administration opposition and with strong bipartisan support, the House agreed to a motion by Rep. Pat Schroeder (D-Colo.) to suspend the rules and passed the bill by a 305-112 vote on Nov. 11. The Hatch Act reform bill is now awaiting action in the Senate.

For—Right Against—Wrong

11. Cargo Preference

U.S. economic aid to developing countries has increasingly shifted away from shipments of American products to the direct exchange of foreign aid funds. As a result, agricultural, manufacturing and maritime workers no longer derive the benefits they once did from taxpayer-financed foreign aid subsidies. During debate on a foreign aid bill, Rep. Robert Torricelli (D-N.J.) introduced an amendment to encourage the President to provide aid whenever possible in the form of commodities rather than cash transfers. His amendment also required that all products and commodities purchased with U.S. aid be bought from the United States unless bought locally and that 50 percent of U.S. commodities be transported by American ships. Farm state Republicans, long opposed to such cargo preference protections, countered with

an amendment by Rep. Virginia Smith (R-Neb.) to exempt the major category of goods shipped—agricultural products—from the Torricelli cargo preference provision. Despite labor opposition, the Smith amendment was approved 225-192 on Nov. 19.

For-Wrong Against-Right

12. Railroad Jobs

In 1970, when Congress established AMTRAK to be a government-run national railroad passenger system, it recognized that a balanced transportation system was a critical national need. Today the AMTRAK system carries some 40 million passengers throughout 44 states, serving over 500 communities. Since 1981 the Reagan Administration has tried to wipe out all AMTRAK subsidies. and with them, more than 25,000 railroad jobs, while eradicating intercity rail passenger service, with a particularly harsh impact in northeastern states. Such layoffs would have carried a price tag for the taxpayer of up to \$2.1 billion in federal severance pay, with an additional \$5.2 billion loss in the sale or scrapping of AMTRAK equipment. The House has successfully resisted the elimination of AMTRAK, but the Administration has succeeded in slashing more than \$160 million from its funding in recent years.

During 1987 House debate on a transportation appropriations bill, Rep. Alex McMillan (R-N.C.) offered an amendment to slash AMTRAK funding by another \$20 million, thereby freezing AMTRAK funding at 1986 levels. By a 171-221 vote on July 13, the House rejected the McMillan amendment.

For—Wrong Against—Right

13. Retiree Health Care

The AFL-CIO has long supported legislation to give the elderly of this country relief from overwhelming medical costs incurred due to acute or chronic illness. Often such costs can financially ruin elderly citizens on fixed incomes because such expenses exceed the maximum limits of Medicare. In 1987 the House passed legislation to provide protection against acute, short-term medical costs for the nation's 31 million Medicare beneficiaries. Under the bill, Medicare beneficiaries would be liable only for a total of about \$1,800 in direct costs for covered hospital and physician costs, outpatient charges and skilled nursing home care. The ill also provides for a prescription drug benefit, a respite care program and improved medical coverage for poor Medicare beneficiaries. During debate on the bill, Rep. Robert Michel (R-Ill.) offered a substitute bill that would have slashed coverage and benefits. By a 190-242 vote on July 22, the Michel substitute was rejected. The House later passed the bill. Similar legislation has also been approved by the Senate.

For—Wrong Against—Right

14. Low-Income Housing

Reagan era economic policies have helped swell the ranks of the poor, as real wages have dropped and unemployment has remained at high levels. Despite this, conservatives in Congress continued their assault in 1987 on the so-called safety net programs to help the poor and disadvantaged. Since the 1960s, federally subsidized housing has been one of the government's key anti-poverty programs. Today, four million poor Americans are dependent on public housing programs to provide their only place of shelter. In some areas of the country, even this housing is scarce, and new construction is desperately needed to provide shelter for the poor and jobs for the unemployed.

During debate on a \$16-billion housing reauthorization bill, Rep. Chalmers Wylie (R-Ohio) introduced an amendment to slash \$1.7 billion in federal housing assistance. His amendment also would have redirected badly needed federal funds for the construction of new housing units into the repair and renovation of existing units—a major shift in government housing policy. Lobbying by the AFL-CIO and anti-poverty groups opposed to the Wylie proposal resulted in its defeat by a vote of 179-246 on June 10. Final congressional action on the housing bill remained stalled at the end of 1987.

For—Wrong Against—Right

15. Civil Rights Reparations

One of the many tragedies of World War II was the internment of Japanese-Americans in West Coast detention camps. In all, some 120,000 persons—80 percent of whom were native-born U.S. citizens—were forced from their homes, often at gunpoint, and permitted to take with them only what they could carry. Most of these Japanese-American citizens lost their homes, businesses, farms and all of their personal property. Many spent years at "relocation centers"—bleak camps surrounded by barbed wire in desolated areas of the West. War fever and the fear of anti-U.S. activities by Japanese-Americans were responsible for this massive violation of civil rights.

In 1980, Congress established the Commission on Wartime Relocation and Internment of Civilians to study the internment episode. The commission concluded that "a grave injustice was done to American citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them, were excluded, removed and detained by the U.S. during World War II." The commission report went on to find that "race prejudice, war hysteria and a failure of political leadership" were responsible for the internment of these citizens.

In 1987, the AFL-CIO backed legislation to provide \$1.25 billion in reparations to the 62,000 survivors to compensate them for the losses and to offer a national apology to the thousands of Ja-



Counting Heads: Before critical vote on a key labor bill, AFL-CIO Legislative Director Bob McGlotten (right) and Associate Director Peggy Taylor confer with Deputy Democratic Whip Rep. Pat Williams (center) and staff member Jon Weintraub (left).

panese-Americans victimized by wartime internment. After turning aside conservative, Republicanled attempts to delete the reparations funding, the House passed the legislation by a 243-141 vote on Sept. 17.

For—Right Against—Wrong

16. Welfare Reform

In 1987 the AFL-CIO supported H.R. 1720, the Family Welfare Reform Act of 1987, which would establish a comprehensive program of education and training, child care and medical care subsidies and benefit improvements to enhance the income and economic independence of the nation's welfare recipients and their families. Among the key laborbacked provisions in the bill are requirements that the states offer an education program to participants without a high school diploma, limit the time welfare recipients may be required to participate in a workfare program, require that welfare recipients be paid for workfare jobs at the current wage scale or minimum wage, whichever is higher, and prohibit the displacement of regular workers by workfare employees.

The key vote on the welfare reform bill came on the the rule under which the bill would be considered by the full House. The rule was limited to allow only specific amendments and thereby forestall conservative efforts to slash funding even further or weaken federal standards safeguarding labor protections regarding workfare employees. By a 213-206 vote the rule was approved on Dec. 15, and the bill was later passed by the House.

For—Right Against—Wrong

MAJOR ISSUES IN THE SENATE

1. Jobs

The 1986 election swept the Democrats back into control of the U.S. Senate and their first major legislative confrontation with President Reagan came on jobs legislation. With the nation's transportation infrastructure decaying, its roads and bridges deteriorating, Reagan vetoed an \$88-billion highway/mass transit funding bill. With 700,000 construction jobs hanging in the balance, the Senate followed the House and voted 67-33 on Apr. 2 to override the veto. In a major setback for the President, many Republican Senators deserted Reagan and joined the override effort.

For—Right Against—Wrong

2. Trade Law Reform

As the increase in U.S. trade deficits continued to take its toll, the Reagan Administration chose to sit on the sidelines extolling the virtues of outmoded free-trade principles while our trade competitors systematically targeted many U.S. industries for extinction. From 1980 to 1986, the trade deficit for manufactured goods went from a posi-

tive balance of \$13 billion to a deficit of \$145 billion. Although the total U.S. deficit reached a staggering \$170 billion in 1986, the Reagan Administration relied almost exclusively on the manipulation of the value of the dollar while ignoring more systematic means to reduce excessive trade surpluses and eliminate unfair foreign trade practices. Congress took the opposite tack and began to move forward on far-reaching trade reform legislation.

Following House passage of a tough trade bill, the Senate began debate on its version of the legislation. During Senate deliberations Senators Don Riegle (D-Mich.) and John Danforth (R-Mo.) drafted a Finance Committee amendment, backed by labor, which strengthened the original committee bill. Their proposal amended Section 301 of U.S. trade law to set up a new "Super 301" procedure to eliminate unfair trade practices by our global competitors. Under their proposal, the U.S. trade representative would be required to identify countries with unfair trade practices, place a dollar value on the injury to the U.S. economy, and initiate steps to remove those practices within 15 to 19 months. The offending nation would be required to buy more U.S. goods, meeting the dollar-for-dollar estimate of injury over a three-



Road Warriors: Senate Majority Leader Robert Byrd is congratulated by Building Trades Legislative Director Leo Zeferetti (center), AFL-CIO Legislative Rep. Jay Power (left) and Teamster Rep. Tim Scully after override of Reagan veto of the Highway bill.



Sen. Howard Metzenbaum leads Ohio rank-and-file march for fair trade legislation and plant closing protections.

year period. If an agreement were reached with a country, possible retaliatory action against unfair trade practices would be suspended. However, in either case the measures for compliance would increase U.S. exports to that country. Offered by Senate leaders Robert Byrd (D-W.Va.) and Bob Dole (R-Kan.), the adoption of the Riegle-Danforth proposal was approved by an overwhelming 87-7 vote on July 10. Later the Senate approved the omnibus trade bill.

For—Right Against—Wrong

3. Plant Closing Protections

Plant closings in this country are occurring with alarming frequency. In fact, each year more than two million American workers lose their jobs in plant closings and permanent layoffs. These shutdowns affect not only large industrial cities but small towns and rural areas. Every economic region and economic section has been hit. Even the highly touted computer and service fields have been plagued by plant shutdowns and lost jobs.

In 1987 the AFL-CIO backed plant closing protection legislation introduced by Senators Edward M. Kennedy (D-Mass.) and Howard Metzenbaum (D-Ohio). The legislation was designed to provide workers with reasonable advance notice of an impending plant shutdown. The bill also established a dislocated workers' unit in the U.S. Dept. of Labor to oversee federal and state programs assisting the re-employment of dislocated workers.

Nearly one billion dollars was authorized, primarily for state delivery of training, education, job search assistance and other services to help displaced workers.

As a free-standing bill, the plant closing measure faced a sure Senate filibuster by anti-labor conservatives led by Sen. Dan Quayle (R-Ind.). To stop a filibuster would have taken 60 votes. Knowing this, Kennedy and Metzenbaum decided on a strategy to add a scaled-down version of their original plant closing bill to the omnibus trade legislation. Their amendment required the establishment of the dislocated workers' unit, authorized \$1 billion in assistance funds, and mandated that any U.S. employer with more than 100 employees must give affected workers 60 days advance notice of a permanent plant closing. The Senate gave final approval to this proposal, rejecting by a 40-60 vote on July 9 an amendment by Sen. Quayle to strike the plant closing protection language from the trade bill. At year's end the plant closing amendment was one of many issues that remained unresolved in the continuing House-Senate conference on the trade bill.

For—Wrong Against—Right

4. Protecting Fair Wages for Construction Workers

The 1931 Davis-Bacon Act insures that workers on federally financed construction projects will be



Sen. Edward M. Kennedy confers by phone with key state federation leaders in national teleconference strategy session on Bork nomination. At left are subcommittee counsel Tony Podesta, AFL-CIO Legislative Director Bob McGlotten and Legislative Rep. Ernie DuBester.

paid at wage rates that prevail in their area of the country. For over 50 years this law has assured that contractors who uphold community labor standards have a fair chance to compete for government projects without being underbid by firms using cut-rate labor. It has also protected the government and taxpayers from fly-by-night operators seeking to win federal contracts by paying wages too low to attract competent craftsmen. During Senate debate on a Dept. of Defense authorization bill, Sen. Phil Gramm (R-Tex.) offered an amendment to exempt 80 percent of all military construction from the fair-wage standards of the Davis-Bacon law. Gramm's amendment would have accomplished this by increasing the \$2,000 contract threshold to \$250,000. By a 56-41 vote on Sept. 29, the Senate agreed to a motion by Sen. Alan Dixon (D-Ill.) to table and thus kill the Gramm proposal.

For Tabling—Right Against Tabling—Wrong

5. Service Contract Act

The assault on the nation's fair labor standards laws by Senate conservatives continued in 1987. One of the most serious attacks came against the 1965 Service Contract Act (SCA). Patterned after the Davis-Bacon Act, the SCA is based on the principle that the federal government should not give contracts to employers who underbid by paying their workers less than community wage scales. The SCA protects the living standards of those who are employed as a direct result of federal government service contracts, particularly those in lowwage occupations.

During Senate consideration of the Dept. of Defense (DOD) authorization bill, Sen. Phil Gramm (R-Tex.), who has also led the perennial assaults on the Davis-Bacon Act, took aim at SCA contract protections for DOD workers. His amendment would have raised SCA-covered contracts from the current \$2,500 threshold to \$1 million. This would have eliminated almost 90 percent of all contracts currently protected by the SCA. Such a change would have drastically affected the income levels of thousands of service workers, many of whom are minority and female employees in low-wage occupations. During Senate consideration of the Pentagon funding bill, Sen. Alan Dixon (D-Ill.) offered a motion to table the Gramm amendment. By an overwhelming 67-30 vote on Sept. 29, the Senate agreed to table and thus kill the amendment.

For Tabling—Right Against Tabling—Wrong

6. Collective Bargaining Rights

In 1964 when Congress approved the Urban Mass Transportation Act, many of our nation's urban transit authorities were still privately owned. With the 1964 law came an infusion of public funds, which in many instances paved the way for public ownership of these private transit systems. To protect pre-existing collective bargaining rights of mass transit employees the law included Section 13(c) which would guarantee against abrogation of collective bargaining agreements and loss of jobs,

pay or benefits by transit workers during public takeovers.

In recent years congressional conservatives have sought to weaken 13(c) protections. In 1987 Sen. Phil Gramm (R-Tex.) offered an amendment to a mass transit funding bill that would have prevented representatives of mass transit employees from negotiating vital job protections and other work guarantees with federal transit fund recipients who subcontracted existing service to private operators. The Gramm amendment was soundly rejected by a 30-70 vote on Feb. 4.

For-Wrong Against-Right

7. Worker Protections in Mergers

An example of the Reagan Administration's hostility toward workers has been its refusal to enforce engressionally mandated labor-protective provisions (LPPs) for transportation industry workers adversely affected by mergers and acquisitions. When the Civil Aeronautics Board announced in the early 1980s that it intended to abandon its policy of imposing LPPs, Congress responded by directing that these protections should continue to be imposed. The Dept. of Transportation (DOT) refused to follow this directive, thereby allowing companies to thumb their noses at their workers.

To force the Administration to enforce these protections, Sen. Brock Adams (D-Wash.) offered an amendment to an airline consumer protection bill which would require the Secretary of Labor to force airlines to pay benefits to workers hurt by airline mergers unless the cost of payments outweighs the financial benefits of the transaction.

The Senate approved the amendment by a 64-28 vote on Oct. 30. The airline bill was later approved and awaits final action by a House-Senate conference.

For—Right Against—Wrong

8. Bork Confirmation

In 1987 President Reagan nominated Robert Bork to replace retired Justice Lewis Powell on the U.S. Supreme Court. Bork's confirmation would have altered the balance of the Supreme Court while jeopardizing the judicial achievements of the past 30 years, particularly in the areas of civil rights and civil liberties.

As a law professor, government official and judge, Bork had written, spoken out or ruled against many of the advances in constitutional civil rights and civil liberties made through the courts. His record on labor issues as well as on consumer rights and government regulation showed a distinct anti-worker, pro-business bias. For these reasons, the AFL-CIO joined with a coalition of civil rights, women's, religious and other groups to fight the Bork nomination.

On Oct. 23 the Senate, by an overwhelming 42-58 vote, denied confirmation of this Reagan nominee.

For—Wrong Against—Right

9. Fairness in Broadcasting

For several decades the Fairness Doctrine has been the mainstay of the national broadcast policy of the Federal Communications Commission (FCC). In exchange for access to the public airways, television and radio broadcasters are required to serve



A barrage of back-home constituent pressure—letters, mailgrams, postcards and phone calls—was a major factor in the defeat of the Bork confirmation. Here ACTWU members join the letter-writing campaign.

the public interest. As a consequence of this doctrine, reasonable attention is paid to controversial issues of public importance. Opposing views on such issues are assured of a hearing, a principle of vital importance to organized labor in an era of increasing corporate ownership of media outlets.

In 1987 Reagan's FCC anti-regulatory appointees abolished the Fairness Doctrine, despite strong opposition from labor, consumer, and other public-interest groups. In response, Congress passed labor-backed legislation to codify the Fairness Doctrine into law and insure FCC enforcement. The key vote in the Senate came when the bill was approved by a 59-31 vote on Apr. 21. The bill was later vetoed by President Reagan.

For-Right Against-Wrong

10. Immigration

For almost a decade, Congress tried to come to grips with the massive flow of illegal immigration

into the United States. Hundreds of thousands of undocumented workers flocked across our borders in search of employment. They created a pool of low-wage, exploitable workers who undercut job opportunities, wage levels and working conditions for American workers. Recognizing this, the last Congress passed a labor-supported omnibus immigration reform bill, which among its many provisions imposed sanctions on employers who knowingly hire persons not legally authorized to work in the United States. Out of deference to employer interests, imposition of sanctions was delayed for six months to give businesses time to adjust to the new law.

However, in 1987, an attempt was made again to postpone enforcement of employer sanctions. During debate on a supplemental appropriations bill, Sen. Dennis DeConcini (D-Ariz.) offered an amendment to provide for an additional four-month delay. Despite labor opposition, the amendment was approved 48-45 on May 21.

For-Wrong Against-Right



Watch on the Potomac - 1988

AFL-CIO Department of Legislation 815 16th Street, N.W. Room 309 Washington, D.C. 20006



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