

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, passing 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 Fay-

etteville 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. KROSZNER, 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.