

SENATE

1. DOD TRAC (162)

Summary: AFGE strongly supported an amendment to ensure federal employees have opportunities to compete in defense of their own jobs, for new work, and for contractor work as well. The amendment failed by just one vote.

AFGE strongly supported an amendment offered by Senator Edward Kennedy (D-MA) to the defense authorization bill. A crucial part of the union's Stop Wasting America's Money on Privatization (SWAMP) campaign, the Kennedy Amendment was a modified, Department of Defense (DoD)-specific version of the Truthfulness, Responsibility, and Accountability in Contracting (TRAC) Act (S. 1152). The Kennedy Amendment would have required that DoD give federal employees opportunities to compete in defense of their own jobs, for at least a fraction of new work, and for contractor work (to the extent contractors competed for federal employee jobs). The measure would have also required DoD to establish an inventory to track the cost and size of its massive and unaccountable contractor workforce. Senator Kennedy was ably assisted during the floor debate by Senators Richard Durbin (D-IL) and Daniel Akaka (D-HI).

AFGE Activists from all agencies worked diligently to educate their Senators about the importance of supporting the Kennedy Amendment because they understood the favorable precedent it would establish for the reform of service contracting in other agencies. The Bush Administration, which sided with contractors and against taxpayers, repeatedly threatened to veto the defense authorization bill if the amendment were included, and Secretary of Defense Donald Rumsfeld personally lobbied Republican Senators against the Kennedy Amendment. Contractors, fearful that their gravy train might come screeching to a halt if they had to compete against reliable and experienced federal employees, devoted extraordinary resources to defeating the amendment and shielding themselves from real competition.

Contractors and their allies in the Bush Administration repeatedly argued that enactment of the Kennedy Amendment would tie the hands of the President if the nation were at war. However, as Senator Kennedy and others pointed out, the amendment explicitly freed DoD from the competition requirements if national security interests were at stake.

Despite strong support from the AFL-CIO and its affiliates, the Kennedy Amendment failed by a single vote, 49-50, on June 25. After receiving congratulations from a large delegation of AFGE Activists from around the country in the Senate's elegant Reception Room, Senator Kennedy told the cheering crowd that the fight for genuine service contracting reform "is far from over."

The Department of the Army has, unintentionally, laid the groundwork for AFGE's effort to attach a TRAC-like amendment to the defense authorization bill next year when it was revealed in October that the service would attempt to privatize more than 150,000 civilian jobs over the next several years, almost all of them without public-private competition.

2. Economic Stimulus (13)

Summary: AFGE supported a consensus economic stimulus amendment to break the partisan impasse on economic recovery legislation and to boost a flagging national economy.

AFGE supported an economic stimulus amendment offered by Senator Tom Daschle (D-SD) to the Economic Security and Worker Assistance Act of 2002 (H.R. 622) to help boost an economy suffering from a months-long slowdown and the aftershock of the September 11 terrorist attacks.

This amendment, which contained only those provisions that were included in both the Democratic and Republican economic stimulus plans, included:

- a 13-week extension of unemployment insurance benefits to provide relief for workers dislocated by the U.S. recession;
- a \$300 tax rebate for those people who did not receive rebates last year to encourage consumer spending;
- a 30 percent depreciation bonus for one year to encourage businesses to invest in new plans and equipment; and
- \$5 billion in extra Medicaid payments to states to offset revenue losses cause by the depreciation bonus.

In his January 22, 2002, letter to President Bush, Senator Daschle wrote that "I propose we break the impasse on economic recovery legislation by adopting a non-partisan, common-sense approach: let's immediately pass what we agree on, and keep working to find common ground in the areas where we still disagree."

AFGE applauded Senator Daschle's effort to facilitate fast action on this consensus economic stimulus package. It would have quickly gotten money to those who needed it, quickly fostered consumer spending, and quickly encouraged businesses to undertake new investments.

But while the White House expressed cautious optimism, the Senate effectively rejected the Daschle economic stimulus amendment by a 56-39 vote on February 6, 2002. (Sixty votes were necessary to overcome a filibuster against the Daschle amendment.)

3. Enforceable Labor Standards in Future Trade Agreements (112)

Summary: AFGE supported an amendment requiring President Bush to include enforceable labor rights and environmental protections in any future trade agreements that are negotiated under the fast track trade authority bill.

AFGE supported an amendment offered by Senator Joseph Lieberman (D-CT) to the fast track trade authority bill (H.R. 3009) to delete a provision that bars the United States or a trading partner from using trade sanctions to retaliate for failure to enforce labor or environmental standards.

H.R. 3009 provides that labor and environmental standards are to be one of 17 trade negotiating objectives of the United States that must be included in the core text of future trade agreements. But the fast track bill explicitly rejects requiring future trade agreements to enforce labor and environmental standards the same way they enforce the other, more commercially-oriented, trade negotiating objectives – by conditioning a country’s or company’s ability to obtain the benefits of a trade agreement on complying with the agreement’s terms. In trade jargon, this enforcement system of linking trade benefits to compliance with the rules is called “trade sanctions.”

The Lieberman amendment, by stripping H.R. 3009’s offending language, would have provided the United States or a trading partner with the authority to use trade sanctions to enforce labor and environmental provisions in future trade agreements. This would have put labor rights and environmental protections on par with the other trade negotiating objectives.

According to Senator Lieberman:

“The issue I wish to raise with my amendment is simple. The question is, whether we want to preserve within our Government the power to compel countries that are trade negotiating partners with us to stand by their word, to keep their promises when it comes to labor and environmental commitments, promises that they will have negotiated and made in the agreements we would sign and bring before Congress for ratification? Or are we going to allow these [labor and environmental commitments] to be rendered meaningless and unenforceable, even before we enter into them?”

The Senate voted to table (or kill) the AFGE-supported Lieberman amendment by a 54-44 vote on May 15, 2002.

4. Steelworker Health Insurance (117)

Summary: AFGE supported an amendment to provide temporary health care to retired steelworkers whose old firms had gone out of business.

AFGE supported Senator Jay Rockefeller's (D-WV) effort to provide temporary health care for 125,000 retired steelworkers who have lost their benefits because their old firms went out of business. In order to proceed to a vote on his amendment to the Andean Trade Preference Expansion Act (H.R. 3009), Senator Rockefeller had to invoke cloture on the measure, which requires 60 votes. Unfortunately, Senator Rockefeller's effort fell just a few votes short, losing 56-40, on May 21.

After the loss, Senator Rockefeller explained that

"These steel retirees have lost their health care benefits for the same reason countless other workers have lost their jobs--excessive imports. Workers who lose their jobs due to imports are provided with temporary health care coverage under this bill. There is no reason why we shouldn't also provide help to retired steelworkers whose companies closed their doors because of unfair trade practices. The steel industry is fighting for its life, and in order to survive, the issue of health care coverage for all steelworker retirees must be addressed. Although this amendment was not a long-term fix, it provided temporary relief to many retirees who are struggling to pay for health care. These retirees have helped to build this country. We have an obligation to provide them with the temporary assistance they need to get back on their feet, and I will not rest until they have the support they deserve."

5. Permanent Repeal of Estate Tax (151)

Summary: AFGE opposed legislation that would make permanent the estate tax repeal enacted in 2001 because it would be extremely costly and benefit only a few, very rich individuals.

AFGE opposed an amendment offered by Senator Phil Gramm (R-TX) to an estate tax bill (H.R. 8) that would make permanent the estate tax repeal enacted last year when Congress passed the Bush tax cut legislation (P.L. 107-16).

Last year's Bush tax cut legislation lowers the top estate tax rate to 45 percent by 2007, increases the estate tax exemption to \$3.5 million (\$7 million for a couple) by 2009, and then repeals the estate tax altogether in 2010. But the repeal expires at the end of 2010, as part of the general expiration of all provisions of the Bush tax cut legislation. Following this 2010 expiration, the estate tax reverts

to prior law, with a top rate of 55 percent and an exemption of \$675,000 (\$1,350,000 for a couple).

AFGE opposed making permanent the repeal of the estate tax because it would be extremely costly. The Joint Committee on Taxation estimates that a permanent estate tax repeal would cause a \$55 billion revenue loss in 2011 alone. In the decade after 2011, the revenue losses from making permanent the estate tax repeal are estimated to total \$800 billion. Locking in such large revenue losses would significantly undercut the Social Security and Medicare systems just as large numbers of baby boomers start to retire.

AFGE also opposed making permanent the estate tax repeal because it would benefit only a few, very rich individuals. IRS data for 1999, the latest year available, show that only two percent of the estates of the people who died that year – when the exemption was \$650,000 (\$1,300,000 for a couple) – were subject to the tax. Of that two percent, the bulk of estate taxes were paid by the 3,300 wealthiest estates with assets in excess of \$5 million.

Moreover, these figures reflect the effects of the estate tax when the exemption was only \$650,000 (\$1,300,000 for a couple). As the exemption level rises between now and 2009, fewer estates will be affected by the estate tax, with only the very wealthiest estates paying any tax. The Center on Budget and Policy Priorities estimates that in 2009 – when the exemption will be \$3.5 million (\$7 million for a couple) – only one-half of one percent of all estates will be taxable.

The Senate effectively rejected the Gramm amendment by a 54-44 vote on June 12, 2002. (Sixty votes were necessary to waive a Congressional Budget Act-based objection to the Gramm amendment.)

6. Labor Union Accountability (168)

Summary: AFGE opposed an anti-union amendment that would have applied new corporate accounting requirements to labor unions because labor unions are already subject to extensive accounting requirements under current federal law.

AFGE opposed an amendment offered by Senator Mitch McConnell (R-KY) to the Public Company Accounting Reform and Investor Protection Act of 2002 (S. 2673) that would apply the bill's tough new corporate accounting and auditing provisions to labor unions.

S. 2673 was introduced in the wake of the massive Enron and WorldCom accounting scandals in order to crack down on corporate crime and fundamentally change accounting industry regulation. Senator McConnell offered his amendment to this important bill because he said “we ought to apply, in the

name of equity, the same principles in the underlying bill we are seeking to apply to corporations to labor unions.”

AFGE opposed the McConnell amendment because labor unions are already subject to extensive reporting requirements under the Labor-Management Reporting and Disclosure Act of 1959 – requirements that significantly exceed in many respects anything that is required of large corporations.

Senator Edward Kennedy (D-MA) pointed out that:

“Senator McConnell’s amendment would put America’s workers in double jeopardy. The amendment puts new requirements on workers’ representatives, despite the fact that these officials currently face disclosure and reporting requirements which surpass those of public companies.

“This amendment would subject small local unions with annual receipts of only \$200,000, which are already subject to labor reporting requirements, to the same SEC reporting requirements as large public companies which typically have resources in the millions.

“The reality is that union finances are already more heavily regulated than those of most public companies. The Department of Labor can investigate and audit union financial records at any time, including conducting random audits. There is no comparable requirement for public companies today.

“There are many other examples of current labor laws requiring much stricter disclosure by unions that the SEC requires of publicly traded companies. Unions have to list every employee who receives more than \$10,000. But the SEC does not require this of companies. Unions have to provide more detailed information regarding their loans than do public companies under SEC requirements. Unions have to provide more detailed lists of their investments today than do public companies under the SEC requirements.

“The list goes on and on and on.”

The Senate approved, 55-43, an AFGE-supported motion, which was offered by Senator Paul Sarbanes (D-MD), to table (or kill) the McConnell amendment on July 10, 2002.

7. Medicare Prescription Drug Benefit (186)

Summary: AFGE supported Medicare prescription drug benefit legislation that would provide America's elderly with comprehensive, affordable coverage provided directly through the Medicare program.

AFGE supported the Medicare prescription drug benefit amendment offered by Senators Bob Graham (D-FL), Edward Kennedy (D-MA), and Zell Miller (D-GA) to the Affordable Pharmaceuticals Act of 2001 (S. 812) because it would have provided a meaningful prescription drug benefit for America's elderly.

First, the Graham-Kennedy-Miller amendment provided the most complete prescription drug coverage at the lowest cost to Medicare beneficiaries. They would pay a premium of \$25 a month, a co-payment of only \$10 for each generic drug and \$40 for each preferred brand-name drug, and no deductible, with an out-of-pocket maximum of \$4,000.

Second, the Graham-Kennedy-Miller amendment provided guaranteed prescription drug coverage by providing prescription drug coverage through the Medicare program – rather than through private insurance plans. Providing a benefit through private insurance plans offering prescription drug-only coverage is an idea that even many insurers say won't work. And it would lead to significant variations in premiums, deductibles and copayments.

The Senate effectively rejected the Graham-Kennedy-Miller amendment by a 52-47 vote on July 23, 2002. (Sixty votes were necessary to waive a Congressional Budget Act-based objection to the Graham-Kennedy-Miller amendment).

8. Expanding NAFTA (207)

Summary: AFGE opposed the fast track trade authority bill because, among other things, it had no sanctions to enforce provisions dealing with workers' rights or the environment and had negligible assistance for workers who lose their jobs because of trade.

AFGE opposed the conference report on the fast track trade authority bill (H.R. 3009), which will, as noted by the United Auto Workers, "grease the skids for an expansion of the North American Free Trade Agreement (NAFTA) to the rest of South and Central America." The American manufacturing sector lost over one million jobs during the last year alone because of NAFTA and other flawed trade deals.

The legislation prohibits the use of sanctions to enforce any provisions in a trade agreement relating to workers' rights or environmental protections, thereby precluding any meaningful efforts to address these issues in future trade

agreements and completely eviscerates provisions that sought to protect U.S. anti-dumping laws and other trade remedies. Moreover, the legislation reduces the federal contribution for health care coverage for laid off workers to only 65 percent. Despite strong opposition led by Senator Byron Dorgan (D-ND), the conference report was passed by the Senate, on August 1, by a vote of 64-34. The legislation, which had passed the House earlier by a much narrower margin, was quickly signed into law by the President.

9. DHS Civil Service Protections and Collective Bargaining Rights (226)

Summary: AFGE strongly supported a pro-federal employee amendment to the Department of Homeland Security bill (H.R. 5005) that would have protected the civil service protections and collective bargaining rights of federal employees who will be transferred into the new Department of Homeland Security.

AFGE supported a substitute amendment offered in late September by Senator Joseph Lieberman (D-CT) to the Department of Homeland Security bill (H.R. 5005) that would have protected the civil service protections and collective bargaining rights of those federal employees who are scheduled to be transferred into the new Department of Homeland Security (DHS). (H.R. 5005, which was supported by President Bush and the majority of Republican members of the Senate, had been passed earlier on July 26, 2002, by the Republican-controlled House.)

- (a) Civil Service Protections. – Unlike H.R. 5005, the Lieberman substitute amendment would have preserved all existing Title 5 civil service protections for DHS employees, including those Title 5 chapters that H.R. 5005 permits the DHS Secretary to waive - the General Schedule (GS) pay rate system (chapter 53), the position classification system (chapter 51), the employee performance appraisal system (chapter 43), and the due process procedures and appeal rights for demotion and disciplinary actions (Chapters 75 and 77).
- (b) Collective Bargaining Rights. – Unlike H.R. 5005, the Lieberman substitute amendment recognized that DHS's unique mission – to protect the national security of the American homeland – required a modification of the existing national security limitation on federal employees' right to organize and bargain collectively. This limitation – which denies union membership to federal employees engaged in "intelligence, counterintelligence, investigative or security work related to national security" – is so broad that the entire DHS and all its employees could easily be excluded from collective bargaining. The Lieberman substitute amendment would have protected the union rights of workers who were covered by collective bargaining agreements before being transferred into the DHS – while preserving the President's right to exclude employees whose primary job duties (1) "materially change after the transfer" and (2)

involve “intelligence, counterintelligence, or investigative duties directly related to the investigation of terrorism.”

The Senate effectively rejected the Lieberman substitute amendment by a 50-49 vote on September 26, 2002. (Sixty votes were necessary to overcome a filibuster against the Lieberman substitute amendment.)

SENATE

STATE	PARTY	SENATOR	DOD TRAC	Economic Stimulus	Labor Standards in Trade Agreements	Steelworker Health Insurance	Permanent Estate Tax Repeal	Labor Union Accountability	Medicare Prescription Drugs	Expanding NAFTA	DHS Civil Service Protections	AFGE SCORE
			1	2	3	4	5	6	7	8	9	
ALASKA												
	R	Ted Stevens	W	W	W	W	W	W	W	W	W	0
	R	Frank Murkowski	W	W	W	W	W	R	W	W	W	11
ALABAMA												
	R	Richard Shelby	W	W	W	R	W	W	W	R	W	22
	R	Jeff Sessions	W	W	W	W	W	W	W	R	W	11
ARKANSAS												
	D	Blanche Lincoln	R	R	W	R	W	R	R	W	R	67
	R	Tim Hutchinson	W	R	W	?	W	W	W	W	W	11
ARIZONA												
	R	John McCain	W	?	W	W	R	W	W	W	W	11
	R	Jon Kyl	W	W	W	W	W	W	W	W	W	0
CALIFORNIA												
	D	Dianne Feinstein	R	R	R	R	R	R	R	W	R	89
	D	Barbara Boxer	R	R	R	R	R	R	R	R	R	100
COLORADO												
	R	Ben Campbell	W	W	W	R	W	W	W	R	W	22
	R	Wayne Allard	W	W	W	W	W	W	W	W	W	0
CONNECTICUT												
	D	Christopher Dodd	R	R	R	R	R	R	R	R	R	100
	D	Joseph Lieberman	R	R	R	R	R	R	R	W	R	89
DELAWARE												
	D	Joseph Biden	R	R	R	R	R	R	R	R	R	100
	D	Thomas Carper	R	R	R	R	R	R	R	W	R	89
FLORIDA												
	D	Bob Graham	R	R	W	R	R	R	R	W	R	78
	D	Bill Nelson	R	R	R	R	W	R	R	W	R	78
GEORGIA												
	D	Max Cleland	R	R	R	R	W	R	R	W	R	78
	D	Zell Miller	R	R	W	?	W	R	R	W	W	44
HAWAII												
	D	Daniel Inouye	R	R	W	R	R	R	R	R	R	89
	D	Daniel Akaka	R	R	R	R	R	R	R	?	R	89
IOWA												
	R	Charles Grassley	W	W	W	W	W	W	W	W	W	0
	D	Tom Harkin	R	R	R	R	R	R	R	R	R	100
IDAHO												
	R	Larry Craig	W	W	W	W	W	W	W	W	W	0
	R	Mike Crapo	W	W	W	W	?	W	W	W	W	0

STATE	PARTY	SENATOR		DOD TRAC	Economic Stimulus	Labor Standards in Trade Agreements	Steelworker Health Insurance	Permanent Estate Tax Repeal	Labor Union Accountability	Medicare Prescription Drugs	Expanding NAFTA	DHS Civil Service Protections	AFGE SCORE
				1	2	3	4	5	6	7	8	9	
SOUTH DAKOTA													
	D	Tom Daschle		R	R	R	R	R	R	R	W	R	89
	D	Tim Johnson		R	R	R	R	R	R	R	R	R	100
TENNESSEE													
	R	Fred Thompson		W	?	W	W	W	W	W	W	W	0
	R	Bill Frist		W	W	W	W	W	W	W	W	W	0
TEXAS													
	R	Phil Gramm		W	W	W	W	W	W	W	W	W	0
	R	Kay Hutchison		W	W	W	W	W	W	W	W	W	0
UTAH													
	R	Orrin Hatch		W	W	W	W	W	W	W	W	W	0
	R	Robert Bennett		W	W	W	W	W	W	W	W	W	0
VIRGINIA													
	R	John Warner		W	R	?	W	W	W	W	W	W	11
	R	George Allen		W	W	W	W	W	W	W	W	W	0
VERMONT													
	D	Patrick Leahy		R	R	R	R	R	R	R	R	R	100
	I	James Jeffords		R	?	R	R	R	R	R	W	R	78
WASHINGTON													
	D	Patty Murray		R	R	R	R	R	R	R	W	R	89
	D	Maria Cantwell		R	R	R	R	R	R	R	W	R	89
WISCONSIN													
	D	Herb Kohl		R	R	R	R	R	R	R	W	R	89
	D	Russell Feingold		R	R	R	R	R	R	R	R	R	100
WEST VIRGINIA													
	D	Robert Byrd		R	W	R	R	R	R	R	R	R	89
	D	Jay Rockefeller		R	R	R	R	R	R	R	R	R	100
WYOMING													
	R	Craig Thomas		W	W	W	W	W	W	W	W	W	0
	R	Michael Enzi		W	W	W	W	W	W	W	W	W	0

Key

R = Voted Right

W = Voted Wrong

? = Did Not Vote