time, it is vital that litigants’ rights be protected in accordance with established principles under the laws of administrative procedure and review. It is a difficult balance to find; and, as I see it, we are not quite there but we are on the right track.

Before Superfund reauthorization reaches the floor for Senate action, there will be an opportunity for all interested groups to have their views and inputs considered so that we may arrive at a possible balance to obtain the dual objectives of cleaning up the environment and protecting litigants’ rights to due process of law.

Four years after its inception, the Superfund Program has accomplished much in cleaning up hazardous waste sites. Remedial action has been started at over 160 locations. Despite EPA’s accomplishments, the Office of Technology Assessment recently reported that over 10,000 sites still need attention.

In my State of Pennsylvania, there are numerous sites which present a threat to the public health and safety. While the cleanup of abandoned warehouses, near schools and homes, and in municipal landfills. Plainly, there is still a very long way to go.

Congress is determined to act this year to extend and improve this vital environmental legislation. It is apparent that the scope of Superfund will be expanded substantially, and its tax base will be broadened to assure adequate financing.

I have spoken with many other Senators urging Senator Dole, the distinguished majority leader, to schedule Superfund for floor action at the earliest possible date. The cleanup of the numerous hazardous waste sites in Pennsylvania and over the entire Nation requires our immediate and urgent attention.

Mr. President, I ask for your support and that of my colleagues in enacting this important reform which will expedite environmental cleanup while protecting important due process rights. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record as if read.

There being no objection, the bill was ordered to be printed in the Record, as follows:

_S. 1561_

**By Mr. GRASSLEY (for himself, Mr. DECONCINI, and Mr. LEVIN): S. 1562. A bill to amend the False Claims Act, and title 18, of the United States Code regarding penalties for false claims, and for other purposes; to the Committee of the Whole.**

**PENALTIES FOR FALSE CLAIMS.**

**Mr. GRASSLEY.** Mr. President, today I am introducing, along with my colleague from Arizona (Mr. DeConcini), and my colleague from Michigan (Mr. Levin), the False Claims Reform Act of 1985.

This area of law is in desperate need of reform. We need only review the disturbing array of examples from the past several years of fraudulent use of taxpayer dollars to realize our Government is not able to assemble the information needed to bring to light the enormous fraud against the government—is even more crucial today as the Government spends hundreds of billions of dollars on contracts with private corporations in areas such as defense, aerospace, and construction.

This False Claims Reform Act restores the incentive for individuals to come forward and whistleblower may receive, and by increasing that amount to 30 percent. Perhaps more important to those who consider going public with their knowledge of fraud, is the added protective language assuring make whole relief for those suffering employer retaliation due to their disclosure.

Enforcement abilities will also be enhanced by this act with the establishment of a preponderance of evidence burden of proof in civil false claims cases as opposed to the more stringent standard in the criminal area, the act expands the scienter provision to include constructive as well as actual knowledge of a false claim.

The False Claims Act allows an individual knowing of fraudulent practices to bring suit on behalf of the government and receive a portion of the recovery if the action is successful. Unfortunately, the teeth of President Lincoln’s law was removed during World War II, and the provision has been little used since.

The main purpose behind the enactment of the False Claims Act of 1863—to encourage individuals to ferret out fraud against the government—is even more crucial today as the Government spends hundreds of billions of dollars on contracts with private corporations in areas such as defense, aerospace, and construction.

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being over a barrel, I would suggest we leave the law the way it is and instead grin and bear continued rapes and pil­ lages of the Treasury. The alternative is true reform that shifts the advan­tage back to the Government where it belongs by properly supporting those who elect us would expect. I urge my colleagues to cosponsor this bill as a very significant step toward repelling the current wave of fraud sweeping this country.

By Mr. HELMS (for himself, Mr. ABNOR, Mr. DENTON, Mr. EAST, Mr. GOLDWATER, Mr. GRASSLEY, Mr. LAXALT, and Mr. NICKLES):

S. 1563. A bill to amend the Federal Campaign Act of 1971 to prohibit the use of compulsory union dues for po­ litical purposes; to the Committee on Rules and Administration.

TO STOP THE USE OF COMPULSORY UNION DUES FOR POLITICAL PURPOSES

Mr. HELMS, Mr. President, today I am introducing legislation to halt a blatant violation of political freedom, the use of compulsory union dues for political purposes.

Federal laws give organized labor a special privilege enjoyed by no other private association—the right to take money from American workers as a condition of employment and to contribute that money to political causes and candidates the workers themselves may not support.

Federal labor laws grant union officials the power to require a person to pay dues as a condition of getting and keeping a job. Under this unique grant of special privilege, unions collect an estimated $3.5 billion a year from indi­ viduals who have to pay up or risk being fired.

The Federal Election Campaign Act, as amended in 1976, gives the appearance of restricting the use of compul­sory union dues for political purposes. The law prohibits the use of compul­sory dues for direct cash contributions to political candidates. It does not, however, prohibit the use of forced union dues for a number of other indirect means of supporting union-backed political candidates and causes.

In light of this dichotomy created by Federal legislation, union officials have divided their political expendi­tures into two categories. The first is commonly referred to as union hard money. Money is wired to BRAC officials, who dis­tribute it directly to candidates in the form of cash or in-kind contributions taken from funds given voluntarily by union members. The second category is referred to as union soft money, spent by union officials on behalf of—but not contributed directly to—political can­didates.

Soft money comes directly from compulsory union dues. It finances the operations of union PAC's and provides extensive in-kind political services. While deals with fraud and other complications, the overwhelming bulk of union political expendi­tures is neither documented nor reported to the FEC.

A relatively small portion of the millions of dollars in soft compulsory union dues money is used to operate the union PAC's. This portion pays the salaries of numerous full-time union political operatives across the nation, funds PAC supplies, finances mass mailings and travel ex­ pense accounts, and purchases sophis­ticated office machinery and comput­ers.

Mr. President, even voluntary PAC contributions from union members originate with this compulsory dues soft money. Compulsory dues bankroll the administrative overhead costs of union partisan political fundraisers. Compulsory dues soft money used for financing union PAC's runs well into the millions every year. In July 1976, AFL-CIO public relations director, Bernard Albert, admitted that the annual budget of the national COPE alone ran to approximately $2 million.

In spite of the vast sums of compul­sory union dues, the operating costs of union PAC's, the bulk of compulsory dues soft money goes for unreported, unlimited in-kind political expenditures.

The July 1979 issue of Steelabor, the official newspaper of the United Steel­workers of America, offered its readers a surprisingly candid and straightforward explanation of in-kind political spending. Union dues money, reported the union paper,

* * * can't go for direct political contribu­tions—but it can do a lot: mailings support­ing or opposing political candidates, phone banks, precinct visits, voter registration, and get-out-the-vote drives.

In spite of these admissions, Steelabor's account only tells half of the story. To fill out the picture, several key expenditures need to be added to the list: Weeks, thousands of union employees devoted almost solely to partisan politics; election day workers, who may do anything from compulsory dues; millions of political pamphlets and flyers; and paid election day car­pools and babysitters, to name a few.

Mr. President, once again, these indi­rect union in-kind political expendi­tures are not subject to any limita­tions under the FECA. They are paid for with dues money taken from work­ers as a condition of employment. And without question they represent the overweighing bulk of union political expenditure.

Fortunately, the courts began to ad­dress this problem. Most recently, Mr. President, the Supreme Court ruled in favor of workers in the case of Ellis/Fails versus Brotherhood of Railway, Airline and Steamship Clerks.

The Ellis/Fails petitioners were the result of a collective bargaining agreement negotiated between Western Airlines and the Brotherhood of Railway, Airline and Steamship Clerks (BRAC) in 1971. Effective in January 1971, all em­ployees covered by BRAC contracts were required either to join the BRAC union or pay agency fees equal to full union dues.

BRAC officials forwarded portions of these dues to the State and national unions, used them for lobbying activi­ties, made political contributions, ad­ministered members only benefit plans, and took part in other activities prohibited by collective bargaining.

Nonmember employees were opposed to several of the political and ideologi­cal activities supported by BRAC offi­cials, yet were forced to finance them through the payment of agency fees. They filed a class action suit against BRAC employers.

The suit charged that BRAC offi­cials had violated the Railway Labor Act (RLA) by charging agency fees above the amount needed to cover the nonmembers' share of collective bar­gaining costs. This practice violated the employees' rights as guaranteed under the first, fifth, and ninth amendments to the U.S. Constitution and under the RLA, and constituted a breach of the union's duty of fair rep­resentation to all members of the barg­aining unit.

The suit also charged that BRAC's dues reduction procedure breached the union's duty of fair representation because of its arbitrary nature, be­cause it offered only a small reduction of the total amount of nonbargaining spending, because it was not available to nonmembers, and because it was denied to members who had properly submitted objections.

Mr. President, the relief sought in­cluded a return by the union of all of compulsory dues money improperly spent, injunctive relief imposing string­ent requirements as to the purposes for which the union lawfully could spend future dues, and the recovery of attorneys' fees.

BRAC officials responded to the suit with two actions. They dropped the compulsory membership requirement, allowing employees to become agency fee-payers instead, and they amended their rebate scheme to provide a few more political expenditure rebates. The determination of the rebate was entirely in the hands of BRAC offi­cials, however, and was appealable only to a panel handpicked by BRAC.

In 1976, a U.S. district court ruled that protecting nonmember employees could not be forced to support finan­cially a union's political and ideologi­cal activities. The court excluded 12 other categories nonmembers could not be forced to support, such as lobbying, or­ganizing, conventions, publications, and social activities.

In September 1982, the Ninth Cir­cuit Court reversed the rule that nonpolitical activities not es­sential to bargaining could not be charged to nonmembers, and affirmed the approval of BRAC's internal rebate scheme.

A petition to the United States was filed in January 1983 and the Court agreed in the case. Oral arguments were held in January 1984.