

The PRESIDING OFFICER. Is this part of the hour that is under the Democrat leader's control?

Ms. MIKULSKI. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ALEXIS HERMAN TO BE SECRETARY OF LABOR

Ms. MIKULSKI. Mr. President, once again I am deeply disturbed that Alexis Herman's confirmation to be Secretary of Labor has been held up. Miss Herman is being subjected to a level of scrutiny that is not deserving of her nor this institution. Miss Herman is being held hostage for political reasons.

What is the real reason for the delay? Well, my colleagues on the other side of the aisle say it is because of an Executive order that would encourage Federal agencies to consider the use of something called "project labor agreements" on any construction contract sent out for bid. How ironic that it is my colleagues that would hold up the nomination of the next Secretary of Labor because of an Executive order that asks contractors and subcontractors who bid on a Federal project to consider paying union wages, provide union-scale benefits, and use union hiring halls for labor—projects that are financed with taxpayers dollars.

This order does not require the contractor to sign a collective bargaining agreement. It just makes sure that we help our workers maintain a decent wage and living standard. My Republican colleagues would hold up the nomination of the Secretary of Labor, whose responsibility it is to enforce our Nation's labor laws, because we want to ensure that contractors working on Federal projects abide by Federal laws.

I want the nomination of Alexis Herman and the debate about her to focus on her qualifications and her competency to lead the Department of Labor. This should not be a debate on President Clinton's Executive order. I call upon the leadership of the other side of the aisle to let this nomination go forward, let there be debate on the Senate floor about Miss Herman's competency. Is she a coalition builder? Can she provide leadership? And does she provide a framework for the future? That is what the debate should be all about.

My constituents are deeply concerned that Miss Herman, who brings so many credentials and competency, has been waiting month after month, subjected to character assassination, leaks in the press that distort her record, and now, just when she thought she was going to come to the Senate floor, not have that opportunity because some people are cranky about an Executive order issued by President Clinton. Be cranky with President Clinton. Do not be cranky with Alexis Herman or hold up her nomination.

We cannot have this held up because of crankpots. I know Alexis Herman

and I have known her for 20 years, when she worked in the Carter administration and I was a Congresswoman. Alexis Herman comes to us having graduated from a Catholic college in New Orleans, Xavier University. She was a social worker, working at Catholic Charities in foster care. Then she wanted to make sure she prevented family breakups, and she began working in job training and placement. In 1974, she headed up a black woman's employment program that then, because of its innovation and her management skill, went to nine other cities.

Miss Herman brings to us a background where, at age 27, she was running a 10-city program to help minority women break into the work force. Is that not a Secretary of Labor we want to move people from welfare to work? At 29, she was the youngest person ever named to head the Women's Bureau of the Department of Labor. Following that first Government service, she then went on to run her own business and help manage the 1992 Democratic convention. She is a coalition builder. Throughout her career, she has worked with parties on all sides to find good solutions. If you go back and talk with the people who have worked for her over the years, advocacy groups believe she will speak up for those who are left out and left behind.

The community that provides the jobs, the business community, feels that she is a coalition builder and helps them solve issues from regulatory reform to how to do outreach in the minority communities.

She will bring to the Labor Department a lifelong commitment to making sure that we create an opportunity ladder in this century. She has said publicly and to me privately that she wants to accept the challenge of moving people from welfare to work in a new era of time limit on welfare. She wants enhanced health and pension security for working people. She wants to ensure a safe and equal opportunity workplace, and she wants to work with the President in this on extending the lifelong education and training opportunities for our citizens.

Mr. President, we need a Secretary of Labor. We need someone who is a leader, who is effective, and who has a vision for the future. I really encourage that the nomination of Alexis Herman be brought up after we finish our discussion on the chemical weapons treaty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want just to commend the Senator from Maryland for an excellent presentation and one which I hope our friends and colleagues on the other side of the aisle would hear and heed. I see my good friend from Nevada on the floor, who will address the Senate in a few moments as well about the labor nominee.

I want to just underscore two different items, Mr. President. First, the Labor and Human Resources Committee had the opportunity to go through the hearings. These were extensive background hearings on the qualifications of Ms. Herman. I will have an opportunity, when the Senate finally comes to consider the nomination, to review the record on her background and experience, but Senator MIKULSKI has done so this afternoon in a very, very thorough way. This is really an extraordinary individual.

In spite of many allegations and charges which have been responded to, we are in a situation where the one Cabinet office which is there to hold the spokesperson for working families is vacant—vacant—and the nomination is being held hostage because of a difference with the President of the United States signing an Executive Order regarding project labor agreements, or what they call PLA's. Those are arrangements and agreements that can be done voluntarily within States, that more often than not result in the saving of taxpayers' money and the reduction of accidents on the construction site. PLA's also allow for the relationships between workers and management to be worked out in a very constructive and positive way to make sure we have ontime results and achieve high quality outcomes.

PLA's have been done under Republican Governors and Democratic Governors, in New York, New Jersey, and Nevada, among others. Now the President of the United States wishes to exercise his power to issue an Executive order. That is differed with by Members. But they have the right to go into court and challenge that at a later time.

The point that Senator MIKULSKI, Senator REID, others, and I will make is that if our Republican friends have a difference with the President on the issue of the PLA's, why hold up Alexis Herman, who is the spokesperson for working families in this country, from being able to assume the responsibilities of that particular position?

It is a very important position. We have several pieces of legislation that are on the calendar which relate to the conditions of working families in this country, including the so-called TEAM Act, the so-called comptime bill, and others, which we will have an opportunity to debate at some time. These are pieces of legislation that will have a direct impact on working conditions and wages of working families. Still, we do not have a Secretary of Labor in place, who will speak for workers, and that is because there is a small group of Senators who are effectively holding her hostage.

We understand today is the Passover holiday, which is a period of celebration and a very special time of contemplation and thought and prayer by many Americans, and therefore we are not doing the Senate's business, and we do not ask the Senate to consider the

nomination today. We understand tomorrow we are considering the chemical weapons treaty. That is extremely important.

Mr. President, this issue was allegedly agreed to be considered on the floor of the U.S. Senate last week. But Members on the other side of the aisle reneged on that agreement, so that we were unable to come to completion on this nomination. Now, Mr. President, we are calling on the leadership on the other side to give us an opportunity to have Senate consideration of this nominee and to stop this attempt to play hostage with the President's nominee. She is someone who was reported out favorably by all the members of the committee.

It is time to end these kinds of games. The American people want us to find ways of working together, not to be blocking the consideration of a nominee who has the support of Republicans and Democrats alike.

Mr. President, I hope at the time that we are back into full session, that we will be able to set a time in the next very few days, on the completion, perhaps, of the chemical weapons convention, or perhaps even during the consideration of that there can be time found for a short discussion of the merits of this nominee. She is an outstanding nominee. She will perform her work well. It is wrong to hold up the President's nominee. The President, after all, won the election. When you win the election, you have the time-honored privilege of selecting your own advisers. There is one standard that is used for the President's advisers who come and go at the time the President is elected. There is a different set of criteria when we talk about those who have more extended terms, such as the Federal Reserve Board and some of the other agencies; those continue at the time of a particular administration and can lapse on to another administration. We have even a higher standard when we are talking about lifetime appointments, like Federal district judges and circuit court judges, and the highest standard for the Supreme Court. That is something we all understand.

But we are at the point now where the President, who won the election, has indicated that he wants Alexis Herman as his adviser on labor for the country's working families. It is wrong to continue to hold her hostage, and I hope we move ahead with consideration of her nomination.

Mr. President, the Republican leadership is holding the nomination of Alexis Herman hostage to an unrelated policy dispute. Ms. Herman was reported out of the Labor Committee unanimously 2 weeks ago. Republicans and Democrats alike voted in her favor.

The Republican leadership had scheduled a floor vote on her confirmation last week, but in an abrupt about-face they reneged on that commitment. The reason was the leadership's disagreement with a proposed Executive order

under consideration within the administration.

That order would direct Federal agencies to consider—not mandate—the use of so-called project labor agreements on Federal construction projects.

Such agreements have been used on large-scale construction projects, in the public and private sectors, for decades. Examples of Federal projects built under PLA's include the Grand Coulee Dam in the 1930's; atomic energy plants in the 1940's; Cape Kennedy in the 1960's; and today, on the Boston Harbor cleanup. Such agreements are also being used in the present decommissioning and decontamination of nuclear facilities at Oak Ridge, TN; Savannah River, SC; Fernald, OH; Hanford, WA; Idaho National Engineering Labs, ID; and Lawrence Livermore, CA, among others.

In the private sector, too, PLA's have been used on many projects across the Nation, including the construction of Disney World in Florida, the Toyota plant in Georgetown, KY, the Trans-Alaska Pipeline System in Alaska, and the Saturn auto plant in Tennessee.

State governments use PLA's as well. Governor Pataki of New York issued an Executive order strikingly similar to the Clinton proposal in January 1997. The Nevada and New Jersey Governors recently issued similar orders. State projects constructed under PLA's include the Boston Harbor cleanup; modifications to the Tappan Zee Bridge in New York; the Southern Nevada Water System improvements project outside Las Vegas; and many others.

What PLA's do is require contractors to comply with the terms of labor agreements for the duration of the project. The advantages of such PLA's are many. Projects are more often completed on time, because a skilled labor supply is always available. There are fewer cost overruns, because workplace disputes are resolved through grievance-arbitration procedures, instead of by strikes or lockouts, which cost valuable work time for employers and employees alike. Projects built under PLA's have lower accident rates, because contractors can hire highly skilled and trained employees. Productivity increases as well, because of the higher skill level of workers.

Opponents of PLA's claim that such agreement unfairly deny contracts and jobs to nonunion firms and individuals. This is simply not true.

Nonunion contractors can and do bid on jobs where PLA's are in effect. For example, in the Boston Harbor project, fully 40 percent of the subcontractors—over 100 firms—are nonunion. Similarly, on the Idaho National Engineering Labs PLA with the Department of Energy, 30 percent of the subcontractors were nonunion.

Similarly, nonunion workers can and do work on sites where PLAs are in place. Unions are required by law to refer nonmembers to jobs on the same basis as union members. The NLRB

vigorously enforces this provision of the labor laws, and unions know how to and do comply. Furthermore, in the 21 so-called "right-to-work" States, no worker can ever be required to give financial support to a union. In the other 29 States, if the particular contract provides it, workers can be required to pay a fee to the union while workers are employed on the job site. However, no employee can ever be forced to join the union, or to pay for union activities that are not related to collective bargaining.

PLA's thus are beneficial to project owners and workers alike. Further, it's clear that the President has the authority to issue an Executive order dealing with Federal procurement practices. President Bush did just that, when, in October 1992, he issued an Executive order forbidding Federal agencies to require PLA's on Federal construction projects. Republican attacks on President Clinton's power to issue an order directing the consideration of such agreements thus are disingenuous at best.

It's particularly unconscionable to hold up Alexis Herman's nomination on this basis. The country's working families deserve a representative, and the Republicans know it. It's time for the political extortion to stop, and for the Republicans to give up their hostage. Free Alexis Herman, and free her now.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. REID. Parliamentary inquiry, Mr. President.

Mr. GREGG. Without yielding the floor, I will yield.

Mr. REID. I understand that. I ask the Parliamentarian this. I thought from 12 until 1 o'clock was under the control of the Democratic leader.

The PRESIDING OFFICER. That is correct.

Mr. GREGG. Mr. President, I believe we are in morning business, is that correct?

The PRESIDING OFFICER. The period is for morning business until the hour of 2 o'clock, with the hour from 12 to 1 reserved for the Democratic leader and the hour from 1 to 2 reserved for the Senator from Georgia.

Mr. GREGG. Mr. President, I ask unanimous consent that I be allowed to proceed for 5 minutes as in morning business and to the extent that it affects the time of the Democratic leader, that that time be added to his time at the end of the hour, as originally scheduled.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Hampshire.

#### THE BUDGET NEGOTIATIONS

Mr. GREGG. Mr. President, I want to raise a couple of points here as we move through the budget negotiations. There are ongoing negotiations with the White House relative to trying to