

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I believe that, under the previous agreement, I was going to have 8 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I understood that the other side has some 22 minutes left.

The PRESIDING OFFICER. They have 26 minutes.

Mr. KENNEDY. That would bring us to the hour of 12:30. I have consulted with the floor manager of the legislation.

I ask unanimous consent that the recess time be extended from 12:30 until 12:40 and that the time therein be divided equally between the manager and Senator LEAHY.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I be recognized then for 7 minutes and that Senator HARKIN and Senator WELLSTONE each be recognized for 3 minutes each.

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

SUPPORTING THE CONFIRMATION OF ALEXIS M. HERMAN FOR SECRETARY OF LABOR

Mr. KENNEDY. Mr. President, I continue to be concerned about the failure of the Senate to act on the nomination of Alexis Herman to be the Secretary of Labor. President Clinton announced his intention to nominate Ms. Herman on December 20 last year, over 4 months ago. Her papers were officially received by the Senate Committee on Labor and Human Resources in early January.

During the Labor Committee's review of the nomination, Ms. Herman answered over 150 written questions from committee members. She dealt thoroughly with all the questions put to her at a lengthy Labor Committee hearing on March 18. The committee voted unanimously to confirm Ms. Herman on April 10. Senate confirmation was expected soon after that.

Instead, Ms. Herman's nomination has become a hostage in an exercise of political extortion that discredits the Senate. Those who are holding this nomination hostage admit that they are postponing a vote on Ms. Herman for reasons that have nothing to do with her qualifications for office. They object to President Clinton's intention to issue an Executive order on labor issues which they oppose. The proposed Executive order would direct Federal agencies to consider the use of so-called project labor agreements [PLA's] 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 car-

ried out 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, the Boston Harbor cleanup project.

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 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 similar to President Clinton's proposal in January 1997. The Governors of Nevada and New Jersey recently issued similar orders.

What PLA's do is require contractors to comply with the terms of labor agreements for the duration of the project. The advantages of PLA's are numerous. Projects are more likely to be completed on time, because a skilled labor supply is always available. There are fewer cost overruns, because workplace disputes can be quickly resolved through grievance and arbitration procedures, instead of by strikes or lockouts.

Projects built under PLA's have lower accident rates, because contractors can hire highly skilled and well-trained employees. Productivity increases as well, because of the higher skills of workers.

Opponents of PLA's claim that such agreements unfairly deny contracts and jobs to nonunion firms and individuals. That charge is false.

Nonunion contractors can and do bid on jobs where PLA's are in effect. In the Boston Harbor project, 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.

Nonunion workers can and do work on sites where PLA's 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. Unions know how to comply, and do comply. In the 21 so-called right-to-work States, no worker can 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 at the job site. However, no employee can be forced to join the union, or to pay for union activities that are not related to collective bargaining.

In all of these ways, PLA's are beneficial to project owners and workers alike.

Further, it is clear that President Clinton has the authority to issue an Executive order dealing with Federal procurement practices. President Bush did just that in October 1992, when he issued an Executive order prohibiting Federal agencies from requiring PLA's on Federal construction projects. Re-

publican attacks on President Clinton's power to issue an order directing the consideration of such agreements are hypocritical at best.

President Clinton won the 1996 election. He is entitled to use his Presidential powers as he sees fit. It is unconscionable that Republican leaders in the Senate are holding Alexis Herman hostage to their antiworker bias. President Clinton has every right to issue his Executive order on Federal construction projects. The Herman nomination has nothing to do with that issue. Republicans should end this shameful tactic and let the Senate vote.

The Senate cannot faithfully discharge its constitutional responsibility to conform nominees if the process grinds to a halt for reasons that are obviously extraneous. The time has come to end this unjustified delay. It is long past time for the Senate to vote on Alexis Herman's nomination.

When a vote is taken, I am confident that Alexis Herman will be confirmed by the Senate and she will serve with distinction as our Labor Secretary. Ms. Herman's entire life has been dedicated to building coalitions and bringing people together, regardless of differences in race, class, or gender. She comes from a family of trail-blazers, and her own life, too, has been an extraordinary and inspirational story of commitment and achievement.

From childhood, her parents taught her the importance of helping others. Her mother, who once was Alabama's Teacher of the Year, brought Alexis with her as she taught reading to children and adults. Alexis' first summer job was teaching reading at an inner-city housing project.

Alexis also learned at home about the importance of standing up for your rights and participating in the political process. When she was only 5, her father faced down some members of the Ku Klux Klan who stopped the family car on Christmas Eve. In the 1940's, her father sued for the right to obtain an absentee ballot to vote in Mobile. Later, he was elected a Wardman of Mobile's 10th Ward, one of the first African-Americans elected in Alabama since Reconstruction.

In the early 1960's, her hometown of Mobile was still segregated. As a high school sophomore, unable to reconcile her Catholic faith with the segregation in the parochial schools, she confronted the Bishop of Mobile. His response was to suspend her from school. Undaunted, she continued to press for change. The following year, the first African-Americans were admitted to the white Catholic schools in Mobile.

After graduating from Xavier University, in New Orleans, she returned to Mobile as a social worker. She counseled delinquent youths, helped place children in foster homes, and worked to assist families in dealing with issues such as teenage pregnancy.

She saw that lack of skills and opportunities were keeping many of Mobile's

black citizens from achieving their full potential. Working with the AFL-CIO and Catholic Social Services, she undertook a project to find work for unemployed, unskilled young men in Mobile's housing projects.

In the 1970's, with Professor Ray Marshall of the University of Texas, she began a pilot project in Atlanta to place African-American women in white collar positions. With grants from the Ford Foundation and the Department of Labor, she established and managed this highly successful program. As a result of her leadership, the first African-American women were hired in white collar jobs at Coca Cola and Delta Airlines. The pilot project was so successful that it was extended to 10 cities.

Alexis Herman then added public service to her many achievements in the community and private enterprise. In 1977, when Ray Marshall became Secretary of Labor under President Carter, he asked her to become head of the Department's Women's Bureau—the youngest Director ever. She worked hard and well on expanding employment and training opportunities for women, and co-chaired a Presidential task force to promote business ownership by women.

After returning to the private sector, she worked as a consultant for businesses seeking to hire, train, and keep minority employees. Once again, she demonstrated her life-long determination to extend opportunities to those who had long been denied jobs, careers, and, most important, hope.

When President Clinton took office in 1993, he named Alexis Herman to a senior White House position as Assistant to the President and Director of the Office of Public Liaison. In this capacity, she identified the concerns of individuals and families across the country on the issues, and communicated the President's priorities to them. Few would deny that over the past 4 years, she fulfilled these difficult and important responsibilities with remarkable skill and success.

All her life, as a young student, as a career woman, as a community leader and in public service, Alexis Herman has shown an extraordinary gift for bringing people together in a cooperative spirit. That skill will serve her well as Secretary of Labor.

Alexis knows from her own life and first-hand experience the very real obstacles that too many Americans still face in trying to achieve the American dream. Most important, she is dedicated to the cause of improving the lives of all working families. I'm confident she'll do an outstanding job as Secretary of Labor. I urge the Senate to act quickly to approve her nomination, and I look forward to working closely with her in the years ahead.

Ms. MOSELEY-BRAUN addressed the Chair.

Mr. COVERDELL. Mr. President, may I ask the Senator from Illinois how much time will she be using?

Ms. MOSELEY-BRAUN. No more than 3 minutes. It is very brief.

The PRESIDING OFFICER. All of the time of the Democratic side has been allocated.

Mr. KENNEDY. Mr. President, I believe we had 6 minutes that had been assigned to Senator WELLSTONE and Senator HARKIN.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I ask unanimous consent to have that 6-minute allocation changed and that the 6 minutes be evenly divided between all three speakers, and I will yield 2 minutes to the Senator from Illinois.

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

The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, my message is very simple, following on the statement of the Senator from Massachusetts. That is, I call on the Senate to free Alexis Herman and liberate the Department of Labor. The fact is that her nomination is being held up for reasons that have nothing to do with her qualifications for office, or, more to the point, the need of the American people to have a captain of a ship, if you will, at the Department of Labor.

It is being held up because of some unrelated political issues and, quite frankly, it demeans and, I think, embarrasses some in the U.S. Senate to have this high-profile and important nominee held hostage for no reason.

So my message, in keeping with the message of the Senator from Massachusetts—and I associate myself with his remarks—is that I call upon the Members of the Senate to consider that Mrs. Herman's qualifications are exemplary. She has the leadership skills to lead this Department of Labor in the 21st century, to lead our country in addressing the needs of working men and women, as well as the transition that our business community is currently undergoing. I very much hope that our Members will come together to let this nomination go—free Alexis Herman and liberate the Department of Labor.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am going to consume about 1 minute, so I would ask the Chair to keep an eye on the clock for me so that I leave time for my colleague from Minnesota.

The PRESIDING OFFICER. At the current time, all the Democratic time has been divided between Senator HARKIN and Senator WELLSTONE.

Mr. WELLSTONE. How much time do I have?

The PRESIDING OFFICER. Each Senator has 2 minutes.

Mr. WELLSTONE. I will yield one of my minutes to the Senator from Connecticut and tell him that he owes me a big time forever.

Mr. DODD. I owe him 1½ minutes, a minute with interest.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. As a former Peace Corps volunteer and someone who was a Big Brother and served on the national board of Big Brothers, I commend the effort to focus attention on this. I would like to make note of the fact, with the Philadelphia Conference going on, we are 6 months almost to the day since election day and still there is a chair vacant around the Cabinet table, that of the Secretary of Labor. This is a critically important issue to millions of people, a substantive issue that must be addressed immediately. My hope is that the leadership would see to it this week that we would vote. Vote against Alexis Herman if people wish but give her the opportunity to be confirmed or not confirmed and give us a chair at that Cabinet table for the millions of people who do not have a voice at the table representing management and labor. So I urge that the leadership move on this issue. We brought up this issue. I understand that. But the issue of the nomination of the Secretary of Labor 6 months after the election is long overdue.

I thank my colleague for yielding.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, this is blatant politics at its worst. Alexis Herman was voted unanimously out of the Labor and Human Resources Committee. She is eminently well qualified. This is an extremely important position to working people, to working families. We have a lot of important legislation before us—the TEAM Act, comptime, flextime. We are supposed to be focusing on living wage jobs and educational opportunities for our citizens. The Secretary of Labor is a critical position. She should not be held hostage. If the majority party does not like an action taken by the administration, then oppose that action. Do not hold Alexis Herman hostage. Free her. Let her become Secretary of Labor and let her serve working families all across this country.

Mr. President, I am pleased to go on but I think I used up my minute.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I yield 1 minute of our time to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Georgia.

I actually think that I was able to do this in a minute. Again, I think that it really behooves the Senate to move forward on this nomination. I do not think the Senate looks good as an institution. I think people really do not like this kind of inside politics where a particular party—in this case it is the majority party—does not agree with a particular policy or particular action taken by the President or the executive branch and then chooses to hold

someone else, in this particular case Alexis Herman, hostage. It is not the way we should be conducting our business. It is not fair to her, an eminently well qualified candidate to serve our country and, quite frankly, it is not fair to families all across Minnesota and all across the Nation that are focused on good jobs, education, and safe workplaces. These are workaday majority issues. This is the Secretary of Labor—6 months without a Secretary of Labor. Again, do not hold her hostage. Free her and let us move forward. If my colleagues want to vote against her, vote against her, but she deserves a vote in this Chamber.

I thank my colleague from Georgia for his graciousness.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa for 2 minutes.

Mr. HARKIN. I thank the President.

Mr. HARKIN. Mr. President, I would like to make a brief comment about Alexis Herman. Recall that Ms. Herman was unanimously reported out of this committee. We should not be holding her hostage over an unrelated policy dispute—a disagreement with the President over project labor agreements. I hope that whatever one's views are on project labor agreements that her nomination can move forward.

The Secretary of Labor serves as the spokesperson for working families in this country. We are considering several pieces of legislation that will affect working families and it is important that the Secretary of Labor be at the table as these changes in our workplaces are being considered. Ms. Herman must be allowed to assume her responsibilities as Secretary of Labor without further delay. I think it is unfortunate that our colleagues continue to deny the Senate even a vote on this important member of the President's Cabinet.

Now, let us be clear on the proposed Executive order regarding project labor agreements [PLA's]. The Executive order only directs Federal agencies to consider using PLA's, it does not require them to do so. The Federal Government's interest in PLA's is to help ensure that public sector projects are completed efficiently, economically, and safely.

PLA's set wages, working conditions, and dispute-resolution procedures for the duration of the project. This makes it easier for agencies to avoid cost-overruns and delays, while ensuring high quality work and safety at the worksite. They guarantee that the project will be completed on time, without strikes or lockouts. I find it incredible that the majority is so offended by this commonsense initiative.

There is nothing new about project labor agreements—the Federal Government has used them on Federal projects since the 1930's. Examples include the Grand Coulee Dam, the Cape Canaveral Space Center, and the Nevada test site. Project labor agreements have been a very effective tool

for Federal, State and local governments when faced with a major public works projects. PLA's have helped bring management and labor together to work out arrangements in terms of things like wages, benefits, and working conditions in return for a promise of no work stoppages or strikes.

Contrary to what has been said about project labor agreements, non-union contractors and nonunion workers would not be prohibited from working on Federal projects—they simply would have to abide by the terms of the project labor agreement for that particular project.

Republican Governors Christine Todd Whitman of New Jersey and George Pataki of New York issued similar executive orders authorizing state agencies to use project labor agreements. Also, State and local governments regularly use PLA's.

One notable example is the giant sewage treatment system now being built for metropolitan Boston as part of a court ordered clean up of Boston Harbor. Forty percent of the contractors on the Boston Harbor project are non-union. Furthermore, the projected cost of the project was \$6.1 billion, the present estimate for completion is \$3.4 billion. The Boston Harbor project is on schedule for completion by the year 2000 and safety, measured in lost time due to workplace injuries is below the industry average. During the 7 years of work on this project, there have been approximately 20 million hours worked without lost time due to strike or lock-out. This is quite a record of success.

Lastly, contrary to the claim that President Clinton's proposed Executive order (EO) exceeds his constitutional authority, this action is legitimate and typical of actions taken by other Presidents with clear constitutional and statutory authority. For decades, presidents of both political parties have exercised their authority to issue executive orders to implement changes in Government contracting policies. Furthermore, when President Bush issued an Executive order in 1992 to prohibit Federal agencies and Federal contractors from entering into project labor agreements, there was no similar outcry.

The Executive order on PLA's and the upcoming regulations on procurement reform are not a pay off to labor. They are sound policies that will make government operate more efficiently. The Federal Government should consider using project labor agreements when they increase efficiency, stability, and save taxpayer money.

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. COVERDELL. Mr. President, I yield up to 10 minutes of our allotted time to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, let me start by thanking my friend and colleague from Georgia, Senator COVERDELL, for his leadership on this important issue this year.

As the principal cosponsor of this bill in the previous Congresses, I am excited about the fact it is on the agenda and has an excellent chance of becoming law.

My wife Elaine, who many of my colleagues know is former head of the United Way of America, was up at the volunteer conference yesterday in Philadelphia and there is no question that the timing of this could not be better. I commend my colleague from Georgia and the majority leader for scheduling this important piece of legislation during the volunteer conference, obviously making it easier for more and more Americans to contribute their time to others. It is something that ought to be a high priority in America in 1997.

Unfortunately, volunteer service has become a high-risk venture. Our sue happy legal culture has ensnared those selfless individuals who help worthy organizations and institutions through volunteer service. They try to do good and end up risking their fortunes. These lawsuits are proof that no good deed goes unpunished. In order to relieve volunteers from this unnecessary and unfair burden of liability, I am pleased to join in the reintroduction of the Volunteer Protection Act. I am particularly happy it is being considered today.

The litigation craze is hurting the spirit of voluntarism that is an integral part of our American society. From school chaperons to Girl Scout and Boy Scout troop leaders to Big Brothers and Big Sisters, volunteers, as we all know, perform invaluable services for our society. At no time is this value more evident than right now where organizations like the Red Cross are making such a big difference for the victims in flood ravaged North Dakota, just like they did for the folks in my home State of Kentucky during the floods there earlier this year.

So how do we thank the volunteers? All too often we drag them into court and subject them to needless and unfair lawsuits. The end result: too many people pointing fingers and too few offering a helping hand. Even Little League volunteers face major league liabilities.

In February 1995, Dr. Creighton Hale, the CEO of Little League Baseball, wrote in the Wall Street Journal that Little League had in fact turned into "litigation league." He pointed out that in one instance two youngsters collided in the outfield, picked themselves up, dusted themselves off, and then sued the coach. In another case, a woman won a cash settlement when she was struck by a ball that a player failed to catch. Incidentally, the player was her own daughter.

It is sometimes difficult to quantify exactly how much of an organization's