

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I have said earlier today I do not think this is an appropriate response to the bipartisan appeal from Philadelphia, to be filibustering very narrow legislation to help volunteers respond to the call by four former Presidents and a former Chief of Staff. But there will be plenty of time to talk about that. I know that the senior Senator from Texas has 5 minutes on another matter. So I ask unanimous consent that he be allowed up to 5 minutes to cover that, and then we will return to the motion to proceed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Texas will be recognized for 5 minutes.

Mr. GRAMM. Mr. President, let me join my colleague in expressing my disappointment that at the very moment where we have our former Presidents urging voluntarism, the Senate, on a partisan vote, is blocking our effort to remove legal liability constraints that limit the willingness of people to volunteer. So I am very disappointed that we did not get the job done, and I trust that this will not be the end of this bill.

TEXAS WAIVER FOR WELFARE SERVICES CONSOLIDATION

Mr. GRAMM. Mr. President, I wanted to raise an issue today and in the process urge the administration to move ahead and grant a waiver to the State of Texas to consolidate their office whereby they provide access to services like AFDC, food stamps, WIC, Medicaid, and other public service programs.

In an effort to innovate and save money, the State of Texas, under the leadership of our Governor, has come up with the idea of allowing public/private partnerships, such as EDS and the Texas Department of Human Services and Lockheed/Martin and the Texas Workforce Commission, to bid for the opportunity to move toward a more efficient provision of welfare services in out State.

The bottom line is the State of Texas has put together a proposal to use private technology with the public sector to unify the eligibility and application processes for a number of welfare benefits. The State of Texas can save \$200 million a year in State taxpayer funds that can be used for education or for public assistance or for law enforcement, and they have asked the administration to sign off on a waiver to let the State adopt this procedure, saving \$200 million, and the President has steadfastly refused to grant a waiver. Over and over and over again, we are seeing delays from the White House.

If the White House does not move ahead and grant this waiver so that Texas can operate its AFDC and Medicaid programs efficiently, then Senator HUTCHISON and I are going to have to move on the floor of the Senate to pass

a law to mandate that this waiver be granted.

It is outrageous for the President to continue to give speeches about welfare reform, to talk about giving States the ability to innovate and to try new methods to provide better services and to save costs, save money, and then turn right around and refuse to grant a waiver that would dramatically improve the efficiency of the system in Texas that would make it easier for people who are truly needy to get assistance.

What is the issue? By moving to a public/private partnership and saving \$200 million, some State bureaucrats and the unions who represent them are afraid they might lose their jobs. Even though Texas could save \$200 million and even though millions of beneficiaries would benefit from greater efficiency, the President is afraid to take on a special-interest group by granting this waiver. In this case the special-interest group is organized labor.

This is exactly the kind of activity we encouraged in our welfare reform bill which passed on a bipartisan basis. This is exactly what the President says every time he speaks on welfare reform. The State of Texas is trying to be efficient and save money, and they cannot get the White House to say yes or no.

Basically, what I am saying to the White House today is this: say yes or no, and get on with making the decision. If you are not going to allow the State of Texas to carry out the mandate of welfare reform, if you are not going to allow them to save money, if you are not going to allow them to operate their programs efficiently, then the Congress is going to have to act to grant this waiver.

It makes absolutely no sense for the administration to refuse to say yes or no. This is a clear-cut question: Is the power of special interests within the White House so dominating and so overwhelming that when a State tries to operate under the new welfare reform bill, when a State tries to save \$200 million annually of the taxpayers' money, and when a State tries to improve services by bringing the private sector into the process, it is prevented from doing so? Should we let one special interest keep all those good things from happening? That is the question that the President is going to have to answer in deciding whether to grant this waiver. I want to urge the President to grant the waiver and to do it soon.

I yield the floor. I thank the Senator from Georgia for yielding the time.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I ask unanimous consent to proceed for 5 minutes as if in morning business.

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

Mr. REED. I thank the Chair.

NOMINATION OF ALEXIS HERMAN

Mr. REED. Mr. President, I rise today to speak on an issue that is important to many Rhode Islanders and I believe touches on the credibility of this body. I would like to add my voice to the voice of many of my colleagues in support of Alexis Herman as the Secretary of Labor. The appointment of Alexis Herman was approved by the Labor and Human Resources Committee unanimously on April 10, almost 3 weeks ago. This unanimous vote came after an appropriately arduous examination of Ms. Herman's record. She spent months successfully completing a far-reaching questionnaire submitted by the majority. She subsequently came before the committee and spent hours testifying as to her past accomplishments and her vision for the Department of Labor. She completed these tasks successfully, and a full vote of the Senate was originally scheduled for April 16.

Yet, that vote has now been placed on indefinite hold. I believe this reflects poorly on this body. We have asked Ms. Herman to defend her record and outline her agenda for the Department of Labor. She has done that. Indeed, she has performed that task well enough to gain the unanimous support of our committee. We now owe her the courtesy of consideration by the full Senate. Not only do we owe this courtesy to Ms. Herman, but we have a duty to hard-working men and women in this country to have their interests adequately represented in the Cabinet of the President of the United States. Every day policy decisions affecting workers go unaddressed because there is no Secretary.

While some may take financial stability for granted in today's economy, we in Rhode Island certainly do not. The Department of Labor has played a consistent and productive role in helping Rhode Island to cope with the economic challenges that it faces. We need a Secretary of Labor to help us continue in these efforts.

Economically, Rhode Island has been hard hit by changing economic conditions and defense downsizing.

In the late 1980's and early 1990's we lost over 10 percent of our manufacturing jobs due mostly to defense downsizing but also to changes in the economy. These effects continue to plague our economy. Thankfully, the Department of Labor, under the leadership of then Secretary Reich, was there consistently to provide assistance in lessening the burden of this impact on working Rhode Islanders. For example, in December of 1995, Rhode Island's largest grocery store, Almacs, declared bankruptcy immediately before Christmas. This bankruptcy resulted in Rhode Island's single largest layoff, over 2,000 workers, immediately before the 1995 holidays. The private sector committed what they could, volunteering food, holiday gifts and job placement services, but the former employees faced severe hardship.

Then the Department of Labor stepped in to assist. They provided a total of \$4.3 million to retrain 90 percent of the former Almacs workers who did not find employment in other grocery stores. This assistance came about because I was able to directly share the hardship of my constituents with the Secretary of Labor. Indeed, because the Congress had shut down the Federal Government at that time, several additional hurdles had to be overcome to help the people from Almacs.

Thankfully, because of the work of the Secretary, those hurdles were overcome and my constituents were provided the services they desperately needed and, indeed, deserved.

Just as in 1995, I am afraid that we are again confronted with a callous disregard for the working people of this country. They deserve a Secretary of Labor. Ms. Herman deserves a vote. Let us get on with this process. If you will, vote against her, but give her the opportunity to have her case heard here on the floor of the Senate and the decision made, not by inaction, but by the votes of the men and women of this body.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia.

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

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

Mr. COVERDELL. Mr. President, just for clarification, before the Senate is a motion to proceed to S. 543. I would like to clarify for my colleagues, given the scope of the legislation, the importance of it, and timeliness of it, I am not eager to turn the aftermath of this cloture vote into a time that we substitute for morning business. I hope the remarks—and we, of course, sanctioned the previous remarks of the Senator from Texas and the Senator from Rhode Island—but I would be inclined to object to remarks for the next hour or so, not relating to the subject before the Senate.

Mr. President, I might continue then, for a moment. The time for this debate ran out before our lunch recess. I was commenting on an article, a very balanced article that appeared in the ABA section of Business Law, with regard to what the Voluntary Protection Act is trying to accomplish. I had just read this point, that "As publicity about lawsuits and the insurance crunch raised volunteers' apprehension, their willingness to serve waned."

The point is, we have documented evidence that a growing number of citizens in our country who have traditionally engaged in something that is uniquely American, it truly is—and I might add that as a former Director of the U.S. Peace Corps I had a chance to witness this and listen to it and hear it reiterated around the world—that voluntarism, as we describe it in America, is unique and it is an invaluable treasure for American people.

Here we have a situation that developed in the 1980's, where, suddenly, lawsuits directed at a volunteer, in search of more financial means or whatever, became highly publicized. So, obviously, it made a good Samaritan, somebody trying to step forward, someone trying to be a good American, nevertheless conscious of his or her prudent responsibility to protect their family, to protect the assets and the valuables that were there for the security of their family. As much as they wanted to volunteer, they had to suddenly be aware of, "Is this a threat to my own family?"

I mentioned earlier this morning Terry Orr, who played for the Washington Redskins, was in the Capitol the other day and recounted the experience of joining the team and of senior players immediately taking him and putting him in the breach, so to speak, of voluntarism. It is something he wanted to do. Then, as his career grew and he matured in it, he turned to the rookies coming behind him and said: "Look, this is important work for the youth of the Capitol city." And he was struck by the response.

The response was, "What is my liability? Am I putting my family at risk here?" It was a whole new sequence or reaction to asking for volunteers. That is what this sentence means, "As publicity about the lawsuits and insurance crunch raised volunteers' apprehension, their willingness to serve waned."

This 12-page piece of legislation—this is not a 1,500-page bill. This is not overhaul of Medicare. It is 12 pages. Its effort is directed at putting some protective buffer around people who want to step forward and be volunteers and reduce the level of fear that they would have with regard to the welfare of their own family.

It goes on to say, "Even though reports of actual judgments against volunteers remain scarce, the specter of a multimillion dollar claim casts a deep shadow." So what is being said here is you do not have to have a lot of judgments. You do not have to have a litany of cases that go against volunteers. You only have to have the specter or possibility of the risk to be public, and suddenly the volunteers are very, very cautious about what they do and what they do not do.

"Several surveys conducted during this period revealed that many organizations suffered board resignations"—which is what we alluded to earlier today—"and volunteer recruitment difficulties"—which I just talked about in the case of Washington Redskin player Terry Orr. "The lawyer on the board, a nonprofit's staff role, was often the first to resign." I have experienced this myself. My guess is the President has experienced this issue.

I told this story earlier today—over the weekend, I was down at Robins Air Force base and it was raining badly. So we were trying to get from the aircraft to the car. I misjudged where the cor-

ner of the car door was, which is what has caused this mark across my forehead. As I got on in the car, the Air Force Colonel say, "Gosh, I hope you are not going to sue the Air Force." Which is just—it permeates our society, the question of fear of lawsuits.

Faced with the prospect of charitable organizations closing their doors and potential volunteers staying home, legislators sought to offer protective warmth from the chill of potential liability. On the national level, U.S. Representative John Porter, Illinois, dramatized the problem.

This is the point I want to make. This morning the other side talked about how suddenly this new idea was thrust on the Senate. It had not had the appropriate length of debate or hearings and that sort of thing. Like this is a new idea that has been around. Listen to this:

"On the national level, U.S. Representative JOHN PORTER, Republican, Illinois, dramatized the problem in 1985"—Let's see, now, that is 12 years ago—"by assigning bill number 911 to his proposed Volunteer Protection Act." Eleven years ago, and Lord knows how many thousands of volunteers who have not shown up in the 12 years, or how many hundreds of thousands of dollars have been spent in an effort to try to respond to this that therefore did not go to help a child, an elderly person, a sick person, a person that has suffered from one of these floods that we have been talking about earlier today? Who knows how many people have not volunteered for that board or went out and coached Little League Baseball? Good grief, 1985, for a very narrowly defined effort to protect this unique quality in American government—or in American life, the volunteer.

"His proposal," Mr. PORTER's, "was a Federal bill designed to spur State adoption of volunteer protection laws. As has been mentioned by the other side, in 1990, President Bush released a model act and called for State-by-State adoption. By then, though, each State legislator had already addressed the matter at least once and few were eager to tackle it again."

The other side tried to allude to a lapse on our side of our role in federalism. They were suggesting we had forgotten our interest in State management of issues. But, as Senator MCCONNELL said when he came to the floor, this is a national issue. It has State ramifications, but it is a national issue. These hundreds of organizations, some of which I cited this morning that are supporting the Volunteer Protection Act, are national organizations and they are looking for national relief. They are interactive across State borders. They are dealing with organizations who represent multistate jurisdictions. Then it goes on to say, this article: "The blame falls largely on the patchwork nature of volunteer protection laws, which vary tremendously throughout the United States. To facilitate analysis and comparison, the