get bids. Public sector, private sector, whoever gives the best bid for the taxpayers of Texas and America, would be able to bid on consolidating the administrative offices for welfare services so that a welfare recipient would be able to go in to one place and get whatever they needed for their particular needs at that particular time. They may be able to get food stamps, AFDC, Medicaid, disaster assistance, community care, in-home and family support. All of these things would be in one place.

The State of Texas is looking for public-private partnerships. They are looking to the public sector and the private sector to say, come in and bid on these programs. The State of Texas believes they can save 10 to 40 percent of the $550 million they now spend to administer these programs. That is $200 million a year for the taxpayers of Texas and the taxpayers of America.

Mr. President, I talked to the Secretary of HHS. I said, ''What more can Texas do?'' She was very forthright. She said, ''Texas has done everything it was supposed to do. Everything is set. It is on the President's desk.''

Mr. President, why is the President making this decision in the first place? I am afraid it is because a political aspect to this has emerged. And that is, some of the unions do not want the ability for our State to go out and get bids on public-private partnerships.

Mr. President, I am all for unions being able to have free market access and free ability to go out and get jobs. But when a union says, ''We don't want you to be able to do things more efficiently because we might not be able to compete,'' I am saying that is wrong. It is time for the President of the United States to do what Congress said was the law of the land and which he signed into law, which he agreed to do, and that is let the States run the welfare programs. Part of the way welfare reform is going to work is for the States to be able to do the job more efficiently without strings from Washington. It saves taxpayer dollars for all Americans and for the States that are trying to do their job better.

Mr. President, we have a dilemma here. Congress has acted, and the President has signed the bill. He has agreed with Congress that it is in everyone's best interest for the States to run their own programs. The proposal of the State of Texas is along the lines of what many other States are looking at. Wisconsin, Arizona, and other States are looking at these kinds of efficiencies.

Mr. President, I hope they will be able to do this. I hope so, because Congress has spoken and the President has spoken, and we have said the same thing: ''Be more efficient. Use taxpayer dollars more wisely.'' What is the holdup?

I ask President Clinton, what is the holdup? We have a reasonable proposal. It is innovative. It meets the needs of Texans. Why not approve it? Five months and Texas has lost $10 million for every month this has not been able to go forward.

Mr. President, this is an emergency for my State. Our legislature has 1 more month of its session. We must act if the President is not willing to do the job. So I am announcing that I am going to try to do this congressionally if the President does not act or if the President turns down the reasonable request by the State of Texas. Because, Mr. President, the President of the United States cannot thwart the will of Congress when he has signed a bill. When it is the law of the land, he cannot go around it with regulations, with Executive orders, thumbing his nose at what the law is. He was a Governor. The President of the United States understands how important it is for States to be able to have the ability to run their own programs.

I am going to ask today the President of the United States to approve the waiver request for the State of Texas which has been sitting on his desk for 5 months. If he is unwilling to do that, I am serving notice that I will do everything in my power to congressionally require this approval.

The second choice is not the best. I would rather work with the President to do what is right here. But we are beginning to see a pattern: Wisconsin coming in, asking for legislative relief; Oregon coming in, asking for legislative relief. That is not the way to do it. But the buck stops here. Congress passed the law. If the administration is going to thwart the law of the land, Congress must act.

We must take these waivers one at a time and make these decisions. I would prefer that the President and the administration do what is right and do what is their responsibility to do and grant these waivers. If they do not, however, it is the responsibility of Congress to step in and say, this was our intent and it is the law of the land.

Mr. President, Texas is losing $10 million a month; $50 million to date. It is not right. We are doing in Texas what Congress told us to do. There should be no barrier to doing that. I ask the President today, grant the waiver. That is the proper way to work with Congress and with the States and it is in everyone's best interest.

Thank you, Mr. President.

I yield the floor.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the hour of 2:15 having arrived, the clerk will report the motion to invoke cloture.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers:

Trent Lott, Paul Coverdell, Connie Mack, Slade Gorton, Don Nickles, Spencer Abraham, Larry Craig, Michael Enzi, Craig Thomas, Phil Gramm, Dan Coats, Rick Santorum, Mitch McConnell, Orrin Hatch, Robert Bennett, Mike DeWine.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, is it the sense of the Senate that debate on the motion to proceed to S. 543, the Volunteer Protection Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri [Mr. BOND] is necessarily absent.

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—53

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Brownback	Grassley	Roberts
Burns	Gregg	Roth
Campbell	Hagel	Santorum
Chafee	Hatch	Sessions
Coats	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Specter
Craig	Jeffords	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner
Faircloth	Mack	

NAYS—46

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Inouye	Reid
Bumpers	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Shelby
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	
Feingold	Levin	

NOT VOTING—1

Bond

The PRESIDING OFFICER. On this vote the yeas are 53, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. COVERDELL addressed the Chair.

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.