

Labor faces holdup over Clinton's rules on unions, Lott says

By Patrice Hill
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Senate Majority Leader Trent Lott yesterday threatened to hold up Alexis Herman's nomination to be labor secretary until President Clinton withdraws plans to force federal contractors to unionize.

"We think it's a big mistake for the president to be suggesting that in order to get federal contracts, [companies] must in fact meet the approval of labor unions," the Mississippi Republican said. He said the plans violate federal law and competitive bidding regulations.

"There's a big concern developing" among Republicans, who are ready to block not only the Herman nomination, but the Labor Department's funding, he said.

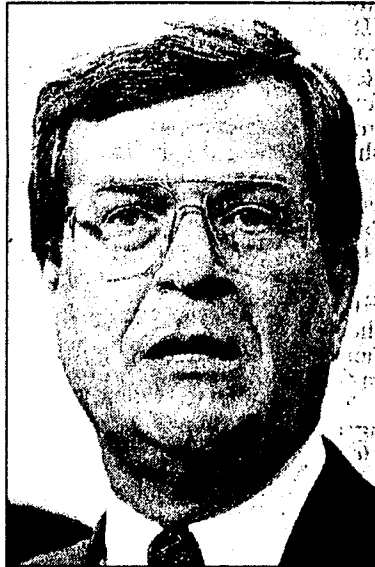
The White House did not have any immediate comment. Sen. Edward M. Kennedy, Massachusetts Democrat, was working furiously yesterday to find a way to pry the troubled nomination loose.

"It's unfortunate the leadership has tied the nomination to this," said Jim Manley, a spokesman for Mr. Kennedy, who noted it could take months to sort out the legal questions surrounding the White House plans.

At issue are an executive order and regulations the White House is drafting that would impose major new pro-labor requirements on companies bidding for \$200 billion of construction work and other services contracted out by the government each year.

Another \$120 billion of school construction projects also could be affected by the rules, since they apply to school districts and other local governments that accept federal funding, GOP aides said.

The rules would require companies to have a "satisfactory labor record" to get contracts and would bar the use of federal money to fight unions. They also could force the debarment of contractors who are the subject of enforcement actions by the National Labor Relations Board and other federal agencies.



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Vice President Al Gore first hinted that the edicts were coming at an AFL-CIO executive council session in February.

Republicans and business organizations say the rules are a payoff to the powerful labor union for the millions it spent on Mr. Clinton's re-election last year, and question whether the White House has the legal authority to unilaterally impose the new mandates.

"There seems to be a pattern of trying to do by executive order what should be done through the legislative process," Mr. Lott said. "We take that as an infringement of our constitutional prerogatives.

"This is directly contrary to what President Kennedy did. He said there was going to be open bidding," with contracts going to the lowest bidder, he added.

The U.S. Chamber of Commerce

and other business groups say a lawsuit against the rules is likely.

Mr. Lott said he had intended to bring up the Herman nomination today, but ran into "a number of objections" from GOP senators.

The nomination already had been delayed for months by allegations that the labor appointee played a role in the Democratic fund-raising scandal. But it cleared the Senate Labor and Human Resources Committee last week after Miss Herman satisfied the queries of her critics at a grueling hearing.

Mr. Lott said a bill funding the Labor Department later this year also could be blocked because of the draft regulations.

"The question of how Congress proceeds with the funding of Labor and the nomination is in doubt until that's cleared up," the majority leader said.

Some GOP senators "are so ticked off that they're ready to scrap the entire Department of Labor," said a top GOP aide.

"This is a massive power grab" by the administration and its labor allies, said the aide.

The regulations are so sweeping that the \$35 million the AFL-CIO spent on ads supporting Democrats last year "would be the best-spent money in history if this succeeds," he said.

"We're saying to the White House, don't do it, or you'll pay through the nose," the aide said. GOP senators are prepared to block not only the Herman nomination but another four deputy labor department slots that are open right now, he said.

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Herman on Hold

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Trent Lott postponed Alexis Herman's Senate confirmation vote as Labor Secretary Tuesday. You've got to wonder about the political operation up at the Clinton White House. The Herman confirmation would be one of the stinkiest GOP votes of the year, insofar as she was at the eye of the Indogate fund-raising storm in the White House. But almost on the very day the Republicans are about to hold their noses to wave through Ms. Herman, the White House proceeds to ignore the democratic process for the about umpteenth time by using an executive order to decree a giant and truly outrageous favor to Big Labor.

Al Gore, the heir-apparent to Bill Clinton's politics, dangled the new order Monday before a meeting of construction and building unions. The executive order would allow federal agencies that fund construction projects to "determine" what kind of workers they want to hire, and to require, if they so choose, that a project use union workers.

Another hoot: Federal agency participation is supposed to be voluntary. The bottom line is that this is a \$200 billion set-aside for the AFL-CIO. Anyone who wondered why the unions went to the mattress for Bill Clinton in the last election can now see the logic: Excused by Mr. Clinton from obeying the Supreme Court's *Beck* decision, John Sweeney spent \$35 million on TV ads to support Democrats last year. Mr. Clinton is now rewarding him

close to 6,000 times over.

Bruce Josten of the U.S. Chamber of Commerce probably spoke for a lot of American businesses, large and small, when he commented this week that "the Vice President should work to require that all government contracts be awarded to the lowest bidder, not the biggest campaign contributor." As a result of the Davis-Bacon Act, the government already is paying too much for its roads, highways and buildings. The executive order will push construction bills even higher.

Reflecting a Big Government mind-set, the order also permits government agencies to negotiate *directly* with unions, bypassing the private-sector contractors who are actually responsible for delivering the work. Finally, this purportedly pro-worker gesture shuts out many potential construction workers themselves by excluding the 80% of them who don't belong to unions. This, incidentally, includes many minority workers, who are already disadvantaged by Davis-Bacon. No surprise here; all they gave the Administration was their votes.

Tom Daschle reacted to Mr. Lott's move by charging that Ms. Herman was being "held hostage." Hardly. The National Labor Relations Board will be the center for adjudicating the consequences of the executive order, and the Labor Secretary's office traditionally advises the NLRB. Once again, Ms. Herman is entangled in this White House's hyper-political machinations.