The impetus for this legislation was the realization that the Chemical Weapons Convention being promoted by the administration, though noble in aim, would have little practical effect, especially in the United States; and that there were important steps we could take to fill gaps in existing law regardless of what happens with the CWC.

That is why Senate Republicans have introduced the Chemical and Biological Weapons Threat Reduction Act, setting forth a comprehensive package of domestic and international steps to address chemical and biological threats. Importantly, the legislation reiterates our firm commitment to destroying the entire U.S. chemical weapons stockpile whether or not the CWC is ratified—a pledge no other chemical weapons state has matched.

Some may be skeptical of this bill because they see it is as an alternative to the CWC. To the contrary, S. 495 provides a sensible and effective action plan that CWC critics and proponents alike should support. By enacting the Chemical and Biological Weapons Threat Reduction Act, the United States will lead by example, and will underscore its commitment to bringing together like-minded friends and allies to make unthinkable the resort to chemical or biological weapons. This is not going it alone, this is leadership.

Mr. COVERDELL addressed the Chair.

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

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COVERDELL. Mr. President, it is my understanding that the next hour, 1 o'clock to 2, is under my control either for my own purposes or those that I might designate?

The PRESIDING OFFICER. The Senator is correct.

## ABUSE OF EXECUTIVE ORDERS AND REGULATIONS

Mr. COVERDELL. Mr. President, a news flash to President Clinton: In America, you do not get to rule by Presidential decree.

President Clinton is prepared to provide the ultimate payoff to labor bosses, an Executive order that essentially mandates that Government contractors toe the union line. Too bad about the millions of American workers who choose not to belong to a union. Now they are to be second-class citizens.

The policy substance of the President's gambit is sufficiently bad, but we suggest there is an even larger issue, one that goes to the very heart of our constitutional form of government.

One of the great strengths of our Republic is a Constitution that reflects, and nicely balances, the tension between democratic representation in the legislative branch and the executive power of the President. The Founders established Congress in article I as the source of all legitimate authority, all legislative powers; that is, the authority granted by the people. The executive branch, at least in terms of domestic policy, is constrained by the requirement that the President take care that the laws be faithfully executed.

Fairly elementary stuff. But in reality, of course, there has been a continuous struggle among the branches over where the legislative power begins and ends. Normally, these tensions erupt at times of great crisis: Lincoln during the Civil War, Truman and the steel mills. Typically they are bound up in questions of war and peace and the President's foreign policy role.

What we face during the twilight of the Clinton era is something very different and much more worrisome. What we see now is a calculated strategy by the White House to ignore the unhappy reality that the President was reelected with less than a majority vote while the Republicans were reelected to a majority in Congress. Now, it appears his goal is to encourage gridlock in the Congress while issuing Executive orders and regulations that exceed his legal power to act.

There is perhaps no area of Federal policy more contentious than labor issues. This has been true in fact for most of this century. It is also clear that labor bosses and leaders faced continued loss of power and declining membership. They have been stymied time and again in their efforts to expand their powers over unwilling American workers.

So what has the President done here? He is issuing an Executive order that deprives nonunion employees of their right to choose whom they support in the political process. He attempted to bar, through an Executive order, any company that exercises its right to hire replacement workers during a strike, though the courts properly struck this down. He is now about to issue an Executive order that would allow agencies to bar—prohibit—Federal contractors if they do not use unionized labor.

Most recently, he is playing with a change in procurement regulations that would bar companies from Federal contracts unless they had satisfactory labor relations. Determined by whom? The President. Unions could have a field day with that. All they would have to do is initiate a lawsuit under the National Labor Relations Act and, presto, you have a company that has unsatisfactory labor relations. This would be laughable if the impact were not so grave. Hundreds of billions of dollars and hundreds of thousands of jobs are at stake.

In short, President Clinton's actions twist beyond recognition the role of the Presidency in the legislative process. The Framers were careful to ensure that the President's voice was a negative one by granting him the veto. They did not grant him the equal and opposite power—he did not get the power of decree. A negative power like a veto is more easily used to avert harm. The decree smacks of autocracy.

But give the White House their due. The White House has carefully established precedents based on issues that are difficult to confront. Ironically, some of the most contentious issues are going to be the most difficult for the Congress to resolve. In some cases, perhaps a majority of Congress would agree, in others they will not. But we believe those are precisely the types of issues that are intended for legislative consideration and a majority vote. This is known as representative democracy. It might be messy. It might take longer than the pundits like. The results may not please everybody. But it is a process that is founded on the consent of our citizenry.

This is a time when there are many questions on whether various individuals in the White House have been engaged in unlawful activity. Only time will tell how that plays out. What we do know right now is that even more than all these financial and campaign issues, the President's abuse of Executive orders and regulations is a direct threat to the rule of law in America.

Mr. President, I now yield to my good colleague from New Hampshire 5 minutes of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I thank the Senator from Georgia for his excellent statement, which sets the premise for this hour of discussion that has been reserved relative to the proposal by the administration and the President and the Vice President to unilaterally take control over what is clearly a legislative prerogative and determine, unilaterally, that 89 percent—89 percent—of the work force in this country which would participate in Federal jobs will no longer be able to participate in those jobs. That is the practical effect of this proposal which is being put forward by the President and which was announced by the Vice President, was announced by the Vice President at a convention of a building trades union.

One could be cynical and say, ''Well, the building trades unions in the last campaigns spent $35 million reported''—we suspect maybe it may be closer to twice that unreported—''spent $35 million reported for the purposes of electing this President and that therefore this decision by the President to exceed his authority, as announced by the Vice President, is a return of that favor.'' One could be cynical and one would be accurate, I suspect, in making that statement.

But as the Senator from Georgia has pointed out, this goes well beyond the cynicism of this administration, which has already been displayed in a most significant way in a variety of other instances relative to campaign financing and fundraising and what will be done by this administration to benefit people who contribute to them. It goes well beyond that cynical approach and abuse of power which has become almost a hallmark of this administration. It goes to the essence of the separation of powers on which our Government is structured.

This Congress is the Congress of the people. It is the Congress which is elected by the people. You may agree with it. You may disagree with it. But the fact is that the membership of this Congress is sent here for the purpose of writing the laws which govern the people whom we represent.

As the Senator from Georgia has so adequately pointed out, the President's power in the legislative process is that of a negative, not of a creator of that law. In fact, ironically, the President does not even participate as a negative on some of the most significant laws that affect this country.

For example, the budget of the United States is not signed or vetoed or subject to signature or veto by the President of the United States. It is purely a law driven by the body of the people of this country, which is the Congress. When a decision is going to be made to disenfranchise 89 percent of the people who presently participate in working for the Federal Government as contractors, that cannot be unilaterally done by the executive branch. That is a decision of such weight and of such importance that it is reserved clearly to the House of the people and to the Senate of the United States. And yet, this President has decided to do that and to, by fiat, by an arbitrary decision, put together who knows what.

It certainly was not put together through the process of a legislative hearing. It was not put together through a process of a legislative debate. It was not put together through a process of a legislative vote in a committee, and a legislative vote on the floor of the Senate, and a legislative vote in the House, and a legislative conference, creating a bill which is sent to the President.

No, it was put together by somebody sitting in a back row, writing an idea which was given to the Vice President of the United States, who went to a labor union annual meeting and announced, ''This will be the new law of the land.'' That is not the way we govern in a democracy.

For that reason, I strongly support the initiative today put forward by our leader in the Senate, Senator LOTT, which, said as I understand, the nomination of the Secretary of Labor shall not be brought before the body until this matter is cleared up, because that is our prerogative. That is our legal right as a representative of the people to advise and consent on the nominees for Cabinet positions. That is a legal and constitutional right. We have the legal and constitutional right to limit our advice and consent, and to not approve a member of this Cabinet, or to approve a member of the Cabinet.

In this instance, we certainly have a right to hold up that nomination until this arbitrary act of excess on the part of the executive branch, done for whatever reason, is clarified and withdrawn. And, in fact, it would be my view that we should hold up probably just about every nomination which the administration wants to proceed with, because if they are not going to proceed in good faith in governing, if they are going to proceed in a manner which clearly exceeds the bounds of authority of the executive branch, then it is incumbent upon us as the legislative branch, as the branch elected by the people, to govern and to legislate, to make it clear to the President that that type of action will not be tolerated and cannot be tolerated if we are to maintain a constitutional democracy, a democracy built on the concept of checks and balances, a democracy which was designed by Madison and has survived so well for so many years.

The issue has been laid out. The fight has been joined. I believe this Congress must assert its prerogative to retain its right as a legislative body of the people of this country.

I yield back the balance of my time.

Mr. COVERDELL. Mr. President, I thank the Senator from New Hampshire for his comments with regard to this very crucial and, in fact, constitutional issue.

We have been joined by my good colleague from Arkansas. I yield such time as the Senator from Arkansas desires to address this issue.

## S. 606, THE OPEN COMPETITION ACT OF 1997

Mr. HUTCHINSON. Mr. President, I am pleased to introduce today an important piece of legislation which will guarantee to all Americans an equal opportunity to compete for the nearly $60 billion of Government contracts.

The Open Competition Act of 1997 ensures that no single special interest group will have an exclusive claim on Federal contracts, and would accomplish this by amending the National Labor Relations Act to simply prohibit discrimination in bidding for contracts funded by the Federal Government.

The Clinton administration, specifically the Vice President, recently announced their intent to issue an Executive order which would, in practice, create a union-only mandate for all Federal projects.

Upon closer examination, a disturbing connection exists between contributions made by big labor interests, the announcement of the proposed Executive order, and the individuals who actually drafted the language of this order.

For the American people to fully understand what prompted these actions by the Clinton administration, it is essential to understand exactly what big labor did for them during the 1996 election.

As widely reported after the November election cycle, labor unions spent between $300–400 million on the 1996 elections—Wall Street Journal, April 11, 1997.

This amount is even more astonishing when you consider that it was financed in large part by dues-paying union members who were never asked by the union leadership if this was how they wanted their hard-earned wages spent.

I firmly believe in the constitutional right to donate money to the political candidate of your choice. However, the problem here is what is asked for in return for this money, and even worse, what is given.

The question must be asked—What did the labor unions get in return for the incredible amount of money they spent in the 1996 election?

On February 18 of this year, at the AFL–CIO convention in Los Angeles, the Vice President pledged the administration's support for organized labor and announced several initiatives the administration would be launching in coming months.

''How you treat your employees and how you treat unions counts with us,'' said the Vice President—White House Press Release, February 18, 1997. He told the executive council of the AFL–CIO that the administration would issue an Executive order which would require Federal agencies to consider using project labor agreements on all Federal contracts—Bureau of National Affairs, February 19, 1997.

These project labor agreements require all contracts for a particular job to be awarded only to contractors who agree to recognize designated unions as the representatives of their employees on that job.

In addition, these agreements would require all contractors to use only union hiring halls to obtain workers, pay union wages and benefits, and obey the union restrictive rules, job classifications and arbitration procedures. The Open Competition Act would do away with this requirement and restore fairness to the bidding process.

Just 3 days ago, on April 14, the Vice President announced that the administration was prepared to offer an Executive order encouraging Federal agencies to use project labor agreements—again, which generally require union representation—on Federal construction projects.

His announcement was greeted by thunderous applause by almost 3,000 AFL–CIO trade union officials in Washington, DC.

This Executive order becomes very interesting when you consider the parties who had a hand in drafting the language. The language in the draft was jointly developed by the AFL–CIO, the