

to detect and deter a chemical weapons program. This will do nothing to affect anybody else's chemical weapons programs.

In sum, the CWC will be a powerful instrument. This, at best, you could say, would be something along the line of implementing legislation, if we had that treaty passed, which I hope we will.

I might add, I agreed to allow this bill to come up before the treaty, which is a very unusual way to do this because, quite frankly, I had no other way of getting the treaty up. Had I not agreed to this, my colleagues could have filibustered or prevented it from coming out of committee. Even though I have the votes in the committee for the treaty I could have prevented it from coming to the floor. This must be confusing to people listening to this debate today, because why would we vote on this before the international treaty? The answer is that we have no choice. The answer is they've got me by the procedural ears here. If we don't get a chance to vote on the CWC by the 28th, we are not in the deal and we, as a nation, are very much out of sync.

I will conclude by suggesting that Senator KYL's bill calls for a couple of things that already are in the treaty. The bill does nothing to eliminate other nations' chemical weapons. It requires us to go back and renegotiate the Chemical Weapons Convention, which, as General Brent Scowcroft, not a man known for hyperbole, said the concept of starting over was pure fantasy.

Next, this bill does nothing to strengthen trade controls internationally. It has language about the Australia Group—an organization that is already in place and will stay in place. There is nothing extraordinary about that. The Australia Group exists and will continue to enforce trade controls.

Third, the Kyl bill provides sanctions against nations that use chemical weapons. That's already in law. The bill does strengthen this in minor respects, but it weakens it in others. It doesn't make it illegal to produce or stockpile these weapons.

Fourth, the Kyl bill does nothing to address trade sanctions that will apply against U.S. companies if the Chemical Weapons Convention enters into force with us.

In sum, the Kyl bill is not a substitute for the Chemical Weapons Treaty, although there are things in the Kyl bill that I would vote for.

As I told my friend—and I really do think he is my friend, and we have been completely straight with one another—I am going to vote against this and urge my colleagues to do the same, because I don't know enough to know what is in here. I will never forget that when I first got here, Senator Pastore of Rhode Island, an old fellow, was a very powerful Senator; I asked him about something and he said, "Boy, let me tell you something. If you don't know what's in it, it's always safer to

vote no." So I am voting no. Although there might be some merit to this, I can't find it. It is clearly not a substitute for the CWC.

I yield the floor.

Mr. KYL. Mr. President, I am prepared to yield my time back. I hope Senator LEAHY will yield his time. In passing, at another time I will respond to my friend from Delaware. I make the point that there is nothing in this legislation that requires any renegotiation of the treaty. I assure my colleague of that.

Mr. BIDEN. Mr. President, we yield back all of our time.

Mr. KYL. Mr. President, I urge my colleagues to support the legislation.

I yield back all my time.

The PRESIDING OFFICER. All time has been yielded back.

The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Missouri [Mr. BOND] are necessarily absent.

I further announce that, if present and voting, the Senator from Missouri [Mr. BOND] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—53

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

NAYS—44

Akaka	Conrad	Harkin
Baucus	Daschle	Hollings
Biden	Dodd	Inouye
Bingaman	Dorgan	Johnson
Boxer	Durbin	Kennedy
Breaux	Feingold	Kerrey
Bryan	Feinstein	Kerry
Bumpers	Ford	Kohl
Byrd	Glenn	Landrieu
Cleland	Graham	Lautenberg

Leahy  
Levin  
Mikulski  
Moseley-Braun  
Moynihan

Murray  
Reed  
Reid  
Robb  
Rockefeller

Sarbanes  
Torricelli  
Wellstone  
Wyden

NOT VOTING—3

Bond Cochran Faircloth

The bill (S. 495) was passed.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the bill, as modified, was passed.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I ask unanimous consent that I might proceed as if in morning business for the next 15 minutes.

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

### MORNING BUSINESS

Mr. CHAFEE. Mr. President, in addition to the request which I made, which was granted, on behalf of the leader, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each. Mr. President, that 5 minutes each follows my remarks, for which I have been granted permission for 15 minutes.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

Mr. CHAFEE. I thank the Chair.

(The remarks of Mr. CHAFEE and Mr. REED pertaining to the submission of Senate Concurrent Resolution 22 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

### OPEN COMPETITION ACT OF 1997

Mr. KENNEDY. Mr. President, I rise in opposition to S. 606, the so-called Open Competition Act of 1997, introduced this afternoon by Senator HUTCHINSON from Arkansas. As I understand the proposal, it would forbid the Federal Government from entering into so-called project labor agreements on any Federal construction project. What prompted the bill is a proposed Executive order under consideration by the administration.

That Executive order would permit Federal agencies to consider requiring contractors on certain large Federal construction projects to comply with labor contracts for the duration of the project. The Executive order would not mandate this procedure for any contract. It would simply direct the agencies to consider such agreements in appropriate circumstances.

These so-called project labor agreements have been used with great success on numerous large-scale construction projects in the past. They were used on large flood control and hydroelectric projects in the 1930's. They

were used when Disney World was being built in the 1970's. They were used on the Trans-Alaska Pipeline System in the 1970's and 1980's.

These agreements have also been used on Federal projects for decades. In the late 1940's, the agreements were used regularly for construction at atomic energy facilities.

And the agreements continued to be used today. Across the country, nuclear sites are being decontaminated and decommissioned. The Department of Energy has entered into project labor agreements at the Oak Ridge facility in Tennessee; the Idaho National Engineering Laboratory in Idaho; the Savannah River site in South Carolina; the Fernald facility in Ohio; the Hanford/Richland site in Washington State; and the Lawrence Livermore facility in California—just to name a few.

The agreements are also being used by State governments. In the Boston Harbor cleanup, for example, the State of Massachusetts required contractors to comply with such labor agreements for the duration of the work. That was a very large project, which is taking years to complete. The labor agreement is helping to ensure that the project is carried out efficiently and safely.

According to an October 4, 1996, letter from the manager of industrial relations on that project, the Boston Harbor cleanup was originally projected to cost \$6.1 billion. Now, the estimated total cost of the project is \$3.4 billion. Accident rates are significantly lower than for projects of similar size and duration. And, during the nearly 7½ years that the project has been underway, "there have been approximately 20 million craft hours worked without lost time due to strike or lock-out." Anti-union contractors challenged the requirement in the Boston Harbor case, and in 1993 the U.S. Supreme Court unanimously upheld the State's ability to issue the requirement.

Other States have taken the same approach. In January 1997, Governor Pataki of New York issued an Executive order strikingly similar to that under consideration by the President. Governor Pataki's order directed that "Each state agency shall establish procedures to consider, in its proprietary capacity, the utilization of one or more project labor agreements with respect to individual public construction projects." The Governors of New Jersey and Nevada have recently issued similar orders.

Despite the very clear advantages that such agreements can provide, the proponents of this bill that has been introduced this afternoon, contend that Government agencies should not enter into them because they deny nonunion contractors and workers the opportunity to bid and work on federally funded projects. This is false. Nonunion contractors are completely free to bid on projects subject to project labor agreements—and many do. In the Bos-

ton Harbor cleanup, for example, 40 percent of the subcontractors are non-union firms.

Nor is it true that project labor agreements restrict jobs only to labor union members. No such agreement requires that an individual join the union to be referred for a job. In fact, the National Labor Relations Act forbids unions from discriminating against nonmembers when making job referrals.

Obviously, some of our Republican colleagues disagree strongly with such labor agreements. Many of us support them as sensible Federal contracting policy and needed protection for working families.

At the very least, the Federal Government should not be denied the opportunity to gain the substantial benefits and savings that such agreements can supply, and that is why I hope that legislation introduced to prohibit those agreements will not be favorably considered by the Senate.

#### RENEWING THE ISRAELI-PALESTINIAN PEACE PROCESS

Mr. BYRD. Mr. President, our indefatigable negotiator with responsibility for mediating the outstanding, difficult issues between the Israeli Government and the Palestinian authorities is back at work in the Middle East. The peace process was derailed by the intemperate action by the government led by Prime Minister Netanyahu, in supporting new Israeli settlements in Jerusalem. There appears little doubt that, regardless of the failings of Mr. Arafat to fully restrain Palestinian reactions to this action, the Israeli leader bears very heavy responsibility to undo the mischief which brought that elaborate tango of negotiations and actions called the peace process crashing down.

Now we read of an unfolding, unprecedented scandal centered around that same Prime Minister. I have no judgment to make on that, but I hope that, as I have said before on this floor, Mr. Netanyahu will rise above the pressures on him, particularly from his right wing, and face history squarely. It is up to him to make the crucial moves that will halt the settlement construction, and take a courageous step. I call upon him, again, to do this, for the sake of the people of Israel and the Palestinians.

It is important that the Clinton administration continue to take the position that the settlement construction must be halted. Ambassador Ross is reported today to be pressing the Prime Minister to do so. The United States has an important stake in this matter. As the strongest ally and the best friend that Israel ever had, or will have, it is surely not too much to expect some consideration of the U.S. position on this matter on the part of Mr. Netanyahu. He surely cannot expect to continue stonewalling the United States on this critical matter. I, for

one, felt he should not have come to the United States to meet extensively with our President with nothing in mind to offer apparently. That is not what a good ally or a good friend does. He certainly cannot expect us to stand by while he gives an American President—our President—no more than a hello and goodbye on such a critical matter, and also then still expects the United States to provide our annual supplement of over \$3 billion in American tax dollars to Israel without batting an eye—\$3 billion. I wonder if the American people are aware of that, every year.

This is a crucial period for the Likud government. I hope that it will see that support from the American people cannot continue to be in the form of a blank check no matter what that government does to stall or derail the process of making peace with the Palestinians. It does not do the Israeli people any good whatsoever for the message to go to them that whatever happens is essentially fine with the United States Government. We need to be consistent, both in Washington and in New York. The Clinton administration needs to take this into consideration, as well. We cannot take one position, against the settlements construction, here in Washington, and water it down by not endorsing the same policy embodied in Security Council resolutions. That is speaking out of both sides of our mouth. That is speaking with a forked tongue. Therefore, I urge my colleagues to speak in one voice with the administration, and I urge the administration to be completely consistent, not inconsistent, because inconsistency creates confusion. It sends the wrong message. Make it clear that we will continue to act in good faith as a mediator and as an ally of Israel, but we expect the Israeli Government to step up to the plate and make the kind of moves that will be necessary to breathe new vigor and new life into the process of peacemaking, which is so critical to the people of Israel, to the Palestinians, to the United States and to our allies.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### FAIRNESS IN FEDERAL CONTRACTING

Mr. JEFFORDS. Mr. President, I rise today to address a very real threat to the economic well being of our Nation. I speak, of course, of the anticipated issuance by President Clinton, of an Executive order that would likely lead to the exclusion of nonunion contractors from Federal construction. I also wish to express my strong support for S. 606,