

As a Governor and a candidate for President, he said on countless occasions that he supported the line-item veto. But lately, the President seems intent on opposing anything that comes out of the Republican Congress.

It is a right he has. It is a right he has, but I am not certain how he explains it to the American people or how he can say in one breath he supports the line-item veto and maybe in another breath say, "Oh, I have doubts about it."

So I guess if given the choice between passing something he has always supported, or denying Republicans a legislative victory, then the line-item veto will probably be sacrificed on the altar of politics.

If that happens, there is not much we can do about it on this side. As long as we furnish the votes to shut off debate—and I think we will have every vote on this side of the aisle, so we only need 6 out of 46.

So I think if the President truly supports the line-item veto, he should not wait any longer and let the American people know. I know he is struggling to be relevant in the process of things. But he can be relevant in this process. He does not have to stand in a schoolyard door or to some school lunch meeting to show how compassionate and how sensitive he is; or how he has, in effect, given up any effort to provide us any leadership in deficit reduction.

I hope the President would let our colleagues on both sides of the aisle know that he feels strongly about the line-item veto, just as strongly as he did when he was running for President and when he was Governor. If he does that, we will have a big, big bipartisan victory. And the President can certainly claim all the credit, he and my colleagues on the other side, and we will be happy to join with them in a celebration for the American people.

We debated this issue time after time after time. We have had hearings time after time after time.

So this is not going to be one of these 20-day procedures in the Senate. This is going to happen, if we can make it happen, next week. We have had plenty of debate on this issue. We do not need 300 amendments from the other side. We are going to do our best to shut off debate. We believe the American people expect us to shut off debate. They are frustrated, our colleagues are frustrated, and I know maybe even it is time the leader gets a little frustrated. Maybe the Democratic leader gets frustrated, too.

But I would just challenge the President. I would say:

Mr. President, you can do this today. You can make this so easy. This bill will disappear next week. It will pass with a big margin, if you really believe what you have been telling the American people you believe for the last 2 years. If you do not believe it, well, tell us that, too. But if you do believe it, Mr. President, now is the time to speak up. Do not wait until the last minute.

Do not wait until next Friday or next Thursday or next Wednesday. Do it this weekend. Make the American people feel good this weekend for a change. Let the American people know that you support what 75 to 80 percent of them support, to give you, Mr. President, not us, but to give you, the authority and the power, Mr. President, that if BOB DOLE or somebody sticks something in a bill that does not belong there, you could take it out.

We are giving the power to a Democratic President, a Republican Congress. Some say we ought to have our heads examined. But we are prepared to do that because we believe it is good policy. It is good policy.

If the Democrats do not trust their President, I cannot help that. If they do not trust a Democratic President, that is their problem.

We are prepared to trust President Clinton with this authority. And if we are defeated by Democrats in the Senate with a Democrat in the White House, that is going to be hard to explain. Now, some liberal media will figure out a way to do it, but not many. That is a hard one. I do not know how I would explain that. I would have to think about it a lot.

So, Mr. President, we are Republicans. We are prepared to give you this authority, but we are afraid, without your strong support, it is not going to happen.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

LINE-ITEM VETO

Mr. DASCHLE. Mr. President, I had the opportunity to listen to the remarks made by the distinguished majority leader.

Let me say, I have just come from a meeting with the President—not about this issue, but another issue—and I do not think there is any question that the President is prepared today, tomorrow, or at any time to reiterate what he said all along. He supports the line-item veto. It is that simple. There is no question about it. We do not have to make this a political issue. We do not have to try to put words in his mouth. He does not need that. He can do that for himself. The fact is, President Clinton supports the line-item veto. Period.

The fact is, so do most Democrats. I have supported a line-item veto since coming to the Congress. I did 15 years ago and I do today. I always have. I believe that it is an important aspect of good legislating.

I recognize that 43 States have already done what we would like to do here. Forty-three States have already acknowledged that Governors ought to have an opportunity to review and send back for further review items in legislation. Regardless of how many times it takes, if a Governor, or a President for that matter, thinks that a line item ought to be reviewed, he ought to have

the right to send it back. That is the issue.

Line-item rescission, as it really is properly called in this case, is something an overwhelming majority of Democrats and Republicans support. The trouble is defining what it is we are referring to when we say line-item veto or line-item rescission. That is the issue.

I do not think there is any doubt that Democrats and Republicans could come together this afternoon and agree upon an approach, if you take our past positions and acknowledge that on the Republican as well as the Democratic side there is a consensus about the need for a line-item veto.

Unfortunately, what has happened over the course of the last several days, in spite of the fact that two bills were reported out of committee, in spite of the fact that there has been, as the distinguished majority leader said, a great deal of consideration given to the line-item veto in the past, there has been a backroom deal cut. In the closet somewhere, in the Cloakrooms or in the back rooms, some of our Republican colleagues have decided that whatever versions have been considered in the committees are not good enough; that they wanted to come up with a bill that we have not seen.

I remember so well the complaints raised last year by many of our colleagues on the other side about not having been consulted, about wanting our cooperation, but not having the opportunity to even see a draft of a health bill and, as a result, they said, they vehemently opposed many of the provisions in health bills that were offered time and again on the Senate floor. "We were not consulted," they said. "That is not a good legislative process," they said. "We ought to take the committee process and make it work," they said.

Well, they were making some arguments that, frankly, I shared. In fact, I thought we had consulted, but certainly not to their satisfaction in some cases.

But the point was made over and over that we simply had not reached out adequately to them and for that reason they were unwilling to cooperate with us.

Well, now I hear the majority leader and others say that they hope they can get Democrats to cooperate on this issue; that they can find a way to ensure that we get a number of Democrats to support this version of line-item veto that nobody has seen. It is a line-item veto proposal that, to the best of our knowledge, takes a good idea to the extreme, and, frankly, from a constitutional and a practical point of view, is much in need of consideration and review as we go through the next several days.

Mr. President, I think that just about every Democrat would like to support the bill that was offered originally by the chairman of the Budget Committee

and the ranking member, Senator DOMENICI and Senator EXON. That a bill that has received a good deal of consideration and, as I understand it, has support on both sides of the aisle.

We would like to take that bill and say, "Let Members begin with this." This is a piece of legislation that obviously has merit. It is a piece of legislation that is broad in scope. As introduced, it would include not only appropriations but taxes. It would give Members an opportunity to review more than just the appropriations process. It is a bill, as I understand it, that Majority Leader DOLE has cosponsored, I have cosponsored, a number of other legislators have cosponsored in the past that contains all the needed protections against an imbalance of power between the President and the Congress, something that we want, if we are going to do this right, to ensure that the balance between the executive and the legislative branch is maintained. It offers an approach that we all can support, something that we all recognize is needed. That balance is critical on a whole range of issues, not just appropriations.

Most importantly, we want to protect Social Security. We want to take that off the table. Obviously, there is legislation pending that would insist that we take Social Security off the table when it comes to balancing the Federal budget over a period of time.

We also want a piece of legislation that will not permit a minority in Congress to hold a majority hostage, that does not overturn the central principle of democratic government: majority rule.

It is amazing to me how many times we find both sides of the aisle lamenting how we are captive of the minority, how we cannot do the people's work in part because a small group of people is holding hostage a certain piece of legislation. Holding the majority hostage, and keeping us from doing the kind of things that we know we should be doing.

In essence, we want legislation, Mr. President, that allows Members to do that, that protects majority rule, that protects the principles enshrined in the Constitution, proven by 200 years of practice in legislating, and providing the balance that we have all wanted between the executive and the legislative branches.

The Domenici-Exon approach creates a fast-track procedure to make sure Congress does not ignore the President's desire to review a certain provision not to finance a particular project. That is another concern. We want to be sure that when a President comes up with his list of rescission items, that it is not ignored as it is today. Under the bill, Congress would have the opportunity to review in a very careful way each and every one of these items, with the understanding that they will be reviewed within a specified, delineated period of time. This would force the Congress to act, and ensure an open

and public debate and vote on particular projects within a designated period.

Spending would then be dependent on the merits of that particular proposal. Supporters will be held accountable. That is what I think all advocates of line-item veto have argued is the central principle here. That when we isolate out a given item, not buried in the paragraphs and pages of thick bills in the future, that supporters will have to come forth and say, "I believe that it is in the best interests of the country to support this particular item, and we are willing to have a vote on it. We are willing to put it under the light of day."

We should have an all-out debate on whether it merits majority support. If it does, then obviously it ought to be enacted into law. I think that is what the American people want: Accountable, open Government, but Government that allows Congress in a more meaningful way to specify with great authority those things we want from those things we do not.

The line-item authority the President has under current law is too weak. Everyone appreciates that because Congress can ignore the President's proposal to cancel spending. There is nothing right now that requires the Congress to act when a President rescinds something.

We are really in a situation that is untenable, frankly. The President knows there are things within a bill that he is unwilling to support, and yet he is faced with the dilemma of either supporting it or vetoing the entire piece of legislation. He can rescind items, be ignored by Congress, and nothing ultimately is accomplished, adding to the public cynicism, and adding to the extraordinary difficulties we have in making things work better, legislating with an understanding that there has to be a better way. Spending goes forward, no money is saved, cynicism goes up, and ultimately the system breaks down.

Since 1974, Presidents have proposed to cancel \$72.8 billion in spending. Congress has canceled only \$22.9 billion of those requests. In addition, Congress cut \$70 billion out on its own.

That is an interesting point and I think people have to understand that issue. The fact is that the Congress has cut more in the aggregate from its appropriations than what the Presidents over the last 20 years has proposed. We actually have a better budgetary record when it comes to overall spending than what the Presidents have proposed in their rescissions. The problem is we cannot agree on which line items ought to be reduced or eliminated. Because we cannot agree, nothing is done. We cut, the President proposes cuts, but those Presidential proposals more times than not are ignored entirely.

The Domenici-Exon bill corrects the weakness in current law. First of all it forces the Congress to vote. The President has 20 days to notify Congress; 2 days later a bill with the President's

proposals has to be introduced; 10 days later the Congress must vote. That is what it says. The President proposes within a 20-day timeframe what specific rescission items he believes the Congress must review and act upon. Two days later, a bill with all of those Presidential proposals is introduced, and within the next 10 days the Congress is forced to vote on each and every one of these items.

That, to me, is what the American people have said they want. That is exactly what I think Democrats and Republicans probably could agree upon, a process by which there would be a certain review, a certain vote, and a reaction to the President's specific requests at a time that I think most people would consider to be fair.

Second, it prevents filibusters of rescission proposals entirely. As I said, this is a fast-track approach. The Senate gets 10 hours to debate. And an equivalent time limit is imposed on the House. There is no way to drag this out. We would have the certainty, the confidence in knowing that when the President sends down his rescission message, the Congress must act, and act within a certain period of time. When that comes to the floor, there is 10 hours of debate, and it is over. We have made our decisions.

We have enforced the deal and defended each and every one of these items. Most importantly, it is done with the confidence in knowing that everyone will have their opportunities either to defend or oppose these rescission items in a time certain.

Third, it puts all the savings into deficit reduction. That is another thing I think the American people say they want. Let Members not take spending from one side of the ledger and put it into something else. Let Senators recognize that, indeed, if we are going to do what we said over 5 weeks we are going to do when we had our debate on a balanced budget amendment, everyone said they would recognize the need for a glidepath, and are unwilling, of course, to put in writing a blueprint, at least to date. That is, our Republican colleagues have been unwilling to show just how they will do it.

I think I have heard a number of our colleagues advocate certainly if we are going to save money, it ought to be dedicated to deficit reduction. Unfortunately, I hear my colleagues on the House side argue just the opposite, that, indeed, we ought to have a \$600-plus billion tax cut and find ways to offset that tax cut with cuts in spending. That has been the debate ongoing for several weeks over on the House side.

The combinations of time certain, with the realization that everything we do would be dedicated to deficit reduction, prohibiting Congress to cancel spending on some unnecessary project and turning it around and using it for tax cuts or some other purpose, is exactly what I think this Congress and

what the American people would like to see done.

The combination of these provisions make present law into a real line-item veto power for this President and for all future Presidents. Congress has to defend all of its questionable spending openly. Current law gives Presidents only the opportunity to propose canceled spending, but nothing to make Congress respond. That is the problem we have today. The President proposes, and the Congress ignores. The Congress ignores and ultimately nothing gets done.

(Mr. SMITH assumed the chair.)

Mr. DASCHLE. Mr. President, this bill is going to change business as usual. There will be less ability to sneak things in, less opportunity for people late at night to put little provisions in the bill that we only understand later to have consequential effects both budgetarily and otherwise.

It gives the President the chance to highlight questionable spending and force the authors to defend it publicly, discourages questionable projects if authors know they may be forced to defend them in public.

So there is no doubt the legislation that many of us support, the original Domenici-Exon bill is strong, it will work. Unfortunately, it ought to be the bill that we are debating today, but we are not. We are not because, for some reason, the Republicans have chosen to come up with a new concoction, some other provision that does not have the provisions that I just described, despite the broad bipartisan support for a bill that throughout the process has shown to have the kind of bipartisan support necessary to move this legislation along.

Mr. President, I wonder what the real motivation may be. Is the motivation the desire to pass meaningful line-item veto legislation or the motivation to try to embarrass the President or the Democratic Members of the Senate? I do not know. I hope it is, as the majority leader has indicated, a true desire to resolve this issue, to move this ahead, to bring to the Senate, and ultimately to the President, a bill that he can support, a bill that would do the kind of things that I have outlined are necessary if, indeed, we are going to have a practical, constitutionally sound piece of legislation that enjoys broad bipartisan support.

The Republicans have arrived at a consensus to promote what I understand is a completely different line-item veto than anything we have seen so far called separate enrollment. As I have indicated, to my knowledge, no Democratic Senator was invited into the Republican discussions on this approach, even though some prominent Democratic Senators have been strong supporters of this version of the line-item veto.

The approach that I am told the Republicans are going to offer has not been considered in any committee of this Congress, no hearings have been

held, no committee has voted on it. Both S. 14 and S. 4, by contrast, were voted out of the Budget Committee and the Governmental Affairs Committee. Hearings were held earlier this year. Democrats, in the course of those hearings, have offered to work with our Republican colleagues. Unfortunately, in response to that offer, the unilateral compromise made on the other side apparently has been achieved without any participation by Democrats.

As I understand it—and again we will have to wait until it is proposed in order to know for sure just what the Republicans have in mind, and we will have that opportunity next week—but as I understand how separate enrollment would actually work, the approach requires that each individual item of any appropriations bill passed in Congress be broken up by the enrolling clerk into separate bills to present to the President. The President would be able to veto any of the bills.

Take a bill, any one of the appropriations bills that we have had in the past. This one is a good example. It is Public Law 103-316 passed in the 103d Congress, the Energy and Water Development Appropriation Act fiscal year 1995. This bill has approximately 20 pages with hundreds and hundreds of line items. Line items that are listed here include emergency funds for purposes of transportation; uranium supply and enrichment activities; flood control and coastal emergencies; line items for the Tucson diversion channel, \$2.5 million; the Jefferson-Jacksonville, IN, line item. It does not say what in particular that line item is for.

The Wallisville Lake, TX, plant, \$1 million. Line item by line item, it has hundreds of specific line items listed one by one in this bill. But as I understand, the Republicans are suggesting that we take each one of these line items, separately enroll it, and send it on to the President.

So what this bill did when we passed it in 1994—the Congress passed the legislation, it went to the enrolling clerk, one bill with all of these line items in it. The enrolling clerk then sent it to the President. The President has the ability to take this bill, veto it, send it back to Congress, or sign it into law, if he so chooses.

If he vetoes it and sends it back to Congress, the Congress could override it and it could become public law. If the Congress failed to override it, of course, it fails to pass and it is put in the trash can, and we start all over. That is how a bill becomes a law. It is pretty simple. It has five steps; that is it. That is all it is. Enrolling, signing, vetoing, or overriding and the enactment into public law. That is a pretty simple process and one that, as advocates of paperwork reduction, we could all support. Keeping it simple is what we all want.

This is what the Republicans are proposing. This is the separate enrollment version of this bill. Each one of these line items, every single one of the line

items listed here—Red River emergency bank protection; Red River below Dennison Dam levee; West Sacramento, CA; Sacramento River flood control project; Savannah Harbor deepening in Georgia; Casino Beach, IL; Lake Pontchartrain; Lake Saint Geneva, MO; Hackensack Meadowlands, NJ; Salem River, NJ—every one of these would be separately enrolled. The Congress would pass it. It goes to the President. The President would sign each one of these line items into law; he would veto some of the others. Congress, in every single case, would either have to accept this as public law or consider each one of these line items as a veto and repeat the process over and over and over and over again, hundreds and hundreds and thousands and thousands of times over the course of several weeks, I am sure, in order just to pass this appropriations bill. That is what we are talking about.

This chart really does not depict it all. Here is what it would take. I did not think we would want to spend all the money on the charts required for that one appropriations bill, but it will take this piece of paper with another chart on it, this one, this one, this one, and we can just go right on down the list, Mr. President, page after page after page. It would take 85 of these charts to detail what would happen to one energy and water appropriations bill. I can probably find something here for South Dakota, if I looked hard enough.

For the life of me, I cannot understand how somebody who would advocate paperwork reduction would want all of us to go through this every single time we pass an appropriations bill, and we are not even getting to another issue that I wanted to bring up, and that is a tax bill.

So, Mr. President, I know that sometimes back-room coordination and compromise produces some interesting product, but I have to say, this shows a real sense of imagination.

I am really excited to see how over the course of the next several days our Republican colleagues will give us an opportunity to understand how this works.

We are turning this process upside down. We are turning it upside down and inside out, and taking what is a very simple, streamlined process that has worked for 200 years and turning it into an absolute nightmare, a paperwork jungle, the likes of which is going to take more forests than we can count to produce one appropriations bill.

I hope we are into recycling because you could take one appropriations bill and print several Bibles the next year. I mean, it is going to take a long time for us to consider the enrollment potential here for each and every one of these items to go on to the President. The one thing it will do is keep the President in the White House. You will not see him going out making many speeches because he is going to have to do a lot of signing here, and with each

signature, we have an opportunity to come back and have a free-for-all when it comes to considering each one of these items, one by one, as separately enrolled bills.

Mr. President, I am concerned about that, obviously, and I will not belabor the point today, but we will get into this again later on.

I am also concerned about another provision of this approach. We are not just dealing with the impracticality here. What troubles me is that we would be putting the power in the hands of the minority, requiring one-third of one House of the Congress to sustain a veto over any one of these provisions. This Congress is run by majority rule. This Congress has worked well under majority rule for a long time. We have for purposes of closer examination the right to filibuster, and both sides of the aisle have defended their right to extend debate on many occasions. Democrats have used it most recently, but we have all had that opportunity.

Do we really want to go even further than that and lock into law for all perpetuity the right of even a smaller minority to hold hostage every one of these public laws, every one of these specific line items? Do we really want one-third of the Senate to keep us from doing our work in a meaningful way? Why would we want to do that? Why would we want to require that supermajority on something with this kind of complexity?

Mr. President, I hope that as we consider the propriety of all this, we also understand how important it is we not just limit ourselves to appropriations here.

I could be accused of making the other side of the argument here, but I am going to do it anyway because I think that what is fair is fair. If we are going to do this, what I do not understand—and I guess the only thing that the Republicans may be able to give as an answer to why we are limiting this to appropriations is at least we would save a couple of forests if we did not get into other scope questions like taxes. We would not have to cut down all the trees of South Dakota to produce a tax bill. But I believe a tax bill ought to be subject to the same review. I believe a tax bill ought to have the same opportunity to be considered—but certainly not like this.

Certainly if our Republican colleagues argue that review is good, I do not understand why they say review of tax provisions is not good. That just defies my ability to respond. I understand why we would want to review appropriations. I am not sure what the position of our colleagues on the other side would be on entitlements. I personally would have no objection to that. But I do believe that if we are going to look at all spending, we certainly ought to look at tax expenditures as well. We ought to be looking at tax breaks just like we are looking

at those unique little deals that we put in appropriations bills.

As I understand it, our Republican colleagues, if they are willing to do anything, are willing to only put in tax breaks affecting fewer than 100 people. Do you know how many tax breaks that actually includes? What they want to do is exclude most every consideration of tax legislation for reasons that are not entirely clear.

As the majority leader has said, this is not the first time we have debated this issue. This separate enrollment proposal came up in 1985. It was 10 years ago. I do not know if it had any more consideration in 1985 than it has had in the committees in 1995, but I do know that it was the subject of a great deal of debate. In fact, a successful filibuster was led at the time by the chairman of the Appropriations Committee, Senator HATFIELD, who, coincidentally, is chairman again.

At that time, Senator HATFIELD described it as "one of the most dangerous proposals that has come before this Senate in my 19 years." He called it "a mad piece of legislation," which he took great pride in having stopped. Senator HATFIELD eloquently described what would result.

General appropriations measures might be converted into literally hundreds of separate bills.

True to his conservative nature, he was not as literal as I was. I think it is thousands.

The President would be swamped with paper and would have difficulty keeping track of things. . . . We should be equally concerned that legislative intent may be completely overridden when items intentionally linked and sequenced together are enrolled.

That was Senator HATFIELD. That was the chairman of the Appropriations Committee in 1985. Senator HATFIELD, as he always is, was eloquent, perceptive, and, thank goodness, successful in bringing this Senate to its senses in dealing with this exact proposal 10 years ago. Sometimes, it takes more than once to kill a bad idea. But this is a bad idea. I thought it was killed 10 years ago, but it has reared its ugly head apparently, and we are going to have to deal with it again. But I hope the same vision and the same commitment and the same appreciation of the magnitude, the enormity of the problem, will be just as evident as we debate the issue this time.

During that same debate, my friend and colleague, Senator HATCH, now the chairman of the Judiciary Committee, stated that the separate enrollment approach "is not good constitutional policy." Even the Clinton administration has expressed concern, and obviously the President, as I said earlier, has been very supportive of the line-item veto. But if I were the President of the United States, wondering how I am going to spend my time most productively, I would have to ask: Is this how I wish to do it?

I do not know how strong his hand is, but I have to say he had better have a

very strong hand if he is prepared to sign into law 1,700 or 1,800 individually enrolled items each and every time we send an appropriations bill to the President.

Walter Dellinger, the assistant Attorney General, has written,

We have not been convinced of the constitutionality of this approach in the past. . . . and we continue to question its validity.

Questions arise because the Constitution is very clear on how the veto process works. Article I, section 7, reads in part:

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated . . .

That is what the Constitution says, that the President of the United States, if he approves it, he will sign it, but if not he will return it, with his objections to that House in which it shall have originated.

How do you return a bill when it has been broken into 1,800 pieces? How can we constitutionally ensure we are living up to the letter of the law when we are now going to require the President to put a jigsaw puzzle together when it comes to signature, to figure out which pieces he signs and which he does not as separate enrolled items? It does not say he shall sign those parts he approves. He must approve it all or nothing.

So this proposal seeks to bypass that very clear requirement by the subterfuge of allowing the Clerk of the House to take apart every appropriations bill and re-enroll it into separate bills to present to the President. The Constitution grants no such power to Congress. It clearly says, "Every bill which shall have passed the House of Representatives and the Senate . . ." Little bits of legislation enrolled separately are not what have passed the House and the Senate.

So, the other side is proposing changing the current process—rather than sending a single bill down as the Constitution requires. It is a very simple process that our forefathers understood, that frankly works in 43 States—no other State has ever tried this, by the way.

Mr. President, 43 States have tried this. This works. This is something that Governors understand. Line-item rescissions work.

States do not try this. This does not work. It is impractical. In fact, I would go beyond that, it is really a crazy notion that somehow we could take one bill with every individual line item and page after page after page, and enroll those separate things and put them on the President's desk stacked this high every time we send an appropriations bill to the President.

We will have a lot more time to talk about this next week, but I hope those who may be listening to this debate

can appreciate the enormity of what our colleagues are suggesting here, the impracticality of what our colleagues are suggesting, the problems it has, not only for appropriations bills, but for any bill we may want to send to the President.

I hope they understand, too, that what the Republicans are saying is they are unwilling to subject, to this or anything else, most tax provisions. They do not want to do that. Then, on top of it all, they want to say we are going to give the power to a minority in a minority to respond directly to the President's specific line-item vetoes. We are going to hold ourselves hostage to a very small minority within the Senate.

We cannot do that. That is what this debate is all about. It is not a debate about a line-item veto. It is not a debate about whether we ought to review things and give a second look to those items the President holds out to be of dubious nature. It ought not be a debate about whether we limit this to appropriations or to taxes. Everything ought to be on the table.

I hope it is going to be a good debate about whether we ought to have majority rule or not. I hope it is going to be a good debate about what ought to be the most practical way we can have a line-item veto. That is what we ought to have the debate about—not separate enrollment. Not something that is as amazing to me in its complexity as anything that I have had to deal with in 16 years.

We will have a good debate about this, but I hope everyone understands it would not be necessary—I think the vast majority of our colleagues could come to an agreement this afternoon—if there was a true, bipartisan spirit on how we take up line-item veto, how we address these issues in a meaningful way.

If we are accused of holding anything up I will stand ready to be accused of trying to do what we can to bring people to their senses before we do something as crazy as this.

I hope we can pass meaningful line-item veto legislation. If we do something like that, then I am convinced we are going to get a broad consensus and not much debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I appreciate the remarks of the minority leader. I would like to take this opportunity to respond to those remarks.

First of all, let me say it is very welcome news to those of us who have been advocating the line-item veto and attempting to get it passed for the last decade—it is very welcome news that the minority leader comes to the floor and says he supports a line-item veto, the concept, anyway. It is very welcome news he announces on behalf of the Democrats that, as he said, most Democrats, including himself, support line-item veto. That is welcome news

because that has not been the case in the past.

The minority leader stated that the overwhelming majority of the Democrat members of the Budget Committee, the committees that considered the line-item veto, supported the line-item veto efforts. That is not true either.

S. 4, the bill we are debating now, offered by Senator MCCAIN and myself, received the support of only one Democrat on that committee and that was to report the bill out without recommendation. It was not an endorsement of the bill. It simply said we do not feel so strongly about it that we want to endorse the bill, but neither do we want to hold it up, so it was reported to the Senate floor without recommendation, either for or against it. It is the only way Republicans could get the bill out of committee. So we had to provide Republican support in order to get that accomplished because only one Democrat supported that.

On S. 14, that is also news to us. It has just been recent news that the Democrats now support that, because only two members of the committee voted to report that bill out without recommendation.

It is also ironic that for the past several years, as this Senator and Senator MCCAIN have time and time and time again offered the line-item veto to the Senate—and we had to offer it as amendments to other legislation because the then-Democrat majority leader refused to bring it up, and the then Democrat-controlled committees refused to report it out—we, time and time and time again offered it as an amendment for consideration by this Senate. And of course it failed time and time and time again because we were unable to secure the necessary votes—not from Republicans but from Democrats. In 1993, on March 10, on Senate vote No. 27, the McCain amendment which Senator MCCAIN and I offered, only five members of the Democrat Party voted with us. And we lost that vote by a vote of 45 for and 52 against. Senator FEINSTEIN, Senator GRAHAM of Florida, Senator KOHL, and Senator ROBB voted with Republicans. Senator SHELBY voted with Republicans. He was then a Democrat. We have since welcomed him to the Republican Party.

So, to make the assertion that the Democrats have always been for this and surely we can get together and come up with something just flies in the face of the facts, not only with regard to past history but also with regard to this current attempt to achieve a line-item veto.

It is only just in the last couple of days that we have seen a renewed interest in the line-item veto on the part of our friends across the aisle. We welcome that, and we trust and we hope that it will lead to the passage of a line-item veto that truly changes the way that this Senate and this Congress do business.

As the majority leader said just a few moments ago, the House of Representatives, in bipartisan fashion, overwhelmingly passed the version that Senator MCCAIN and I have offered with modest modifications. Overwhelmingly they passed it, achieving 290 votes for and only 135 against, and that obviously included a significant number of Democrats that supported that effort. So all we are really asking our Senate colleagues, the Democrats, to do, is to join their colleagues in the House of Representatives in giving us the necessary votes to achieve line-item veto.

I think equally telling here is the fact that some of the most vocal opponents of line-item veto have been absent from this debate.

We were promised a vigorous filibuster. It has not occurred yet. We hope it does not. We hope we have a genuine debate on this issue. I think the Senate deserves that. But there really has been very little, and so far only token, opposition to the attempts by this Senator and by Senator MCCAIN and others to debate this issue. There has been very little opposition to that effort. We hope that this is a positive signal that we are truly forming a consensus in support of the line-item veto.

Mr. President, the minority leader also said that he hears that Republicans are trying to put together some new concoction. Having expressed his concerns about our current proposal, things he does not like about it, he says now they are trying to put something new together. He called it a "new concoction." It makes me ask the question. What does the minority leader want? He does not like our old concoction, the one that has been before this body and debated. He listed his reasons why he does not like it. So while we are attempting to put together a new proposal, he says now suddenly behind closed doors the Republicans are trying to put together a new proposal. My question is, Where does he want us to go? Does he want us to stay with the old one, or does he want us to go to the new one?

Let me tell you why we are proposing a new one. Because some of our Members have suggested, I think rightly so, that we take the basic heart and core of the McCain-Coats proposal and we expand it so that its coverage includes more areas of spending and more areas of past congressional abuse of the spending process and puts more elements of the budget under the scrutiny and under the authority given to the President under this line-item veto proposal. That is good. The more we can bring in and the more we can highlight the abuses of the process, whether it is appropriations or whether it is tax expenditures, the better off we are.

In almost the same paragraph, the minority leader says that the enrollment process—which is taking the appropriations bills and separately turning each line-item, so to speak, into a separate bill, is something that should

not be followed. Yet some very prominent Members of his own party are the ones who have proposed this, and there is a historical record for that. The Senator from South Carolina, Senator HOLLINGS, has been a proponent of this new concoction. He has been so for more than a decade. Senator BRADLEY in the last Congress offered the separate enrollment procedure. It was supported by Republicans, and by a number of Democrats under Senator BRADLEY's leadership. Senator BIDEN, chairman of the Judiciary Committee, has offered it.

So this new concoction is not a new concoction. It is a method used to try to attempt to give the President line-item veto authority to curb the excessive spending of Congress that has been proposed by some of the most prominent members of the minority leader's own party. It has been talked about and discussed since 1985. So there really is not a whole lot new about it.

The minority leader's suggestion that the substitute that we are looking at does little to restore the President's authority to withhold spending, which he enjoyed prior to 1974, needs to be discussed. At that time, Congress decisively grabbed the absolute power of the purse. They were reacting to then-President Nixon's impoundment power. They said under the Budget Act the President no longer could impound funds. He now may only propose rescissions.

That is exactly where the minority leader wants to take us back to. The so-called Democrat alternative that the minority leader says the Democrats will introduce, and that ought to be the bill we put on the President's desk, has very little teeth and cannot be in the same breath called a line-item veto because it is not a line-item veto. A veto is two-thirds. A veto requires more than normal to override the President's decision. It requires a two-thirds vote to override the President's decision.

We want to make it tougher to spend the taxpayer dollars, not easier. We do not want to just keep the same level of requirement necessary to pass legislation. But what the minority leader proposes is that we simply endorse—require the same number of votes to continue the spending habits of Congress as the spending measure received in the first place. How does that make spending any tougher? Under the current process that is used by this Congress, we have a dismal record. The President sends up his rescissions, but they are never enacted, or very few are enacted.

In 1976, 86 percent of the President's suggestions to rescind moneys that Congress appropriated but he did not think was necessary to spend—86 percent—was rejected. In 1983, 100 percent of President Reagan's suggestions about unnecessary spending were rejected by the Congress. In 1986 and 1987, 95 percent and 97 percent respectively.

So the minority leader's suggestion that we are somehow going to eliminate pork barrel spending, that we are somehow going to dramatically change the way the Congress now does business—a process that so upsets the American taxpayer—that will not happen under the minority leader's bill. The truth is that that proposal is endorsed by those who basically want to continue the status quo. It has very little change in it. As history shows, very little will change under that procedure. If we want to get at the egregious abuse of the spending power that Congress now currently has, we need to make it harder to spend. We need to give the President some authority to highlight and to spotlight the abuses of Congress. We need to do something that will give us fiscal discipline.

It was Harry Truman, a Democrat President, who wrote that, "One important fact in the Presidential veto power, I believe, is the authority to veto individual items in appropriations bills. The President must approve the bill in its entirety or refuse to approve it. It is a form of legislative blackmail."

That is exactly the issue we are dealing with here on the line-item veto. The legislature which has the power of the purse blackmails the President. It blackmails the President because it sends to him massive appropriations bills, massive pieces of legislation in the form of continuing resolutions, which contain important have-to-pass items in order to continue the functions of government, in order to provide flood relief, as in the case of California, or hurricane relief for Florida, or to provide needed defense spending to cover contingency operations, or to provide for the efforts such as those we undertook in Desert Storm and Desert Shield, things that Congress knows the President has to sign. Those are the bills which receive all the little goodies, all the stuff that appears later in Reader's Digest and on the nightly news. And the taxpayers not only scratch their heads in bewilderment saying, "How in the world do you think that is an appropriate expenditure of my hard-earned dollars?" But they shake their fist in rage at this institution, and thankfully went to the polls on November 8, 1994, and said, "Enough. We are tired of the rhetoric. We are tired of the promises. We are tired of the same old 'same old'. We want a change in the way you do business. We want something that has teeth in it. We want something that will make a difference. We do not want some fine little tuning of the way you have been doing business for the past few decades that we know will not result in any dramatic difference. We want action. We want bold action. We want dramatic action." And that is the line-item veto. That is why we are proposing the line-item veto.

The minority leader also talked about the complexity of the enrollment process. He put up the fancy charts.

This is the age of the fancy charts. The Republicans have used them also. That was a concern of ours, frankly; take a piece of legislation, and you say, "Now you will have to break this down into separate pieces of legislation for each item that the bill itself specifies for an expenditure."

How is that process going to work? Is not that going to just complicate the process beyond imagination? Is it not going to just require hundreds of hours of the work of dozens of clerks to begin to keep up with the process? We were concerned about that.

So I called up the enrolling clerk of the Senate and asked if I could go down and speak with him about it. I asked if he could show me what was involved. The minority leader, I believe this morning in his news conference, said we are going to have to drive Mack trucks up to the White House in order to carry the paperwork created by the complexity of the enrollment process. So I went down and talked to the attending enrolling clerk and asked him about it. He smiled and said, "That is what it would have been in the past." He said, "Because we would have had to probably detail some people over from the Government Printing Office and we would have to sort of set up a back room operation." It was a mechanical process. But he said, "You know, this is not the age in which we have to do things by hand any more."

All the Senators have these quill pens at their desks. It is a kind of anachronism. Nobody ever uses them. But it is a reminder of the way the Senate used to do business.

We have an inkwell here and a little powder to dry the ink. It is just one of those holdovers from the past.

But, lo and behold, the computer age has also reached the U.S. Senate and the U.S. Congress.

So the enrolling clerk pointed to a machine about 18 inches high and about 24 inches wide, a computer sitting at his desk. It was a Microcomp printer. Then he pulled out a little disk called the Xywrite software package.

He said, "This is especially designed for the enrollment process. All I do is take this disk and put it in the computer." He said, "What used to take days and days and days and days and dozens and dozens of people now is done in a matter of minutes or a matter of hours."

That is something that some of our generation have a hard time understanding. Our kids understand it. They start learning that in elementary school. My kids are as familiar with the computer and as unintimidated by the computer as I am by the telephone or sitting down and writing a letter. It is just second nature to them.

And so the Senate is caught up with the information age and the Senate enrolling clerk and the House enrolling clerk, which also has the same system. It has a Pentium hard drive, by the way. We did not buy the defective Pentium chips. Ours work beautifully.

And, as the enrolling clerk told me, "It is at least 1,000 times faster than the old system. It is state of the art. They can now do in an hour or 2 what used to take days."

"In fact," he said, "it will be easier and faster to separately enroll an appropriations bill with today's technology than it was to enroll a single appropriations bill 5 years ago."

Then I asked him to do a trial run. "Yes," I said, "OK, good. Mechanically we can do that. But isn't it just going to pour out reams and reams and reams of paper? Aren't we going to have to back a truck up to the Senate in order to cart it down to the White House? Isn't the President just going to be overwhelmed with what we dump on his doorstep?"

So I said, "Would you take the largest bill that we passed in the last Congress"—which was the Commerce, Justice, State, and judiciary, and related agencies appropriations. Here it is. It is about maybe an inch thick. This is the most comprehensive bill that we passed.

I said, "If we had to take this and separately enroll it"—now, if you look at the minority leader's chart, you would come away with the conclusion that this was going to be an absolute nightmare, and it would, as he said this morning, take a Mack truck to cart it down to the White House.

So here is what it ended up being if it is separate enrollments. It is a pile of paper. But it would fit in my grandson's Mack truck. He has a little Mack truck, a little miniature Mack truck, and it would easily fit in the back of that.

So visions of massive 18-wheelers backing up to the enrolling clerk's office and detailees from the Government Printing Office shoveling bushel baskets full of paper on the back and dumping them on the front lawn of the White House are slightly exaggerated.

This is what we are going to send the President instead of this.

But, in doing so, guess what is going to happen? All the little pork-barrel stuff, all the stuff we discover months later—half a million dollars for the Lawrence Welk boyhood home restoration, money for the grant that went to study the well-being of America's middle-class lawyers.

Boy, that one went over well with my constituents. They were really interested in the well-being of America's lawyers. They thought that was a terrific expenditure of their tax dollars. All the studies for the reproduction of the South American bullfrogs, the money that went to fund a school in France—all the little stuff that adds up to billions and billions of dollars, sometimes tens of billions of dollars, all the stuff we hear about months later that are tucked into these bills, they are each going to have their own separate page.

The President is going to be able to say: "That looks like something someone slipped in in the dark of the night,

thinking that I have to pass this bill and so I will sign it and it will slip through. I think I will just take this red veto stamp"—"veto"—"and send it back."

And here is another one, a funding memorial or a tribute for maybe a former Member of Congress or somebody that needs a special favor back home. "I think I will veto that one."

What is going to happen is that the light of exposure is going to be shined on the darkroom, the backroom, late-at-night practices of the Congress, which slips this stuff through in all these bills that they know the President has to sign.

Then it is going to be sent back to the Congress. And when it is sent back to the Congress, if the Member that slipped that in there wants it for his district, he is going to have to bring it to the floor and he is going to have to stand up and talk about it. He is going to have to convince two-thirds of the Congress that the President made a mistake or that the President was wrong in vetoing his particular item. The press is going to be able to write about it. Each Member who votes on it is going to have their vote recorded on that item.

No longer will we be able to go home and say, "Well, that was for funding of the judiciary and for the Commerce Department and for the State Department. As you know, there is a crisis in 'Xcelania' right now and, by gosh, if we cut off their funds, we might not be able to solve that problem." Or, "I had to vote for that. I did not realize that one of my colleagues slipped something in there. I certainly would not have done that had I known that." Or, "Even though I knew there might be some stuff in this, it was so important that we get that funding for this emergency"—as we just passed the emergency supplemental. That was another one of those trains. That was funds for our military expenditures in Haiti, Rwanda, and Somalia. A lot of us here did not necessarily support those decisions of the President, but once our troops were there, the money was spent, and we had to pay for it somehow. So that was an emergency.

And so Members go home and say, "Well, I could not jeopardize that funding. I could not shut down functions of the military." And that is what you have to accept if that is what you are going to do.

That practice ends because the emergency funding can go forward, the essential funding can go forward. The funding for needed functions of Government can go forward, but the little line-item stuff that adds up to billions of dollars gets kicked out, and the President does not have to accept or reject the entire bill.

That will do two things: One, it will give the President a check and balance against the abuses of spending by this Congress. It is a practice everybody here worth their salt knows how to do. We are probably all guilty of it. It is

time it stopped. We ought to do this to save ourselves, if nothing else. It is time to stop. Now is the time to stop, and to stop real legislation, not with the same number of votes it took to pass it in the first place, but a veto, a real veto, that has teeth in it, a veto that will make a difference.

So, we are going to save billions of dollars because the President will be able to veto that stuff out. But the other thing is, what we will save is an amount of money nobody can calculate because it will change the spending habits of Congress. Members are no longer going to say, "I will carry this list around and when I see a popular bill go through I will slip it in and get something for the special interest folks," or do a favor for a friend, or do a favor for a lobbyist, or do a favor for a special interest. We will never know the amount of money we save for items that will not be put in these new bills for fear of exposure. Because the President has the line-item veto, it will change the way we put the bills together in the first place. Members will say, "I will not slip that one in because I do not want to suffer the potential embarrassment of the President vetoing that particular item."

Mr. President, we have a lot to debate today and Monday and next week. The minority leader says, "Why do we want to put the power in the hands of the minority—one third?" I think it is the other way around. I think it is the other way around. I think we want to put some power in the hands of the two-thirds that will require two-thirds to overturn a check and balance against the spending abuses of this Congress.

In answer to why, why do we need to do this? A \$4.8 trillion deficit—that is why; a Congress that refuses to make structural changes in how it does business. We rejected, to my great dismay, the balanced budget amendment, which I think was a change in the status quo and a change in the way we do business. It was absolutely essential to our ability to get control of spending.

This is the second tool. Will this balance the budget? No. There is not one Member who supports the line-item veto who contends that it will balance the budget. We keep hearing that argument. People still think it balances the budget. No. It is a poor second to the constitutional amendment, but at least it is a second. It is a second way, a second tool.

I cannot imagine why Members would want to first defeat a balanced budget amendment, then second say, well, we are not going to do anything else except we will summon up the will. We have not summoned up the will in 40 years for this budget. And we have seen all kinds of promises and commitments to do that. It just did not happen. The debt mounts and the interest mounts and now we are at \$4.8 trillion and growing.

We will show how the enrollment bill that we will present is constitutional.

Presidents throughout time have asked for the line-item veto. They were not afraid of our having to bring a bigger bill down. Recent Presidents have all asked for it, and this President has asked for it. We are tired of having to pass bills that hold the President hostage. It is not Congress that is held hostage to the minority, it is the President that is held hostage to the Congress, as Harry Truman said, black-mailing him, take it all or nothing.

It is clear that under article I, section 5, each House of Congress has unilateral authority to make and amend rules governing its procedures. Separate enrollment speaks to the question of what constitutes a bill. It does not erode the prerogatives of the President as the bill is presented. Under the rule-making clause, our procedures in defining and enrolling a bill are ours to determine alone.

Mr. President, I know others are waiting to speak. I will save some of my arguments relative to the constitutionality of this for a time when there is a break in the process. I note that the Senator from Wyoming is on the floor. I am happy to suspend at this point. If we have additional time, I will pick up from there. The Senator from Alabama is waiting to speak.

Mr. President, let me first ask the clerk how much time remains on each side?

The PRESIDING OFFICER. Nineteen minutes for the Senator from Indiana and 46 minutes on the other side.

Mr. COATS. Mr. President, I yield 5 minutes to the Senator from Wyoming.

Mr. THOMAS. Thank you, Mr. President.

I want to address these issues. When we are in prolonged debate, one could say everything has been said. We go on because everyone has not yet said it. Nevertheless, this is an issue that is very important, and we do need to have a process in which the issue will be brought fairly to the Senate for the Senate to act upon.

Let me talk just a little bit in more general terms. The gentleman from Indiana has spelled out very eloquently and very completely the detail of a line-item veto. It is not a new issue. It has been talked about for years.

It was talked about, as a matter of fact, in developing the Constitution. Many constitutional scholars from time to time have argued that there is no need for a line-item veto; that, in fact, the language of the Constitution provides that. Unfortunately, the Court has never agreed to that idea even though it clearly does give the President the opportunity to return bills to the Congress.

So it is not a new issue. Neither is it a new issue in terms of having been tried. It is done in many States. It is done in my State of Wyoming, and done very successfully, I might add. From time to time, the legislature overrides the Governor's veto. More often, I suppose, they do not. I suspect that that is an indication that that ele-

ment of the bill should not have prevailed.

We are really here to talk about change: change in procedure and change in structure, structure in the operation of Congress, that will result in changes in the product of Congress.

I think the most compelling truism is that if we as citizens have not been happy with the performance of Congress over time we cannot expect any different results if we continue to do the same thing.

If there was one clear message that came, certainly, from this past election, it was that people wanted change, wanted structural change, wanted procedural change. Now we have an opportunity in this Congress for the first time in a very long time, an opportunity to rethink some things, an opportunity to look at new ideas, an opportunity to actually do some of the things that have been talked about for a very long time.

There is reason to do that. We have had a history in recent years of continuing to simply do the same thing, and the Congress would appropriate more money to show that, if we had more money, we could cause it to happen. The fact is, that many of the programs have failed, are failing. Welfare—welfare is not doing the thing that it is designed to do. Welfare is designed to provide help for the needy, to help them get back into the marketplace. It is not doing that.

How many years have we had a war on poverty? And the fact is that poverty is more prominent now than it was when we started the war.

These programs are failing. Financial responsibility—certainly one cannot look at the size of Government, one cannot look at the deficit and suggest that the effort for financial responsibility has been successful. It has not. Pork barrel? Of course, we have pork barrel.

So we need structural changes, and this is one of them. There were several and they are talked about often because I think they are very important and should, indeed, be talked about: Balanced budget amendment, the proper thing to do. And really, there are a lot of details one can go through but you really start with the basic question. In that instance, the question is, Is it morally right, is it fiscally right to balance the budget, to not spend more in outlays than you take in, in revenues? And the answer is almost unanimously yes, of course, it is right.

Then you deal with the issue of how do you accomplish it, how do you get there. Unfunded mandates—something that has been needed for a very long time—has finally been accomplished, not as thoroughly as some would like, but, nevertheless, accomplished, and very important. If we are to begin to downsize Government and to begin to shift some of the responsibilities to States, there needs to be the protection against unfunded mandates.

Accountability, it is almost unbelievable that the Congress had a bill saying Congress has to live under the same laws as everybody else. I cannot believe that has not always been true, but it has not.

Line-item veto is a structural change that needs to take place. It is not going to balance the budget, of course, but what it is going to do is to change the way we look at budgeting. It is going to give the President—by the way, he is really the only political person that has a broad enough base to reach into bills and veto things that should not be there.

I guess my greatest example is in the House, when we had a highway bill, a highway bill that everybody wanted to pass, of course, everybody wanted it so we could go forward with the highway program, and in it was the Lawrence Welk Museum, half a million dollars for the Lawrence Welk Museum. Never would it have passed on its own merits. Had it been an individual bill, it never would have passed, but we had no way to reach in and get it.

I told that story, by the way, in a speech I made in North Dakota. That was the wrong place to do it. They were sort of excited about having that. In any event, we should have a way to deal with those, and that is what this is all about.

So, Mr. President, there will be a great deal of discussion, and there should be. There will be a great deal of talk about details and alternatives, and there should be. There can be alternatives, but the fact is there is a principle involved here, and the principle is to change the structure so that we can have a line-item veto to help balance the approach to financing and to budgets.

I rise in strong support for passage of a line-item veto. I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COATS. Mr. President, I thank the Senator from Wyoming for his statement and his support and contributions as a new Member of the Senate. He certainly brings a perspective from the grassroots, having just spent a great deal of time in the cafes, marching in the parades, and talking with the people where they live and work. He brings that perspective, and we certainly appreciate his support.

Mr. President, I inquire how much time is remaining.

The PRESIDING OFFICER (Mr. THOMAS). The Senator has about 11 minutes under his control.

Mr. COATS. Mr. President, I yield 7 of those 11 minutes—I believe we have one other speaker coming to the floor—to the Senator from New Hampshire, and I believe the minority side on this issue has agreed to allow him an additional 10 minutes of their time.

The PRESIDING OFFICER. The Senator from New Hampshire has 7 minutes.

Mr. SMITH. Mr. President, I ask unanimous consent that I may speak

for an additional 10 minutes from the minority side. This has been agreed to by the minority side.

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

Mr. SMITH. Thank you, Mr. President. I thank my colleagues on the minority side, as well.

Mr. President, this has been a very interesting debate, as we have heard from the other side. The same arguments that had been used by our colleagues on the balanced budget amendment are now being used against the line-item veto.

This debate is really the same. The players are the same. The issues are essentially the same. No one expects that we are going to balance the Federal budget with a line-item veto. But if we are going to ask people on Medicaid or Medicare, or some other program, to take a hit to help us balance this budget, surely we can start with some of these ridiculous projects that we find tucked away in these appropriations bills. I am going to talk a little bit about that.

First, I want to commend Senator MCCAIN and Senator COATS for their leadership. They have been tenacious in the pursuit of this legislation for a number of years. I am pleased to be an original cosponsor of S. 4, the Legislative Line-Item Veto Act of 1995. I hope that we will pass it. We fell short on the balanced budget amendment, but I hope that at least we can pass the second-best effort, which is the line-item veto.

I am not surprised really that many of the same forces that lined up against the balanced budget amendment are also now seeking to kill this, because they are defenders of the status quo. They want to see things remain the same. They want to keep on spending, providing more pork for their States. Their addiction to wasteful spending has created a budget deficit crisis that makes these countermeasures so necessary.

But in seeking to defend the status quo, the opponents of the line-item veto legislation often cite the checks and balances in the Constitution that give the authority to Congress to appropriate the money, the power that is checked by the authority of the President to veto appropriations bills.

They say they want to preserve this balance of power between the legislative and the executive branches. Of course, that is an excuse. The Founding Fathers never imagined—never even imagined in their wildest dreams—these massive spending bills, often containing core unnecessary spending that is then larded with layers of pork. They never expected that.

This is a process that has been built up over the years by the legislators and the legislatures, especially in recent history, to help them pass things that would not pass if that Congressman or Senator had to stand out on the floor and advocate that kind of a ridiculous expense. They could not face their con-

stituents to do it. They could not face the voters across the country to do it. So they tuck it away in these appropriations bills.

That is why we need the line-item veto. The President can make that choice between shutting that program down or signing it. He is the President of all the people. It is easier for him to do it than some Congressman or Senator who may not have the courage to do it.

So, basically, the President is, in effect, without the line-item veto, faced with an all-or-nothing ultimatum. So we get an emergency earthquake relief bill, and it is amazing the number of things you find tucked away in the emergency earthquake relief bill. There are things in there for sewers in Chicago. And we also see dire emergency for natural disasters. There was a \$1.3 million add-on to train attorneys at Drake University in that. The district of then House Chairman Neal Smith in Iowa had some interesting things. So it is crafty wording. It is slick, it is easy; it is done in a back room somewhere and nobody ever finds out about it. And that is the bottom line.

As Senator COATS has said, they go back home and they say, "Gee, I voted for emergency earthquake. I didn't know that was in there." Of course, they knew it was in there. Of course, they did. That is the whole issue.

Let me give you an example. Sometimes, after looking at the minority leader's charts—he showed these very, very complicated charts, as if to say this somehow is going to be so much work for the President, he was not going to have time to get out of the White House. He was not going to have time to do anything except sit at his desk and deal with all of these measures that are coming down.

Well, first of all, if we pass the line-item veto, there is going to be a lot less of the stuff put in the bill in the first place. That is for sure.

Second, if the President and the Congress have to spend a little more time on these things, on the appropriations of the taxpayers' hard-earned dollars, so be it. That is the way it ought to be. If the President has to take a little less time running around the country somewhere and a little more time saving the taxpayers' dollars, so be it. If the Senators and Congressmen have to spend a little more time taking care of the taxpayers' dollars instead of running around the country somewhere, so be it. That is the way it ought to be. That is what we are here for.

Now, this was very complicated. I was in the chair at the time watching the charts that the minority leader had up there, but let me make it simple for those of you out there who are wondering just what this is all about and why we are trying to pass this thing called a line-item veto.

There are many things in a bill. Sometimes we call it an omnibus bill. These are huge, and they are loaded

with items, and most of us do not read it. It would take us forever to read them all. But the problem is things get tucked in there that do not belong.

Here is a very simple example to make you understand. We have all been to the supermarket. We go to the supermarket. We take the kids along. They are traveling along behind us, and we are pushing the cart. We decide that we are going to get the essentials today. We are going to get a loaf of bread; we are going to get some milk, maybe meat and potatoes, the essentials, whatever we are going to have for dinner that night or that week. They are the basics. We know what the budget is and what we are going to do.

What are the kids doing? They are trailing along, and while we are picking up the loaf of bread, they are over there picking up the Reeses candy or the box of Cheerios and tossing them into the cart while we are pushing it along, and we are taking them out and putting them back because we do not want these things. We do not want our kids to have them; these are the goodies, these are the add-ons.

That is exactly what these bills are. We push through the bill, and all these Congressmen and Senators are loading it up, hoping that Mom and Dad are not going to take those things out, and when they get home they will have the cookies and candy, or whatever else they want.

That is exactly what is happening. That is the best way I know to explain exactly what is going on.

Now, when we look at some of these examples, in 1995, this year, there is a study called the "Congressional Pig Book," and I suppose a good analogy would be to say there are a lot of things piggybacked on these bills.

Now, it is interesting, in these 88 projects that are highlighted in this pig book, what are the criteria to decide whether this is pork or not on these fiscal bills? Well, if it is only requested by one chamber of commerce, if it is not authorized specifically, if it is not competitively awarded, if it is not requested by the President, and it exceeds the President's budget request or previous year's funding, and it has not been the subject of hearings, I say it is pork. I do not care how good or bad the project is.

There are many, many good projects that get put in here. That is not the issue. Should they be in there, in this particular bill? Should a sewer in Chicago be on an emergency earthquake relief bill in San Francisco? I do not think so. I do not think that is honest. I think that is dishonest.

Now, when we look somebody on Medicaid in the eye and we say, you know, we are all going to have to bite the bullet; we have a \$5 trillion debt; it is going to be \$6.5 trillion under the President's budget in the next 5 years, and it is going up—not down, up—we look those people in the eye and we say everybody has to pitch in, well, when I do that, Mr. President—and we are all

going to have to do it if we are going to bite the bullet here and balance the budget—I do not want to have to say to that elderly woman or gentleman who is desperately in need of something that we may have to reduce a little bit, well, you know what, I am going to cut you, but we are not, Congress is not going to take these kinds of things out: \$93,000 added in conference for the National Potato Trade and Tariff Association; or \$294,000 for regionalized implications of farm programs; or \$119,000 for swine research at the University of Minnesota; or \$8,783,000 for miscellaneous projects in the State of Arkansas, including a rice germplasm center in Stuttgart, AR; or \$1,184,000 for an alternative pest control center at the University of Arkansas; or \$946,000 for alternative pest control in general; or \$624,000 for increased staffing at Fayetteville, Stuttgart, Bonneville, and Pine Bluff for forestry.

I do not want to have to look those people in the eye and say we are funding that, and that this Congress does not have the courage to take those items out. Not this Senator. I do not want to have to do that. I wish to say, yes, we are going to have to take these hits because it is our children who are going to lose, not us. You will get your benefits. It is our children who are going to lose. And I do not want this stuff funded. If you are going to fund it, if you want to come in here and say you want \$950,000 for the Appalachian Soil and Water Conservation Laboratory, then come down on the floor of the Senate and fight for it after the President vetoes it. Tell the American people you want it, and it is in your State, and why you need it. And if you get the votes, you can have it. But come down here and talk about it, fight for it, if you think that is important, if you think that is more important than Medicaid or Medicare or national defense or cleaning up a Superfund site. If that is more important, come down here.

If you think \$200,000 for Appalachian fruit research is more important than national defense or cleaning up a Superfund, come down here and fight for it. Come down here and say, Mr. President, I am sorry you took that out. You should not have vetoed that, Mr. President. I want that \$200,000 for fruit research. That is important. By golly, that is more important than anything else you have out there, and I want it.

Go ahead. Come down here and fight for it.

How about \$11 million for an Estuarine Habitats Research Laboratory in Lafayette, LA? How about this one: \$1 million added in conference last year for construction of Mystic Seaport Maritime Education Center in Mystic, CT. Is that more important than Medicaid? Is that more important than Medicare? Is that more important than giving our troops who are defending us all over the world a 2-percent pay

raise? If you think so, come down on the floor and fight for it.

That is what the line-item veto does. That is why it is being fought over here, and that is why we are running up a debt of over \$5 trillion. That is why we are going to keep on running it up, because they would not pass the balanced budget amendment, and now they are not going to pass this either, because not only do they not want to take the big numbers out, they will not even take the little numbers out, the little projects, because they are all so important to them.

That is why we have this debt, and that is why our children and our grandchildren are going to pay for it and suffer for it. That is what is wrong with this place. That is what the American people voted for on November 8, to change it. But what do we do in the Senate? The "McLaughlin Report" calls the Senate the "killing field"; we kill all the good legislation that passes the House. It comes over here and we kill it.

Well, my colleagues and American people, take a look at who is doing the killing. Watch the votes. Watch the votes.

Now, \$750,000 for Hawaiian fisheries development; \$15 million for the construction of a footbridge from New Jersey to Ellis Island. Do you know where that was? That was on an Interior appropriations bill. That thing comes rolling in here and everybody says, "We can't cut the Interior appropriations bill. We have to pass it. It is an appropriations bill. We will shut down the Government. The Interior Department will not be able to function."

That is exactly why the \$15 million for the footbridge is in there, folks, because they know you are not going to cut it; you are not going to stop it. They know you are going to pass it, and they know the President is going to sign it.

If you have the line-item veto, he can sign the bill and he can take that out, and that is why they are showing you the charts over here. This is why they are complicating the process. What is so complicated about that? The President takes a look at the bill, and he says \$15 million for a footbridge? No. He takes the veto pen out.

There is nothing complicated about that. If it is complicated, good. So be it. It is worth it. That is \$15 million saved for the taxpayers and \$15 million less for the debt.

The national debt is growing at \$7,500 per second—not minute, not hour, per second. Add it up, if you are listening to this debate, at the time I finish speaking from the time I started, and see how much the debt was added to, how much more we added to it.

That is what is wrong with this place. That is why we voted for change. And the status quo is still over here fighting it every inch of the way.

The line-item veto; \$10,912,000 for foreign language assistance. I do not know what that is, foreign language as-

sistance. I could see learning to speak it. What is foreign language assistance? You have to dig in here and find it out. The Senator who put it in here is going to have to come down on the floor and he is going to say, "Boy, that \$10,912,000 for foreign language assistance is critical for our country. The taxpayers have to spend this money, by golly. And if they do not spend it, I cannot imagine what will happen."

And that, again, is what we are faced with. That was on the Labor, HHS, Education appropriations bill. If somebody says we want to cut the Department of Housing or HHS, they will say, "My goodness, I will lose my \$10,912,000 for foreign language assistance."

How about \$936,000 for the Palmer Chiropractic School? Lord knows what that is.

I have nothing against chiropractors. I have used them. But do the taxpayers of America have to fund this?

Last, but not least, from the "Pig Book," the infamous "Pig Book." I encourage my colleagues to take a copy of the "Pig Book" and read it. It is really insulting to pigs, frankly. They are very intelligent creatures, and I think it insults them to use the term "pig" and associate it with this. But there is \$400,000—listen to this one—\$400,000 for Maui algal bloom crisis. Not for Maui algal blooms; there is a crisis out there somewhere in Maui on this algae. So cut the Medicaid, cut the Medicare, cut defense, cut the environment, cut this—and fund that.

You say, "Come on, you are oversimplifying it, Senator."

If I am oversimplifying it, why are we spending the money? There is nothing complicated about it. Contrary to the chart, there is nothing complicated about it. The fact is, if the President had the line-item veto, he could veto it.

I thank my colleagues for listening and thank certainly my colleagues, Senator McCain and Senator Coats, for their strong leadership. I hope the Senate, finally, will conclude that at least second best is better than nothing at all and pass the line-item veto.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I was going to inquire if there were any other speakers waiting to speak. I see the Senator from Pennsylvania has arrived. I might inform the Senator from Pennsylvania there are only 4 minutes left under the time controlled by the proponents of the line-item veto.

The minority has consented to allow 10 minutes of speaking time to Senator SMITH. Since they do not have a speaker on the floor, they may do so for the Senator from Pennsylvania under a unanimous-consent request. Other than that, because we are under a unanimous-consent agreement to quit at 3 p.m., in accordance with the majority and minority leaders' wishes, I regret that is the only time I have available for the Senator.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleague from Indiana.

In the absence of any other speaker on the floor, I ask unanimous consent that I might be permitted to speak for up to 15 minutes. I may use less than that.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. SPECTER. Mr. President, I support the line-item veto and have done so consistently in my 14 years-plus in the U.S. Senate. As I have observed the appropriations and expenditures practices of the Congress as we have run up enormous deficits year after year and have a national debt which is now approximating \$5 trillion, it has been obvious to me that we needed restraints, we needed institutional change in the form of the balanced budget amendment, and that we need the line-item veto to enable the President of the United States to take a look at the budget and to act in the national interest to strike an item, item by item, without vetoing the entire bill.

It has been my legal judgment that the President of the United States currently has the constitutional authority to exercise the line-item veto. I draw that conclusion from learned studies which have been made on this subject. One very prominent one is by Prof. Forrest McDonald, who traces the history of the relevant constitutional provision and notes that it was based on a provision from the Massachusetts constitution of 1733, where the Governor of Massachusetts has exercised the line-item veto. That constitutional provision has been incorporated into the constitutions of many other States: Georgia, Pennsylvania—my own State—where the chief executive officers, the Governors, have exercised the line-item veto.

In the early days of the Republic, the President of the United States took action which was in effect the exercise of the line-item veto. A review of the history of the Constitution and the comments of the Founding Fathers supports the conclusion that the President of the United States was intended to have line-item veto under clause 3, article I, section 7, of the U.S. Constitution.

I have endeavored to persuade the last two Presidents—President Bush and President Clinton—that they should exercise the line-item veto. I have had occasion to talk to former President Bush about it on a number of occasions. One of the interesting aspects of being a U.S. Senator, and one from Pennsylvania, is to have traveled with President Bush on a number of occasions to Pennsylvania. When we travel on the plane together there is time for a variety of subjects, not quite as hectic and hurried as it is in the regular schedule. On a number of occasions I had a chance to talk in a lei-

surely way to President Bush about the line-item veto. He was always interested in the issue but always told me the same thing, and that was that his lawyer told him he could not do it.

My response to President Bush was that he ought to change lawyers.

I immediately followed that suggestion with the request that he not tell anybody I had said that, because that might be frowned upon by the bar association and who knows, I may be practicing law again one day, sooner rather than later.

But in a very serious vein, President Bush did not take the bold approach and exercise the line-item veto, which I think he could have done under the constitutional authority and which he should have done.

In President Clinton's first year in office, I had occasion to travel with him to Ambridge, PA. Again, another plane ride gave us an opportunity to talk at leisure about a number of subjects. I made the suggestion to President Clinton that he should exercise the line-item veto and gave him a brief statement of what I considered to be his constitutional authority.

President Clinton said, "Send me a memorandum of law."

I did so. He wrote me back a short time later, saying he did not want to tangle with congressional leaders on this subject. And I can understand that, because the congressional appropriation power is zealously guarded. And I am one of the appropriators. I sit on the Appropriations Committee, which has the authority to allocate the spending of \$1.6 trillion a year. Notwithstanding that position on what many call the most powerful committee in the Congress, the Appropriations Committee, it has long seemed to me that the line-item veto would very well serve the interests of the country at large.

We had a very dramatic commentary on massive appropriations bills, where the President did not have the opportunity to even veto one of the 13 appropriations bills side by side when we passed a continuing resolution during the administration of President Reagan.

A continuing appropriations bill, for those who may be watching on C-SPAN 2, if anybody is, is a document which comes at the end of the fiscal year shortly before September 30 to authorize continued spending and continuing operations of the Federal Government after midnight on September 30 into the new fiscal year which begins on October 1. There had been a period of time where we had not passed all the appropriations bills and, in fact, had not passed many of them. We sent to President Reagan an enormous continuing resolution which was about 2 feet thick. President Reagan, in one of his speeches to a joint session of Congress, objected to the continuing resolution which denied him the power of not only, as he saw it, to exercise the line item veto but he could not even

veto a bill on a major department; for example, the Interior bill or the District of Columbia appropriations bill. But they were massive—as many, I think, on some occasions as all 13 of the appropriations bills.

For illustrative effect, President Reagan brought into the House Chamber where we had the joint session of Congress the continuing resolution which, as I say, was about 2 feet thick.

Senator COATS was elected in 1988. Senator COATS was in the House. Of course, he remembers it. President Reagan had it on the edge of the podium. I was sitting closer than I am to the Chair. I became immediately apprehensive that this continuing resolution so bulky was in peril of falling over the podium. As the President continued to speak, the situation was more tenuous with each moment.

Then, finally I figured out that President Reagan knew exactly what he was doing. He was not only keeping me in suspense but keeping the television viewers in suspense that this enormous document might fall. It was, I think, President Reagan's way of dramatizing the effect on this ponderous overwhelming bill which had come to him but could not even be managed very well on the podium, let alone managed in terms of perusal to see what was in the national interest. He was being denied the opportunity as President to at least veto a single appropriations bill.

He made it through the speech. It did not fall. But I have remembered that occasion. Further underscoring the interest and the necessity in allowing the President to have the power to veto at least an individual appropriations bill, and the Congress has done better on that in modern times—sending the appropriations bills over, really on the need to have the President with the authority to strike individual items.

This is an especially timely matter today in the wake of the Senate's failure to pass the balanced budget amendment. I have supported the balanced budget amendment and the line-item veto during my entire tenure in the U.S. Senate. It may be that the balanced budget amendment will return to the Senate agenda and by virtue of the motion pending for reconsideration that there may be a change of a single vote, and the matter may come back and we may yet pass the balanced budget amendment to provide the discipline to have a balanced budget in the Congress just as States have constitutional provisions mandating a balanced budget, just as cities do, as counties do, and as individuals we do because, if we do not live within our own means, we will wind up in a bankruptcy court.

Recently I had the great pleasure of becoming a grandfather. My son had a baby daughter, Silvi Specter, who will be 14 months old on Sunday. I had always thought about and talked about the impropriety of having a credit card which attached obligations to our children and to our children's children and

to succeeding generations. But I came into sharp focus as I saw this infant and held her in my hands when she was less than a day old back on January 20, 1994, and seeing her grow up, and seeing what is really happening every day as we burden her generation and future generations on a credit card where we would not consider even remotely charging something to her account. But that is in effect what we are doing as a Nation.

During the course of the debate on this line-item veto there will be many statements about how the interest rate is mounting. Senator SMITH pointed out in dramatic fashion the increase on a moment-by-moment basis. That is just unfair to the next generation and the generations which follow.

That is why we are working currently on a rescissions bill sent over by the House of Representatives just yesterday. The appropriators met yesterday afternoon to take a look, to do our job in cutting expenses on the Federal budget.

In my capacity as chairman of the appropriations subcommittee of Labor, Health and Human Services and Education, the cut was especially onerous, some \$5 billion. But I am committed to balancing the budget by the year 2002 which is the target set by the Congress, whether or not we have a balanced budget amendment. I think we have to move on a path to reach the balanced budget by that year. I have some differences of judgment with what the House sent over. But I am reasonably confident that the Senate will meet that target of the \$17 billion rescission.

I have concerns, Mr. President, as to cuts which will affect summer jobs where I think in America today there has been a reliance for the young people to have activities for the summer where they cannot find jobs in the private sector, a matter which keeps the lids on our big cities and our smaller communities. I have some concerns about cuts in the education line where there will be moneys taken away from drug-free schools. But this is a matter of establishing our priorities.

I believe that a much, much better job can be done on establishing the priorities for America's spending. If we are not prepared to tax for it, we ought not be prepared to spend for it. If there is one thing that will not pass in the U.S. Senate or the U.S. House of Representatives today, it would be a tax increase.

It is my hope, Mr. President, that we will soon one day take up Senate bill 488, which I introduced 2 weeks ago yesterday, which would simplify the tax system in America, which would enable taxpayers to fill out their tax returns on a simple postcard.

If I may show what could be done under my proposal for a national tax, it would be a 20-percent national tax which has been worked out very carefully by Professors Hall and Rabushka of Stanford University. It will allow only two deductions for charitable con-

tributions and for interest on home mortgages, and it would be simplicity personified. Who knows?

There may be someone in America today watching C-SPAN 2 who is filling out his or her tax return. I know that individual would love the opportunity to fill it out on a single postcard as I would myself. There is an amazing amount of some 5 billion hours spent by Americans on their tax returns and some \$200 billion on the cost of filing returns. But tax simplification is somewhat off the subject. But I mention a national tax just in passing.

I compliment my colleague in the House of Representatives, Majority Leader DICK ARMEY, who has proposed a similar measure. It is my hope that we will take up the issue of a national tax and tax reform. But I believe it would be unthinkable to have a tax increase given the mood of the American people where the mandate of the last election was very direct and very blunt; that is for smaller Government, for lesser spending, and for less taxes.

Certainly, the minimum is to have the balanced budget and the line-item veto, which would be a very, very important and significant step on an institutional change which would provide the mechanism to cut spending, which has not really been a priority item, and would help lead us on the bath—it might lead us on a “bath,” too, which is a Freudian slip—on the path to cut expenditures. But the pending line-item veto would certainly give the President the clear-cut authority and the confidence to exercise the line-item veto.

In the unlikely event that this measure does not pass, I hope that President Clinton will again review the constitutional authority for the President to exercise the line-item veto under the current legal constitutional provisions.

I thank the Chair. I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair announces that all the remaining time is under the control of the minority.

ORDER OF PROCEDURE

Mr. D'AMATO. Mr. President, I ask unanimous consent that I might proceed for 5 minutes as if in morning business.

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

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Thank you, Mr. President

SAM DONALDSON, GIVE THE MONEY BACK

Mr. D'AMATO. Mr. President, I read a rather interesting article—a rather shocking article—in the Wall Street Journal yesterday about affluent urban farmers getting crop subsidies.

Lo and behold, I was absolutely shocked, as I think most Americans will be when they learn, and those that did learn, about Sam. Now I am talking about Sam Donaldson. Let me say right now, Sam, wherever you are, come out of hiding. Sam, come out of hiding and give the money back.

Mr. President, I ask unanimous consent that this Wall Street Journal article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 16, 1995]

AS CONGRESS CONSIDERS SLASHING CROP SUBSIDIES, AFFLUENT URBAN FARMERS COME UNDER SCRUTINY

(By Bruce Ingersoll)

WINNETKA, IL.—The neighbors on Woodley Road know next to nil about Helen Pinnell, but they assume she is loaded. How else could she afford a multimillion-dollar home here in one of suburban Chicago's most exclusive enclaves?

Her neighbor next door, Marlo Brown, is stunned to hear that an heir to the fabled King Ranch in Texas left his \$10-million share of the vast cattle-and-oil empire to Mrs. Pinnell more than 20 years ago. “Isn't that wonderful luck,” exclaims the elderly Mrs. Brown.

Mrs. Pinnell, it turns out, is doubly lucky. As if oil royalties and agricultural revenues from her 87,000-acre spread on the Texas Gulf Coast weren't enough, she collects farm subsidy payments each year from the Agriculture Department. Since 1985, the total payout to her and three Pinnell family trusts comes to nearly \$1.5 million, according to USDA payment data.

Throughout the country, there are thousands of other absentee landlords in Mrs. Pinnell's city-slicker shoes, including ranch owner Sam Donaldson of ABC-TV fame, a New York merchant banker, two scions of an antebellum cotton planter, even an unidentified \$400,000-subsidy recipient with a distinctly nonrural zip code—90210—in Beverly Hills, Calif.

ANTISUBSIDY BACKLASH

How long they can count on government checks coming in the mail depends on how much money Congress whacks out of the crop-subsidy programs this year. With the 1995 farm bill debate in full cry, lawmakers already are trying to rescind funds from this fiscal year's Agriculture Department budget. Whipping up an anti-subsidy backlash are environmentalists and conservative Republicans, who contend that the Depression-era farm programs are badly out of date and out of control. While continuing to provide a safety net for struggling farmers, the critics say, the subsidy programs increasingly pad the cushion under already comfortable off-the-farm farmers. For the first time, the Environmental Working Group has documented the extent to which suburban and city dwellers benefit from farm subsidies.

“We have no beef with people investing in farms, but why are taxpayers covering the risks of an absentee North Dakota farm owner living in Manhattan?” wonders Kenneth Cook, president of the Washington-based watchdog group.

Using computerized USDA data, the group has traced the flow of hundreds of millions of tax dollars to off-the-farm farmers—including corporations and partnerships—in the 50 largest U.S. cities since 1985. Chicago's farm owners, for example, collected \$24 million over the last decade. But if you add in Mrs. Pinnell's hometown, Winnetka, and other