

I would like to know, Mr. President, how the Chinese foreign and military policy in Asia will work in the future.

In the wake of the cold war, China, which for years viewed the U.S. presence in East Asia and the Western Pacific as a stabilizing force, now resents a security structure that is increasingly viewed as intended—to quote some of them—to “contain” China. Most troublesome, China has shown a willingness to pursue its goals in the region by the threat or use of force.

Mr. President, as we were reminded in last year’s Taiwan Straits crisis, Beijing has never renounced the use of force to reunify Taiwan with the mainland.

President Clinton, I believe, will have an opportunity to have a serious discussion with the Chinese President about how bracketing Taiwan with missiles, followed by a thinly veiled threat against the United States, comports with his stated goals of “maintaining peace and stability in the region and the world at large.”

Our President also must make clear, I believe, our determination that the Taiwan issue be resolved peacefully so that China will never be tempted to resolve it by force.

In addition, Mr. President, to tension over Taiwan, China has used and threatened force to enforce its other claims in the South China Sea. This undermines a lot of allies and friends.

It seems likely that today and for the immediate future, Mr. President, China lacks the military forces to seriously challenge U.S. military power in the region. However, as the only great power whose defense spending has increased in recent years, China is certainly acquiring advanced missile, naval, air, amphibious and other forces capable of projecting power, as I reminded my colleagues just a few minutes ago.

Mr. President, to speak of human rights in the area there, in 1996, in a damning and exhaustive report on Chinese human rights practices, the State Department concluded that “almost all public dissent against the central authorities was silenced by intimidation, exile, or imposition of prison terms or administrative detention.”

In addition to its suppression of political dissent, China continues to maintain a cruel and massive network of forced labor camps. They continue also an inhumane one-child policy, including forced abortion, repression of religious groups, use of forced labor, and ongoing repression in Tibet.

President Clinton, I believe, must place President Jiang on notice that Americans are offended by the notion that human rights are “relative” and that their practices fit within an acceptable definition of human dignity.

I believe, Mr. President, we must ask ourselves, how much real progress can we make in our relationship with China as long as the regime feels compelled to stamp out every ounce of political dissent and believes that it can-

not survive without the “laogai” labor camp system?

Mr. President, on a somewhat more positive note, economic developments, both within China and between China and the United States, continue to generally move in the right direction. However, we encourage China to continue to take the painful but necessary steps to qualify China for membership in the World Trade Organization, notably in the area of opening China’s markets. The sooner they do, I believe, the better off they will be.

We are also encouraged to see some meaningful progress on the protection of intellectual property rights.

Americans support China in its search for prosperity for its people. But we do not, Mr. President, support, and will not tolerate, attempts to build prosperity by ignoring the rules of international trade. Nor will Americans support prosperity built, even in part, on the backs of forced laborers or prosperity that is the result of a Faustian pact in which the Chinese people are forced to effectively surrender their political and human rights in return for economic growth.

Mr. President, let me sum up and be clear on where I stand. I support, as most of us do, a strong United States-China relationship, and I have always done so. President Clinton can work with President Jiang to raise Sino-United States relations to a new high level, as the Chinese President has requested.

But to truly protect American interests and reflect American values, this relationship cannot be based on ceremony alone. We cannot gloss over problems or sweep them under the rug or keep them unfulfilled—and unenforced—as promises.

I believe, Mr. President, it must be based on responsible international behavior with respect to nonproliferation and on refraining from the threat or use of force. Our relationship must be based on steady and consistent progress toward political as well as economic freedom in China.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate majority leader is to be recognized.

In his absence, the Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I had wanted to take the floor to speak on the highway bill, but Mr. CHAFEE was here and he indicated he wanted to get the floor first. As he is the manager of the bill, I have no quarrel with that, so I will not speak on that subject at the moment. I also indicated I would expect to follow both leaders. Inasmuch as none of these aforementioned Senators is seeking recognition at this time, I have sought recognition and will speak briefly but not talk at the moment on the highway bill.

LINE-ITEM VETO

Mr. BYRD. Mr. President, I will speak with reference to the so-called

line-item veto of the fiscal year 1998 Military Construction Appropriations Act.

I received a letter today from Mr. Franklin D. Raines, Director of the Executive Office of the President, Office of Management and Budget, which I shall read into the RECORD. The letter is dated October 23, 1997. It is addressed to me. It reads as follows:

I am writing to provide the Administration’s views on S. 1292, the bill Disapproving the Cancellations Transmitted by the President on October 6, 1997.

We understand that S. 1292 would disapprove 36 of the 38 projects that the President canceled for the FY 1998 Military Construction Appropriations Act. The Administration strongly opposes this disapproval bill. If the resolution were presented to the President in its current form, the President’s senior advisers would recommend that he veto the bill.

The President carefully reviewed the 145 projects that Congress funded that were not included in the FY 1998 Budget. The President used his authority responsibly to cancel projects that were not requested in the budget, that would not substantially improve the quality of life of military service members and their families, and that would not begin construction in 1998 because the Defense Department reported that no design work had been done on it. The President’s action saves \$287 million in budget authority in 1998.

While we strongly oppose S. 1292, we are committed to working with Congress to restore funding for those projects that were canceled as a result of inaccuracies in the data provided by the Department of Defense.

Sincerely, Franklin D. Raines, Director.

The letter indicates that an identical letter was sent to the Honorable TED STEVENS.

Mr. President, we have all heard that the devil is in the details and that it is advisable always to read the fine print. I take the floor at this time, as I have indicated already, just mainly because nobody else is seeking recognition and I am waiting an opportunity to talk further with respect to the highway bill.

Now, as I look at this letter more closely, it says—I have already read it in its entirety—it says in part, “The Administration strongly opposes this disapproval bill. If the resolution were presented to the President in its current form, the President’s senior advisers would recommend that he veto the bill.”

Now, early today, Senator STEVENS, the chairman of the Appropriations Committee, met with the Appropriations Committee and discussed a measure of disapproval of the President’s cancellation of 36 of the 38 projects from the fiscal year 1998 Military Construction Appropriations Act. The committee met and reported out the disapproval measure by a very wide margin. I think that only two votes were cast against reporting the measure. So that has been done.

With reference to the letter from Mr. Raines, let me say at the beginning, I have great respect for Mr. Raines, the Director of the Office of Management and Budget. He is a very able director and a very honorable man, as far as I

know. He has always treated me as I hope to be treated. And as I expect to treat others. I respect the President and the Presidency, so what I say has nothing to do with the individuals personally.

That being said, let me more particularly call attention to this sentence: "The administration strongly opposes this disapproval bill," Mr. Raines says. "If the resolution were presented to the President in its current form, the President's senior advisers would recommend that he veto the bill."

My response would be, so what? Go ahead, veto the bill.

Now, more particularly I call attention to the second sentence in the third paragraph, which reads as follows: "The President used his authority responsibly to cancel projects that were not requested in the budget."

Now, Mr. President, the word that intrigues me in this sentence is the word "authority." "The President used his authority responsibly to cancel projects that were not requested in the budget." Now, where does one go, may I ask, to find the President's "authority" to cancel projects that were not requested in the budget? From what act does he derive his authority to cancel projects solely on the basis that they were not requested in the budget? Does one go to the Constitution?

Well, let's see if we can find it in the Constitution. Therein, in article II, section 3, I note these words:

He [meaning the President of the United States] shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient. . . .

That is what the Constitution says with respect to the President's making recommendations to Congress. So, he submits his State of the Union message, he submits his budget, and so on, but "He shall . . . recommend to their Consideration such Measures as he shall judge necessary and expedient."

But does that language give him authority to "cancel projects that were not requested in the budget?" That language doesn't do it.

Well, let's turn to the language that speaks specifically of the President's veto authority. That is in section 7 of article I.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it.

It doesn't say there in that section that he shall not sign a bill if it contains any items not requested in the budget. It says, "if he approves [the bill] he shall sign it, but if not [meaning if he doesn't approve it] he shall return it, with his Objections to that House in which it shall have originated."

So I find no authority in the Constitution for the President to cancel

projects solely for the reason that they were not requested in the budget.

Now, let's take a look at the Line-Item Veto Act, Public Law 104-130. Let's see what it says. This is the act under which the President has acted. This is the deformed, malformed, illegitimate end-run that Congress made around the Constitution when it passed that bill. This is the act that we, in one of our weakest moments in the history of the country, passed and gave the President this so-called "authority." But let's see if even in that monstrosity there is authority to cancel projects solely on the basis that they were not requested in the budget. Let's see. Let's read:

Section. In general—notwithstanding the provisions of parts A and B, and subject to the provisions of this part, the President may, with respect to any bill or joint resolution that has been signed into law pursuant to Article I, Section 7 of the Constitution of the United States, cancel in whole (1) any dollar amount of discretionary budget authority; (2) any item of new direct spending; or (3) any limited tax benefit, if the President, A, determines that such cancellation will (1) reduce the Federal budget deficit; (2) not impair any essential government functions; and (3) not harm the national interest.

It doesn't say that the President has authority to cancel projects because they were not requested in the budget. It doesn't say that at all. It doesn't say that the President may cancel items that were not included in the budget. It doesn't say that at all. It says that if he determines that such cancellation will reduce the Federal budget deficit, or not impair any essential Government functions, not harm the national interest—"all three."

So I simply wanted to bring to the Members' attention this letter, in which the very distinguished and highly respected Franklin D. Raines, Director of the Office of Management and Budget states:

The President used his authority responsibly to cancel projects that were not requested in the budget.

I don't find anywhere in the Constitution, or in the ill-advised act itself, any authority for the President to cancel a project simply because it was not requested in the budget.

Well, so much for that. I think we can expect this administration, or any other administration, as long as this act is on the statute books, to expand upon it, to read into it whatever they want to see, read into it whatever they want to read into it. Here is a good example of it. We have now found that they are interpreting the act to give the President the authority to cancel projects on the basis that they were not requested in the budget.

Additionally, in the last paragraph, Mr. Raines says.

. . . we are committed to working with Congress to restore funding for those projects that were canceled as a result of inaccuracies in the data provided by the Department of Defense.

So the President, in this letter, through his Director of OMB—I would

have appreciated it if the President had written the letter himself and signed it himself. But we are told here by the President through his Director of OMB that, indeed, projects were canceled as a result of inaccuracies in the data provided to the Department of Defense.

Now he says they are committed to working with Congress to restore funding. How are they going to do that? The President can't go back now that he has unilaterally amended that law—the fiscal year 1998 Military Construction Appropriations Act. Now that he has unilaterally amended that law, he cannot go back and put those items into law. He has unilaterally amended it after he signed it into law, so he can't go back and put those items in. The heads have been severed from those items. They are dead, dead, dead. So he cannot go back and breathe new life into those items. How is he going to restore funding? He says he is going to veto this disapproval resolution. That is not going to help if he vetoes that act.

But we are told that if the resolution reported out of committee disapproving 36 of the projects is presented to the President in its current form, the President's senior advisers would recommend he veto that bill. That is not going to help restore the projects that were vetoed by mistake. So we have to start all over again, unless we can override that veto. It takes two-thirds of both Houses to do it. The old chickens are coming home to roost.

So my advice to Members is that they go back—and my office will be very happy to assist any Member who wishes to have assistance in the matter—go back and read all of my speeches against the line-item veto. If they will assure me they will do that, I will quit talking. I will quit making speeches on this subject. But all Members who voted for this pernicious piece of legislation will have to assure me and have to show me that they are going back and reading every speech that I have made over the years in opposition to a so-called "line-item veto." If they will do that, then I will quit talking on it. But I think that those Members who voted for that abominable piece of legislation and who are now bellyaching about it should be required to go back and read every one of those speeches all over again. Read them again.

Then I would suggest that they read the Constitution, because it is he who has read it lately that counts. I guess that should be the way of thinking of it, how lately have we read it?

Let me just read one section, the very first sentence of the Constitution. I am reading it so it will not only sound authentic but it will look to be authentic because I am reading it. I am not repeating it from memory. I am reading it. Here it is from the Constitution:

All legislative powers herein granted—

If legislative powers are not "herein granted," they don't exist, do they?

All legislative powers herein granted shall be vested in a Congress of the United States

which shall consist of a Senate and House of Representatives.

That is it. That is the whole kit and caboodle. That is where the authority rests to legislate. The authority to legislate rests right there. And it doesn't include the President of the United States. Only the Congress can legislate.

Point No. 2: To amend a bill or resolution is to legislate.

Am I correct? Yes.

To amend a bill is to legislate. To amend a bill is to act within—is to act pursuant to that first section of the first article, which I have just read.

Point No. 3: To move to strike an item is a motion and is a legislative act.

To move to strike. That is a legislative act. And it is vested only in the Congress of the United States by virtue of that one sentence that I have just read.

Right? Correct.

Now, the act that Senators are griping about says that the President—any President—after having signed a bill into law may within the next 10 seconds, may within the next 10 minutes, may within the next day, may within the next 5 days go back and take a new look at that law, and he may move to strike. He may not only move to strike; he may strike items from that law.

If the distinguished Senator from Indiana [Mr. COATS], let us say, who is presiding over this Chamber at this moment, moves in this Chamber to strike an item from a bill, that is a legislative act.

So, if he moves to strike an item, or if he is moving to amend a bill, he has to have a majority of this body to support his motion to strike or cancel. And, if he gets a majority, if all Members are here and voting, he will have to have 51 Members—51 votes, including his own—to succeed in striking or cancelling that item from the bill. But he has not finished yet. If he accomplishes that, a majority of the other body also has to agree to his motion to strike, and a majority of the other body, if everyone is present and voting over there, would be 218.

So he has to have 218 votes in that other body to support his motion to strike or cancel this item from an appropriations bill—218 in the other body, 51 in this body. If all Members are present, he has to have 269 Members of both bodies supporting his motion to cancel.

That is a legislative act. Does anyone disagree with that? No. Nobody disagrees with that. That is all accurately and correctly stated.

But the Congress passed an act. We in the Senate voted for it on March 23, 1995, and it went to conference. And it lay dormant in conference for about a year. Finally, I think it was Mr. Dole who got behind it and urged the leadership in both Houses to pass that act because he anticipated being the first to wield the line-item veto pen.

So it was brought back as a conference report. And, on March 27, 1996, the Senate stabbed itself in the back and adopted that conference report giving the President of the United States—any President; not just this one; any President of the United States—the authority to unilaterally cancel or amend a law. He may do it all by himself. He doesn't have to have 218 Members of the other body. He doesn't have to have 51 in this body. He can simply call Mr. Raines and others in the executive branch together and say, "What do you find in this bill, this appropriations act, that Congress has just sent me here? I have signed it into law. I didn't have to wait. I just went ahead and signed it. Now it is a law and no longer a bill. It is a law. But I have the authority now to singlehandedly amend that law."

Senator COATS didn't have that kind of authority. Only a majority of both Houses could amend a bill.

I cannot for the life of me understand how grown men and women who have sworn to support and defend the Constitution of the United States right there at that desk with their hands on the Bible—most of them had their hands on the Bible or swore an oath by it—I cannot for the life of me understand how grown men and women who are supposed to have read that Constitution, who are willing to stand up there and before God and men swear to support and defend that Constitution, how they would then turn right around and pass legislation that flies directly in the face of the first sentence of the Constitution, which says that "All legislative Powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and House of Representatives." Were they using the Constitution as their guide? No. Were they using the polls as their guide? In all likelihood, I suppose they were, because the overwhelming majority of the American people favor a line-item veto.

I am going to quit very quickly.

Well, I wrestle with my imagination. I ponder over this question. And I try to come to some logical conclusion as to why Congress did what it did. Oh, I know there are some folks who will say, "Well, you can expect Senator BYRD to be against the line-item veto because he likes pork." He likes pork. Let me tell Senators one thing. This Senator will not, will not, will not negotiate with this President or any other President over an item from West Virginia that he wishes to line-item veto. I will not negotiate with him. They may call and say, look, if you will do this or that, we will not line-item veto that item. My answer will be, "Go to it. Veto it."

You mean that Senator BYRD would not negotiate with the White House over a piece of pork for his State? You try me and see. No. I am not for negotiating. When it has reached that point, the subcommittees and committees have acted and have conducted

hearings and earmarked the legislation and it has come before the Senate and the House—there may have been efforts to strike it out along the way, there may not have been, but once it reaches that point and comes back in the conference report, no, I am not negotiating with any President. If he wants to veto, go to it. I think there is a principle that is far more important here than pork for West Virginia or any other State.

So there it is. "Lay on, Macduff; and damn'd be him that first cries out 'hold, enough.'"

I guess there is a song which says, "I'll still be wondering why." And so I am still going to be wondering why. Whatever got into the heads and minds and hearts and livers of the Members of these two bodies that they would be so gullible as to hand to this President or any other President part of the people's power over the purse, which, according to the Constitution of the United States, is vested right here in the hands of the directly elected representatives of the people.

Well, think about it because you are going to hear more about it. You are going to see more line-item vetoes. And if they want to line-item veto pork for West Virginia, "Lay on, Macduff." I am not negotiating.

But I hope Members will think about it and will conclude that it was a mistake and that come the appropriate time they will vote to repeal that nefarious act. And I hope that Members will not bow down and scrape and negotiate with the White House about it. Let the President veto it. He has the right to veto under the Constitution any bill he wants to veto. He has that right according to the Constitution. He has that right.

I am not willing to negotiate to keep him from doing it. If he vetoes it, I know what our rights are. The Congress may uphold his veto or it may reject it. So let's go by this Constitution, and if Members are worth their salt, having made this mistake, they will not make the additional mistake of negotiating with any administration to keep their little items from being vetoed. Because if we do that, we merely legitimize the wrongful act that Congress has already committed. I do not believe in legitimizing it. Let the President veto it. Go to it.

Mr. President, I thank all Senators for listening. Those who didn't listen, they will have further opportunity to listen. And I hope that at least those who read the RECORD 50 years from now will find that somebody up here had read the Constitution lately.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I see the distinguished senior Senator from West Virginia still here. Previously, I had said that I wanted to go ahead of the Senator on some discussion in connection with the bill that is before us, the

ISTEA bill. Does the Senator want to go ahead now on that to discuss something? I understand he is not going to present any motions or anything but discuss it.

Mr. BYRD. Not at the moment. I may come back shortly. But I do thank the Senator from Rhode Island for his kind offer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. COATS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

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

CHILD CARE

Mr. COATS. Mr. President, today the White House is sponsoring an all-day conference on child care. I believe the President and First Lady have correctly identified this as an important issue to families, and particularly to working families in America. A number of experts have been invited to testify and to participate in panel discussions throughout the day.

This is an important but yet also a very complex issue. The complexity of the issue is that there is one segment of our population that seriously needs high-quality day care in order to work—work that for many has been required through welfare reform. Others work out of economic necessity; both mother and father need to be employed. And again for others, who are single parents raising their children, they need to provide the financial wherewithal to do that. The focus on the child care conference at the White House correctly focuses on this segment of our population.

The conference will focus on three questions: how to increase access for child care; how to make it more affordable; and how to guarantee the quality of child care so that children will be safe.

But, what the conference did not focus on was another segment of the population, in fact a majority segment of the population, the nearly 50 percent who do not have both parents working and another 25 percent who do not work out of the home full time. One of the questions, unfortunately, that will not be discussed at the White House today is how we can ensure that we are not discouraging or sending the wrong signals to the second segment, those parents, those mothers who stay home and do not work and those parents who keep one parent at home raising the child while the other works or they

take separate shifts or they have worked out arrangements to raise their own children.

There is a legitimate need, I believe, to address the first question, how we provide child care for working families, for single mothers, for welfare mothers and others. But there is also a legitimate and essential question that needs to be discussed along with that, and that is what can we do to help those who have made the decision to stay at home?

We have recently had some exciting developments concerning infant brain development, about the much earlier than originally thought development, the connection of synapses that occur, the billions of these connections that occur at very, very early ages and how important it is to recognize that and to make sure that children receive the correct upbringing, stimulation and so forth to foster that development.

Again, unfortunately, there has been little discussion along with that about the critical nature of the emotional development of the infant, because, after all, as many experts have told us, it is the emotional development of the infant that is the fuel that drives the automobile, to use a metaphor. Unfortunately, there has been little discussion about this in the recent child care debate that focuses on those early years and the need for correct and effective childhood development. Recently, as chairman of the Subcommittee on Children and Families, I held a hearing in which we heard testimony from Dr. Diane Fisher, who is a practicing clinical psychologist. I want to quote from her:

Imagine a brilliant, stimulated, optimally educated child who is lacking in self-esteem, self-control, identity or discipline. This in fact is what we are hearing about in our schools today—privileged, indulged children who are wired to the Internet but without a moral compass or a sense of connection to the adults who are supposed to be present in their lives.

Our committee heard about how mothers are biologically hard wired to form a close emotional tie with their children; that this bonding experience is not a quick experience, something to be accomplished in a matter of weeks or even months, but something that is a gradual process that proceeds slowly and over time. Anybody who is a parent knows that. We don't need studies or experts to come and testify as to the kind of bonding that takes place between parents and children, particularly mother and child, in those first critical early months and years and then throughout their growing experience for the next 15 or 20 years or so.

For the last 15 years I have been involved, first, as the ranking Republican on the Early Childhood, Youth and Families Committee in the House of Representatives during my service there and in the last 9 years as chairman or ranking member of the Children and Families Subcommittee here in the Senate. Over that time I have listened to and read and personally vis-

ited experts in the field—sociologists, psychologists, child development experts, and so forth—who have impressed upon me the absolutely critical element of the emotional attachment, the emotional connection, the bonding process between mother and child with infants, and mothers and fathers with their children, and how absolutely essential this correct attachment is for successful childhood development.

Most of this is not accomplished through a complex formula. It is not accomplished through a lot of educational training, academic training, or how-to books. It is accomplished intuitively by a mother motivated by love and enjoyment of that child. It takes an enormous amount of love and motivation to want to pay attention to the subtle cues that an infant or a young child sends on a moment-by-moment, hour-by-hour, daily basis. Frankly, it is very rare to find a caregiver who is either able or motivated by that same degree of love and attention and motivation to pay that kind of attention to a child. Often they have a number of children to look out for, and it is just keeping some semblance of order in the child-care facility that becomes the paramount challenge for the child-care provider.

We talk a lot about and they are talking today at the White House a lot about the term quality. Often that is used by the experts, or those who are discussing this, as a code word, "quality" meaning we need more control, we need more regulation, we need more oversight of child care facilities.

The quality of child care, for those children, especially children 0 to 3, is more than just having developmentally appropriate materials or an effective well-located site staffed by trained individuals that is important in child care, although it is only one form of child care, but quality is, I believe, more clearly related, and according to the experts we had testify before our committee, more clearly related to love and nurture and, as such, I believe, we have to recognize that it is a child's mother, a child's father that are in the best position to offer that love and nurture to their children.

As one mother told me, and this is someone who holds an advanced degree in family therapy, an expert in the field of raising children, she said a baby, a young child, needs to be adored. There isn't a child care provider in the world that can adore my child like I can adore my child. Only a mother can truly adore a child, provide the kind of nurturing that children need when they are growing up. We know that and most American people know this.

A recent Gallup poll for the Los Angeles Times said 73 percent of the American public believes too many children are being raised in day care and not nearly enough are being raised by their mother at home, and children fare best when raised by their mother at home. That figure was up from 68