

record having served on the New York supreme court since 1993. In that position, he has presided over both civil cases and criminal cases. He is currently assigned full time to the criminal division.

Judge Siragusa is not only a seasoned jurist, but he is also an experienced trial lawyer. He has extensive litigation experience having first been an assistant district attorney and then later serving as a first assistant district attorney in the Monroe County district attorney office from 1977 to 1992. I am sure my colleagues will agree that he is well qualified for a position on the Federal bench for many reasons not the least of which because he is someone who has had the practical experience of having tried approximately 100 cases as lead trial counsel. I might add that 95 percent of those cases were jury trials and many of them involved homicides.

Judge Siragusa also brings the experience of having been a teacher of sixth graders and junior high school from 1969 to 1973, in Rochester, NY. I am sure that job taught him great patience—a skill that might come in handy someday on the Federal bench.

He is also active in his community. Judge Siragusa is a member of numerous organizations including the Jewish Community Center; the New York District Attorney Association; the Monroe County Bar; the Rochester Inn of Court; Jury Advisory Commission; and the Association Justices Supreme Court in New York.

Judge Siragusa graduated cum laude from LeMoyne College in 1969 having earned a bachelor of arts sociology, and his juris doctorate from Albany Law School in 1976.

He has two published writings, in addition to his other than judicial opinions—one entitled "Prosecution of a Serial Killer;" and the other being, "View from the Bench" that appeared in Rochesterian Magazine.

I would also like to add that Judge Siragusa's nomination might have been before the Senate sooner, but for the fact that when the Judiciary Committee first tried to schedule a hearing on his nomination my staff had a bit of trouble locating him. We later learned that he was in Aruba on his honeymoon. Congratulations, Judge Siragusa.

I am confident that Judge Siragusa will be a worthy addition to the bench of the Federal District Court in the Western District of New York. I am very pleased that the Senate has scheduled a vote on his nomination, which I am happy to support. He is also supported by Senator MOYNIHAN and Senator D'AMATO. I urge my colleagues to do the same.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, on the matter of the pending nomination, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there

a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Charles J. Siragusa, of New York, to be U.S. District Judge for the Western District of New York? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 286 Ex.]

YEAS—98

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Hatch	Robb
Bumpers	Helms	Roberts
Burns	Hollings	Rockefeller
Byrd	Hutchinson	Roth
Campbell	Hutchison	Santorum
Chafee	Inhofe	Sarbanes
Cleland	Inouye	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kempthorne	Smith (OR)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Stevens
Daschle	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Warner
Durbin	Levin	Wellstone
Enzi	Lieberman	Wyden
Faircloth	Lott	

NOT VOTING—2

Coats Harkin

The nomination was confirmed.

DISAPPROVAL ACT

The PRESIDING OFFICER. Under the previous order, the Senate now will proceed to the consideration of S. 1292, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1292) disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105-45.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment on page 2, line 3, to strike "97-15, 97-16."

Mr. STEVENS. Mr. President, there are 10 hours, as I understand it, on this bill. I do not have any knowledge yet as to how much time we will take. I will give myself such time as I need in the beginning of this statement.

On October 6, the President impounded funds for 38 projects contained

in the fiscal year 1998 military construction bill, which totaled \$287 million. Let me first take a moment to review the merits of this bill.

Mr. President, in June, President Clinton reached a budget agreement with the bipartisan leadership of the Congress. That agreement provided for an increase of \$2.6 billion for national defense over the amount the President had requested for the budget in the fiscal year 1998. The President's action on the military construction bill, in my judgment, reneges on the budget agreement that he reached with the Congress. Congress was given spending caps. We then allocated that within the appropriations process, and the Appropriations Committee presented the Senate with 13 appropriations bills consistent with the spirit, terms, and limits of the revised budget.

Mr. President, I state to the Senate, without any chance of being corrected, that the Senator from West Virginia and I have done our utmost to live within the terms of the budget agreement, although we didn't agree with it and we weren't present at the time it was made. Now, we have upheld the congressional commitment to the President. Simply stated, the President did not when he used the line-item veto on this bill.

After consultation with Senator BYRD, the committee held a hearing 3 weeks ago to evaluate the President's use of the line-item authority and review the status of these projects for military construction. We asked military witnesses from three services to testify. They told us there were valid requirements for each of these projects, Mr. President. They were mission-essential to the U.S. military. They also informed the Appropriations Committee that each of these projects was, in fact, executable during the coming fiscal year.

Now, these projects clearly did not meet the criteria intended by Congress to eliminate wasteful or unnecessary spending. Those were the tests under the line-item veto law. Instead, the President chose to cancel a project because of three criteria that were announced after the action taken by the President. First, he would veto a bill if it was not in the President's 1998 budget request and no design work had been initiated and it did not substantially contribute to the well-being and quality of life of the men and women in the armed services.

Senator BYRD is going to speak at length on this. He is an expert in this area, and I don't want to go into the area he will cover. It is very clear that that was not within the terms of the bill passed, the law that the President signed, which set forth the process for using the line-item veto. At our Appropriations Committee hearing, it was apparent that, in fact, some design work had been initiated on most of these projects—not all of them, but most of them.

The generals that were before us confirmed what many of us already knew.

The White House decision conflicted with the military needs of the Armed Forces. In every instance these projects were needed and desired by the military services. Since that time the administration has stated—and even today, the President has a message out today—that mistakes were made. The administration has indicated that it will support many of these projects. But so far it has not told the committee which ones, Mr. President. We have a criticism of this bill from the administration, but the administration vetoed 38 projects, and it says it made some mistakes. But it has not publicly said which ones.

It is my belief that we will be successful in our effort to overturn these line-item vetoes in this instance because the projects the President has attempted to eliminate are meritorious. They are sought by the Department of Defense and by the services involved in each instance, and they are within the budget agreement.

I want to go back and emphasize that, Mr. President. We had a budget presented to us by the President that was lower than many of us thought was necessary to meet our national needs. The President, in the budget agreement, agreed to that, and he agreed to an increase in defense spending. Our committee received no specification on what he thought that increase should be spent for. So we did what the Constitution gives us the right to do. We determined where the money would be allocated. None of these projects have been listed as being either wasteful or excessive spending. Again, almost all of them are in the 5-year plan, and those that were not in the 5-year plan were indicated to be necessary and ones that were needed by the military.

I believe that our military people, soldiers, sailors, marines, airmen, and Coast Guardsmen are the ones that are being shortchanged by the President's veto—not the officials in the Pentagon or the White House.

Let me tell you why I believe the President is reneging. If this line-item veto application, the application of that law to these projects, is sustained, we lose part of the increase that was in the budget agreement. This \$287 million is no longer available for expenditure to meet military needs. It is a way for the administration to renege and not meet the goals that we sought for military spending. The President indicated some protected areas in the budget—areas that he wanted protected because of his priorities. Our committee has met every single one of those. We have not stood here and used a pen and taken them out. We have not used what would be a congressional line-item veto and said, no, we don't agree with you on this or that. We have not done that.

But in this instance, the use of the line-item veto reduces the amount that is available for defense spending for fiscal year 1998 by the amount of the application of the line-item veto.

I am differing with my good friend from West Virginia. Although for many years I opposed the line-item veto, I came to the conclusion that because we needed additional impetus behind our efforts to bring about a balanced budget, I indicated I would support the line-item veto—and, as a matter of fact, due to circumstances that developed, I was the chairman of the committee and the chairman of the Senate side of the conference on the Line-Item Veto Act. I supported it because I believed it should be used for the stated purpose to eliminate wasteful and excessive spending, and only to eliminate wasteful and unnecessary spending—not to be used as the display of Presidential executive or political power.

I urge the Senate to support this bill that is before us. We have conferred with all of those involved in the projects. I state that all of the projects except 2 that were in the President's 38 are in this bill. There are two not in there at the request of the Senators involved. Those two, however, are in the House bill.

COMMITTEE AMENDMENT WITHDRAWN

Mr. STEVENS. Just one last word about this procedure. This bill is not subject to amendment in the sense of adding anything to it. I state now that we will not offer the Senate's Appropriations Committee amendment to this bill, and I ask it be withdrawn at this time.

The PRESIDING OFFICER (Mr. HUTCHINSON). If there is no objection, the committee amendment is withdrawn.

The committee amendment was withdrawn.

Mr. STEVENS. Mr. President, that means that there are two projects that are not in this bill that are in the House bill. If the Senate passes this bill—and I seriously urge that it do so—we will go to conference, and the only matters that can be considered in the conference are those two projects. If the House passes the bill—and I presume it will—which has all of the 38 projects, and we pass this one which has 36 projects, the only 2 things that can be discussed in that conference are the 2 projects. And we will bring the conference report back before the Congress very quickly, I believe.

But, Mr. President, this bill goes beyond the question of what should normally happen under the Line-Item Veto Act concerning actions of a President. This bill pertains to projects that were eliminated at a time when there was an agreement entered into by the leadership of the conference and the Presidency on the level of spending in several discrete categories. From the point of view of this Senator, the most important one was the agreement on the level of spending for the Department of Defense. If this bill does not become law, \$287 million of the amount we thought would be available to meet our needs of the Department of Defense will not be there. That \$287 million is part of the most vital part of our

spending. It is spending for facilities for our people to live in and to work in. I can't think of anything that is more essential right now than to try to maintain our efforts to modernize our bases, modernize our facilities, and to assure that we maintain the quality of life for the military by doing so.

Mr. President, I urge the Senate to stand together with the House to assure that the President—and really the Presidency—lives up to the bargain that was made with the Congress. I do not speak of the President in a personal vein. I think he relied on the advice that was given him. I do object to the use of the concept of the criteria that was announced by the White House. I think Senator MCCAIN will speak about that.

Senator MCCAIN and I are in agreement in terms of what the White House should have done when the law was passed. It should have announced then the criteria the President and the administration would use to review individual bills and then match every bill up against that type of criteria. That was not done, Mr. President.

I believe this bill should become law. I thank the Chair.

I yield to my good friend from West Virginia.

I believe the Senator from West Virginia controls 5 hours; is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I yield myself such time as I may require.

Mr. President, I am looking at the memorandum that is being distributed by the Executive Office of the President, the Office of Management and Budget, dated October 30, 1997.

It carries the heading "Statement of Administration Policy."

I will read it.

This statement of administration policy provides the administration's views on S. 1292, a bill disapproving the cancellations transmitted by the President on October 6, 1997.

S. 1292 would disapprove 34 of the 38 projects that the President canceled from the fiscal year 1998 Military Construction Appropriations Act. The administration strongly opposes this disapproval bill. If it originally was presented to the President in its current form, the President would veto the bill.

The President carefully reviewed the 145 projects that Congress funded that were not included in the fiscal year 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 the military service members and their families and that would not begin construction in 1998 because the Defense Department reported that no architectural and engineering design work had been done. 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 the data provided by the Department of Defense that was out of date.

I have read the statement of administration policy in its entirety.

Let me take a further look at this sentence which appears in the memorandum. "The President used his authority responsibly to cancel projects that were not requested in the budget."

Mr. President, I don't know of any authority anywhere engraved in stone or bronze or in granite that gives the President the authority to cancel projects that were not requested in his budget. Of course, he did it. There is no question about that. But I don't understand this statement; namely, "The President used his authority responsibly to cancel projects that were not requested in the budget."

Mr. President, we don't live under a king in this country. And I don't propose ever to live under a king. I have been in this Congress now—I suppose I am the dean of the entire Congress, unless Mr. YATES in the other body is, who served before I came to the House of Representatives. But he voluntarily terminated his service over there for a while. He ran for the U.S. Senate. He ran against Senator Dirksen, I believe, and lost.

But, in any event, for the benefit of those who may or may not be interested, I have been in Congress quite a while. So I am the dean of both Houses. I will say it that way.

Also, I am 29,200 days old today, October 30. This is not my birthday. It is just that I was born 29,200 days ago.

I have taken an oath to uphold—to "support and defend." Those are the words, "support and defend" the Constitution. I have taken an oath many times to support and defend the Constitution of the United States—many times, beginning with my service in the State Legislature of West Virginia 51 years ago. And I have never yet found, and I can't find the authority to which this memorandum from the Executive Office of the President, Office of Management and Budget refers, I can't find the authority by which the President can cancel projects solely because they were not requested in the budget. I don't find that in the Constitution. I don't find that in the rules of the Senate. I don't find it in even in the Line-Item Veto Act. I don't find that criterion in there. And all who may doubt, let them take a look at the Line-Item Veto Act, against which I voted. But it is not in there.

So much for that. It is just as I expected when I stood on this floor on several occasions and talked ad nauseam with respect to my opposition to the line-item veto.

I yet cannot understand whatever got into the heads of the educated, intelligent men and women which would cause them to voluntarily cede to any President—not just this one. I don't have anything against this President in that particular. He wanted the line-item veto. But so did his predecessor, and so did his predecessor, and so did his predecessor, and so did his, going all the way back to President Taft. Taft didn't want it. George Washington didn't think much of it.

But anyhow, here it is, the line-item veto. And I said, and so did a lot of my colleagues, the White House, not necessarily the President but the people who work under him, will expand this authority.

I don't know who recommended to the President that he veto these items. One of the items happens to be for West Virginia. But let me hasten to say I would not negotiate with this President or any other President to keep him from vetoing that item for West Virginia. I am not going to negotiate with him to keep something for West Virginia. That is important to me, but more important to me than that is the constitutional system of separation of powers and checks and balances, and that is what we endangered in passing this illegitimate end run around the Constitution of the United States.

We handed it to the President just as the Roman Senate handed to Caesar and handed to Sulla the control over the purse. The Roman Senate ceded voluntarily, handed to the dictators, Sulla, Caesar—they made Caesar dictator for 10 years and then turned right around and made him dictator for life. But they said, "Here it is, the power of the purse." The Roman Senate had complete power over the public purse. But when the Roman Senate ceded to the dictators and later to the emperors the power over the purse, they gave away the Senate's check on the executive power. They gave away the Senate's check on executive tyranny. And that is what we have done.

Let me make clear to all Senators that in voting on this resolution today they are not voting for or against the line-item veto. I am against the line item veto. We all know that. Everybody knows that. If they don't, they ought to have their head examined. But this vote today is not a vote for or against the line-item veto. I hope all Senators will understand that. I hope all Senators' offices will understand that. I hope all Senators' aides will understand that. And I hope that the press will understand that.

This is not a vote for or against the line-item veto. This is a vote for or against the disapproval resolution. A Senator can be very much for the line-item veto, yet feel that the President exercised the line-item veto in this case in an arbitrary and unfair manner.

That is what we are voting on today, whether or not we feel that the line-item veto was exercised in an arbitrary manner or whether it had a genuine basis, whether it ought to be upheld in this instance; whether or not these items that are in the resolution should go back to the President, hopefully for his signature this time.

In this case, Senators are only voting whether or not you want to send these particular items that were line-item vetoed back to the President a second time. That is all. I happen to think that the line-item veto was used in this instance in a very arbitrary manner.

I think the administration took this action without ample forethought,

without a very careful analysis of the items and whether or not they, indeed, did fit into the criteria. I think the administration acted in an arbitrary manner, and they have said that they acted on incorrect data from the Defense Department.

I hope all Senators will understand that they can vote for this resolution today and still be for the line-item veto. It doesn't make any difference as to what their position is on the line-item veto. The fact that they may vote for the disapproval resolution does not mean they are for the line-item veto. It doesn't mean that at all. It should not be taken as an indication that Senators are for or against the line-item veto.

I hope all Senators will vote for the disapproval resolution. Senator STEVENS, as chairman of the Appropriations Committee, conducted a hearing. It was well attended by Senators. And it thoroughly exposed the vulnerability of the administration's position. The Department of Defense witnesses did not uphold the administration in the information that it sent abroad in the land to the effect that this item or that item or some other item was not on the Defense Department's 5-year plan.

Now, I hope that the Senate and House will send this resolution to the President. I hope it will be supported overwhelmingly. And, of course, the President will veto it. He has said he would. But let him veto it. That is an old scarecrow. That is a scare word. It doesn't scare everybody, but it may scare some people. He will veto it. So what. Go ahead. Veto it. Maybe the Senate and House will override the veto. They may not. But in that instance things will be operating according to the Constitution.

Now, here it says in the final paragraph, "While we"—I do not know who "we" is. That is the editorial pronoun "we." "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 the data provided by the Department of Defense that was out of date."

What is the matter with the administration? Why don't they make sure of what they are doing? They should have acted cautiously. They should have acted carefully because they are vulnerable on this. They have been exposed to have acted, I won't say with malice aforethought but certainly without careful aforethought. It is not to their credit. I don't happen to believe that the Sun rises in the west, Mr. President. It has never risen in the west a single day of the 29,200 days I have been on this Earth. It rises in the east.

So I am not going to bow down to the west—to the western end of Constitution Avenue. I bow down to the Constitution. I took an oath to support and defend that Constitution. I am not above amending the Constitution. The forefathers saw a possible need to

amend it and they made provision for that. But I am never going to join in dismantling the structure, the constitutional system of separation of powers and checks and balances. Count me out.

Mr. President, it is with the dispassionate eye of a history student, it is with that kind of dispassionate eye that I have tried to view this subject matter. Everything I have said about this subject matter has come true. It comes with sadness, when we find that in the OMB's explanation of the President's veto it resorts to a statement to the effect that the President has authority responsibly to cancel projects that were not requested in the budget.

But to me that statement demonstrates a superabundance of inflated arrogance. It demonstrates a superabundance of inflated arrogance for a President of the United States, any President—I am not just talking about this one—to feel that he has a right, and the power and the authority—apparently he does have the raw power now that Congress unwittingly gave him the line-item veto—to take the position that if it isn't in his budget, he will veto it.

That is a supremely inflated arrogance, to assume that if it isn't in the budget, the President of the United States shall strike it out. "Upon what meat [does] this our Caesar feed?" When an administration arrogates to itself the sole determination that items that are in the President's budget are sacrosanct but those that may be added by the directly elected representatives of the American people are negotiable, and they are vetoable—this is plain, bloated arrogance.

So, as a history student I have studied the practices and the customs and the traditions of the U.S. Senate during its over two centuries of existence, and I believe I can say with some authority that today is a landmark day in the Senate's history. For over 200 years the Senate has exercised its constitutional authority to write and pass the laws of the land. But today that tradition will be momentarily set aside as we consider legislation that asks—yes, asks the President to rethink his decision to erase provisions from a bill passed by Congress and signed into law by that same President. Today the Senate completes the abdication of legislative power that it began last spring when it adopted the conference report on the Line-Item Veto Act. The Senate acted upon the conference report on March 27, 1996. The Senate had originally passed the Line-Item Veto Act a year and 4 days previous to that, on March 23rd, 1995. Those are the two dark days in the constitutional history of this country.

I would like to take a few moments to impress upon my colleagues the significance of today's vote and to implore them to reconsider the misguided course that they embarked upon a year-and-a-half ago. But in so doing, let me say again, your vote today is

not a vote for or against the line-item veto. But I do think it's good for us to look back. Lot's wife looked back and she was turned into a pillar of salt, but Senators will not be turned into a pillar of salt. I think it's good for us to look back and have an opportunity to see where we have erred. We all need to look back once in a while and see where we made a mistake, where we left the straight path. And maybe we can find a way to mend ourselves in the future.

So I begin my discussion, as always, with the Constitution of the United States of America. Any discussion of the line-item veto, indeed any discussion of the Federal Government, properly begins with the Constitution of the United States of America. And for those who may be watching the Senate, here it is—right out of my shirt pocket. Here it is: The Constitution of the United States of America. It cost me 15 cents when I first purchased it from the Government Printing Office. I think it's about \$1.75 today, but it is worth every penny of it.

I begin my discussion with that Constitution, as any consideration of the Federal Government should begin. For the Constitution is not some musty document expressing abstract concepts, a quaint if antiquated relic which only a few high school civics instructors deign to read.

The Constitution is the users' manual of the Federal Government. It specifies how the branches of Government function, how they interact, how their powers overlap, and yet those powers are separated. It explains how the framers heeded the warnings set out in the Federalist Papers that "[t]he accumulation of all powers, legislative, executive, and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny."

The solution that the framers hit upon was to divide powers between and among three equal and distinct branches of government. It is a marvelous, marvelous document. One, in my opinion, cannot truly understand the Constitution of the United States without also understanding the history of the ancient Romans, without understanding the history of England, and without understanding the American colonial experience, and without reading the Federalist Papers, in other words, without having a thorough grasp of the roots of the Constitution that lead back into the misty centuries.

The solution that the framers hit upon was to divide powers between and among three equal and distinct branches of government. The Constitution sets forth a clear separation of powers between and among these three branches. Article I specifies that all—all—let's give what I say here 100 percent authenticity. I won't risk my memory.

Abiyataka was the nickname of Artaxerxes II, of Persia. His memory

was so fabulous and outstanding that he was given the nickname Abiyataka. So I won't depend on memory. I'll read it from the Constitution, so it has to be authentic.

Section 1. 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.

Article II, by contrast—Article II, by contrast—let's be sure that it's authentic also, states in Section 1:

The executive Power shall be vested in a President of the United States of America.

There it is. And one of the key functions of the President is to, "take Care that the Laws be faithfully executed." It's a matter of some bemusement to me, to think that the Constitution mandates that the President is to take care that the laws be faithfully executed and yet Congress passed the Line-Item Veto Act that allows the President to sign an appropriation bill into law and to not faithfully execute that law which he has just signed, but, instead, to turn right around and unilaterally repeal it, amend it, cancel or rescind this item or that item. Is that a faithful execution of the laws? The framers could not have made their intentions any plainer. Congress has the job of passing laws. The President has the job of executing them.

What are the legislative powers "herein granted" that the Constitution assigns to Congress? Article I lists a number of these powers: they run the gamut from the power to "lay and collect taxes" to the power to "fix the standard of Weights and Measures." Article I also takes great care to spell out in clear and precise language the process by which Congress is to make laws. The most important language is contained in the so-called "Presentment Clause" of the Constitution—Article I, section 7, clause 2—which I will accordingly quote at length. "Every bill," not just some bills, not just a few bills:

Every Bill which shall have passed the House of Representatives and the Senate, shall, [not maybe, not may—shall; not might—shall] before it become a Law, be presented to the President of the United States; If he approve he shall sign it. . .

It doesn't say he may sign it. He shall sign it if he approve.

. . . 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. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law.

* * * * *

If any Bill shall not be returned by the President within 10 Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

That is from the Constitution of the United States.

The Presentment Clause, then, offers the President three mutually exclusive alternatives in considering a bill passed by both houses of Congress: He may "sign it," he may "return it with his Objections" to Congress, which may then pass the measure into law by a two-thirds vote of both Houses; or he may choose not to return the bill, whereupon "the Same shall be Law," unless Congress has adjourned before the bill's 10-day return limit has expired. So, whatever path the President chooses, he is compelled to consider it. And, by "it," the Constitution means the entire bill as passed by Congress in its entirety; not just parts of it.

But, in defiance of the Presentment Clause, the Line-Item Veto Act creates a fourth option for the President. Under the Act, the President may take any bill "that has been signed into law" within the past 5 days and he may cancel—I am reading now, quoting from the Line-Item Veto Act, "... cancel in whole (1) any dollar amount of discretionary budget authority; (2) any item of new direct spending; or (3) any limited tax benefit. . . ."

The 5-day provision is a figleaf designed to conceal the measure's brazen violation of the presentment clause. The drafters of the Line-Item Veto Act knew that they could not explicitly authorize the President to alter a bill passed by Congress before signing it, because to do so would violate the presentment clause's mandate that he send or return each bill in its entirety.

Thus, the act inserts a gratuitous pause of up to 5 days between the President's signing a bill and then canceling certain items in the bill that he just signed. There can be 100 items in that bill, and he can strike out 99 of them. He has 5 days in which to do it. He can strike out 100 the first day, the second day strike out another 100, the third day strike out another 100, the next day strike out 100, the next day strike out 99. He already signed it into law. It is his little plaything then to do whatever he wants.

Although the conference report justifies the 5-day allowance as giving the administration sufficient time to provide Congress with "all supporting material" justifying any cancellation, the report makes clear its intention "that the President's cancellations be made as soon as possible."

Nor should it be forgotten that while the President may take up to 5 days to cancel an item, he need not wait that long. He is free, free, free to cancel items the next second after he signs the bill into law, and he remains free to cancel items the next second after he signs the bill into law, and then he remains free to continue to do so for the next 119 hours and 59 minutes. He has 120 hours.

I hope the High Court will say the presentment clause is not so easily evaded. The Supreme Court acknowledged the importance of strict adherence to the Constitution's procedural mandates when it declared that "the

prescription for legislative action in article I, sections 1 and 7, represents the Framers' decision that the legislative power of the Federal government be exercised in accord with a single, finely wrought and exhaustively considered, procedure . . . With all the obvious flaws of delay, untidiness, and potential for abuse, we have not yet found"—this is the Supreme Court of the United States speaking—"we have not yet found a better way to preserve freedom than by making the exercise of power subject to carefully crafted restraints spelled out"—where?"—"in the Constitution."

That is what this line-item veto is all about. It is not about money, really. It is not about reducing the deficits. Fie upon such reasoning. It is just window dressing. It is not about reducing the budgets. It is not about balancing the budget. It is all about power. Where will the power over the purse lie? When it lies here, the power of the people is protected, and as long as that power over the purse is vested in the Congress, the people's freedoms are secure.

Let's see what this Court says, again. This bears repeating. I am quoting from the Court's position itself:

The prescription for legislative action in article I, sections 1 and 7, represents the Framers' decision that the legislative power of the Federal government be exercised in accord with a single, finely wrought and exhaustively considered, procedure . . . With all of the obvious flaws of delay, untidiness, and potential for abuse, we have not yet found a better way to preserve freedom than by making the exercise of power subject to the carefully crafted restraints spelled out in the Constitution.

Accordingly, it is not enough that the President may wait up to 5 days after signing a bill before he retroactively violates the presentment clause. The violation is just as egregious as if the President had crossed out the items he disliked before signing the bill into law.

Supporters of the line-item veto argue that the veto complies fully with the presentment clause. Since the veto applies to bills that have already been enacted into law in compliance with the presentment clause, the supporters of the line-item veto say, and since the requirements of the presentment clause are fulfilled when the President signs the measure into law, the Constitution cannot have been violated.

Well, even, Mr. President, if we accept this syllogism, it follows that the act, by empowering the President to rewrite certain laws, to repeal certain laws, to amend certain laws—grants the President the most basic of Congress' legislative powers; namely, the power to make laws.

The act defines the President's cancellation authority as, alternately "with respect to any dollar amount of discretionary budget authority, to rescind"—to rescind—or, with respect to any item of new direct spending or any limited tax benefit, to prevent "from having legal force or effect." As this definition indicates, "cancellation" is

but another word for "repeal." A rose by any other name smells just as sweet.

So cancellation is but another word for repeal and, functionally, what the President is doing when he cancels certain parts of the law is repealing—unilaterally repealing—those same acts, those same parts for, if as veto advocates argue, only bills that have been previously, albeit recently, passed into law are subject to the line-item veto, then those same bills, like all other laws, may only be repealed by legislative action pursuant, again, to the presentment clause. After all, as the Supreme Court has recognized, "[a]mendment and repeal of statutes, no less than enactment, must conform with Article I."

I repeat, as the Supreme Court has recognized:

[A]mendment and repeal of statutes, no less than enactment, must conform with Article I.

The line-item veto advocates cannot have it both ways. Either the Line-Item Veto Act, as its very title indicates, gives the President the authority to alter a bill passed by Congress by effectively signing only certain parts of the bill into law, or the act allows the President to unilaterally repeal portions of an existing law. In either event, the act permits the President to encroach upon the legislative powers assigned to Congress and to Congress alone, by bypassing the procedures set forth in the presentment clause.

Mr. President, I hope that I have impressed upon my colleagues, those who are listening, that the line-item veto offends the most clear and incontrovertible requirements of the Constitution. But if that isn't enough to sway my colleagues, let me point out that granting the President line-item veto power is not just unconstitutional, it is also bad policy. If anyone doubts what I am saying, and lest I be accused of forgetting the pretext for my speech today, let us consider the disapproval resolution before us.

The disapproval bill is but a small attempt to repair the damage wrought by the President's misguided cancellations of 38 projects in the fiscal year 1998 military construction appropriations bill. A number of my colleagues have criticized those same cancellations: "arbitrary," "capricious," "a raw abuse of political power." These are the words of those who voted for the line-item veto. Those who voted for the line-item veto now say that the President's exercise of the political tool which they handed to him, now they accuse him of being "arbitrary," "capricious," "it was raw abuse of political power."

Such criticisms are, of course, absolutely correct. There seems to be little logic underlying the President's cancellations. What logic can be found is so flawed as to scarcely warrant a response. I repeat, for example, the White House stated that it only vetoed projects that were not "executable,"

meaning that construction could not begin in fiscal year 1998, but in truth, every one of the 38 vetoed projects was eligible for construction in fiscal year 1998.

With regard to the West Virginia project, the design contract with ZMM, Inc., of Charleston, West Virginia was signed on August 29, 1997. Completion of the design contract is due in April 1998, and a construction contract could be let in the May–June timeframe.

An amount of \$965,214.39 has been obligated and an amount of \$44,967.61 has been expended against the design contract. So clearly, the design work is underway and the project is executable in the current fiscal year.

The White House also said that it only considered items that were not included in the President's fiscal year 1998 budget request. How arrogant! How arrogant! "Upon what meat [does] this our [little] Caesar feed?" Never mind that the Senate was careful to include projects that were already in the Department of Defense's 5-year plan.

Never mind that the Senate moved up projects that were considered urgent or particularly meritorious, or that were necessary to remedy oversights in the Presidential budget that would have deprived our Armed Forces of needed quality-of-life improvements or denied funding to important Guard and Reserve projects.

Never mind the many previous occasions on which Congress has safeguarded the preparedness and well-being of the Armed Forces by funding projects that various Presidents overlooked or shortchanged.

Now, the rules have changed, and congressionally backed projects are targets for the Presidential blunderbuss that is the line-item veto. They are targets for his blunderbuss of the line-item veto if they are not in his budget.

It is difficult for me to overstate my anger at the rank arrogance of the White House in relegating congressionally backed projects to such harsh scrutiny. Need I remind the administration that it was Congress that in 1921 assigned the Executive the task of submitting annual budget proposals? It was Congress that in 1921 assigned the Executive the task of submitting annual budget proposals. Need I also point out that those proposals are, by law, not binding and that Congress remains free to exercise its "power of the purse" however it sees fit? And so "lay on, Macduff." It is the Congress that retains the freedom to exercise its power of the purse however it sees fit.

My anger is not directed at William Jefferson Clinton. He is merely exercising the power that we—we—in our weak moments gave him. The ultimate blame lies here and across the corridor to the other end of the Capitol. The ultimate blame lies here, here in this Chamber, which gave away a portion of its most important power, with no strings attached.

And I quoted upon the occasion when the Senate passed this ill-formed, de-

formed monstrosity, I quoted upon that occasion the words of Aaron Burr, who in 1805 said that if the Constitution be destined ever to be destroyed, "its expiring agonies will be witnessed on this floor." And I said at the time that Burr's prophecy was being fulfilled.

So the ultimate blame lies here, which gave away a portion of its most important power, with no strings attached. Here it is, Mr. President. We witnessed the expiring agonies of the Constitution on the floor, as Burr said we would, when we passed the Line-Item Veto Act.

We had an opportunity to retrieve our honor and our commitment to our forefathers and our promises to our children at the time the conference report came here. But the Senate again stabbed itself in its back, and the expiring agonies of the Constitution were witnessed on this floor.

"Didn't we tell the President how the line-item veto should be used?" some may protest. Yes, we did. But the restrictions we placed on the line-item veto were so vague and feeble as to give the President virtually unlimited cancellation authority.

The Line-Item Veto Act states tautologically that any veto must "reduce the Federal budget deficit"—a requirement that any cancellation of a spending measure or tax benefit would presumably meet. The act also insists that any cancellation must "not impair essential Government functions" or "harm the national interest."

Well, what are "essential Government functions"? How should "the national interest" be protected? Those answers must rest with the President, for the act provides little guidance—the act provides little guidance.

Moreover, even if the President determines that all three criteria have been met, he is still free to decide not to effect a cancellation. The act says only that "the President may" cancel certain items meeting those criteria.

Mr. President, my colleagues protest that the President's cancellations are arbitrary and capricious. To this I respond: Of course they are, because we gave the President the authority to be arbitrary and capricious.

And so let us not now, at this late moment—those of us who voted for the Line-Item Veto Act—let us not heap obloquy and scorn and condemnation and criticisms and castigations and imprecations upon the President because he is being "arbitrary" and "capricious."

We have given the President the power to strike any item he pleases and for any reason he pleases. He can say it was not in his budget. If he does not have any other reason, he can say, "Well, it wasn't in my budget." Not according to the act, but he can do it. He has done it.

And who is to blame? We have only ourselves to blame. By passing the line-item veto, we have deprived Congress of an effective say in which

projects will be funded, we have denied ourselves the ability, which we exercised so often and so successfully in past budget cycles, to correct flaws or oversights in the President's budget proposal.

In past years, Congress repeatedly ensured that essential defense projects were funded at the appropriate levels. It was Congress that insisted on adequate funding for the stealth fighter. It was Congress that insisted on the funding for the Osprey helicopter. It was Congress that insisted on adequate funding for the C-130 aircraft, and countless other valuable projects that the administration at the time opposed.

It is no exaggeration to say that this country's defense capabilities would be significantly weakened today if not for Congress' vigilance and dedication in the fulfillment of its appropriations duties.

Now, however, congressional vigilance is subject to indiscriminate line-item vetoes. No longer can Congress ensure proper investments in this country's defense and infrastructure, thus, safeguarding the present and future well-being of all Americans.

The line-item veto has created a new order in which Members of Congress must resort to "disapproval measures" to restore funding that they already approved and that the President already signed into law, which under the Constitution would indicate that he had already approved the items. The Constitution says, if he approves, he shall sign it. And he signed it.

Today is a black day for this institution whose Members must prostrate themselves on bended knee before the President and ask him—ask him—to do what the Constitution requires: To respect and enforce and execute, faithfully execute, the laws passed by Congress.

But this is also a black day for the Nation which now finds that its single most representative institution no longer possesses unqualified authority to make the law. That is the legislative branch.

As Members of Congress, we represent the people of this great country. By abdicating a portion of our responsibility to pass laws—that is exactly what we did—we have denied ourselves the ability to represent those people effectively.

I apologize if my words today have seemed angry or vituperative. I apologize if my vehemence has offended any of my colleagues. I do not mean to provoke partisan dispute or internal dissent. I only wish to ask my colleagues to consider, as they ponder their vote on the disapproval bill before us—and go ahead vote as they wish on the disapproval bill; that is not an indication of whether they favor of disfavor the line-item veto—but they should ponder whether the Nation ought to continue down the shadowy trail that it embarked upon when we passed the Line-Item Veto Act.

I pray that before we blunder too far down this misguided path, we will retrace our steps and return to the route laid out by the framers, the path that was lighted by the clear light of the Constitution.

The President says, "We'll say to any Member, we'll be happy to negotiate with you about your item."

"We might be able to work it out so the President won't veto it."

Senators, do not do it. Do not act to legitimize this legislation. Do not act to legitimize this process by which we have, in part, emasculated the Constitution, the constitutional system with its checks and balances and separation of powers.

Do not negotiate for a moment, because when you do, you are negotiating with respect to the Constitution, you are saying, "Well, I'll negotiate with you. You can go ahead and line item the item out, but maybe we can work out something." I say that when one negotiates under those circumstances, he is negotiating something that the Constitution is pretty clear about, and that is the checks and balances and separation of powers.

The Constitution is not to be negotiated. And I, for one, will not negotiate to save any item for West Virginia. I will not negotiate. I will negotiate with other Members until we are able to work out language, compromise language, in a bill, dealing with a matter, but when it comes to negotiating in order to keep the President from wielding his dreadful line-item veto pen, that's not for me.

When we took it upon ourselves to correct some of the framers' mistakes by ignoring the clear language of the Constitution, we did not just display a breathtaking contempt for the rule of law and the principle of separation of powers; we also cast aside our own responsibility as Members of Congress to act as a check upon the executive branch, and we there and then deprived ourselves and deprived the people that we represent of the ability to ensure that the power of the purse is exercised in the best interests of the Nation.

I yield the floor.

Mr. STEVENS. Mr. President, I ask unanimous consent that the following Senators be added as original cosponsors: Senator SHELBY, Senator HAGEL, Senator MIKULSKI, and Senator LAUTENBERG.

I further ask unanimous consent that the following Senators be recognized in this order in consideration of this measure:

Senator BURNS, Senator MURRAY, Senator COVERDELL, Senator CLELAND, Senator MCCAIN, and Senator GRAHAM.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BURNS. Mr. President, not to take away from the seriousness of the moment or the debate that we heard about the line-item veto and the debate we are hearing today, I will say about my chairman and ranking member of

the full committee, since this circumstance has happened, it has sure picked up the most colorful debate in committees. That had been absent for quite a while.

I want to congratulate my friend from West Virginia on laying out the situation as it really is. But we are here and we have to deal with the moment as it is, and given the President's desire to improve the quality of life for the men and women in uniform, and given the President's dedication to a balanced budget as reflected in the real world, and the real world is appropriations—that is where we actually spend the money. We can debate on the budget all we want to but accounting time is when we start appropriating dollars for the real world.

The ranking member on military construction appropriations, Senator MURRAY, has worked hard with our colleagues in the House and also with the administration before we finally passed a conference report and sent it to the White House for the President's signature. We worked very hard to take out those items that would have been objectionable, and it reflected the intent of Congress, both through the budget statement and through the appropriations statement and the charge that was given us when appropriating the money. I believe we did a responsible job in working with everyone.

Of course, of all the projects that are in this, we had to single out 38. Now we are offering some back. We have to remember that we are charged with covering the most basic defense requirements. After hearing from the military services, the Congress did add back \$800 million to the President's budget, with the agreement from the President to fund those meritorious requirements that, as articulated to us, are essential to the services' operations.

I guess since I've been working in this committee, we have tried to shift the focus in military construction to quality of life. We have a professional military now. It is not like it used to be. We have made those shifts primarily into the quality of life—the building of health care centers, the building of child care centers, new barracks for enlisted people—because everywhere that I have traveled, looked at our men and women in uniform, and especially with the rollbacks and the downsizing in the force structure, I am concerned, now more than ever, about the morale of our fighting men and women.

I have visited the installations around the country. I have seen soldiers, marines, airmen and sailors sleeping on floors, airmen working in substandard facilities, and families forced to go on—would you believe it—on food stamps. They actually qualified for food stamps.

Even though we have a professional military, we still ask them to defend our country on a moment's notice. I, for one, think they deserve better. That is why I question the veto of this

President. I guess I'm even more familiar with the facilities in Montana. I had one of those lines that was vetoed, a dining facility at Malmstrom Air Force Base in Great Falls, MT. I just wish the President had accepted my invitation to have lunch there. It didn't look much like the north side of the White House last night, I can tell you. He would see a facility that is in bad need of repair and renovation. I'm not real sure if the food preparation areas or where they serve the food would pass health inspection in the civilian sector. There is lack of ventilation and food storage space. It was an old commissary. The facility would sure flunk the most basic of all inspections.

It is my strong view that the President used the line-item on this bill not as the Congress intended, or even his own stated intent. I would not feel so bad, I really wouldn't, had we gone over the budget agreement or had we gone over what we spent a year ago or even 2 years ago. The ranking member knows that we are almost \$2 billion out of an \$11 billion appropriation lower than we were 2 years ago in providing necessary items of need in the military construction for these projects. If we had gone over and had we just thrown money hand over fist and wasted it, I wouldn't feel bad about this line-item veto, but we did not do that. We did not approach this bill in that manner. We knew the line-item veto was out there. We knew that everything in this bill, No. 1, had to be authorized by the authorizers, and we knew the amount of money that we were expected to save in order to comply with the balanced budget and still get the job done for our military people.

Every project on this list was carefully screened. It was authorized by the Armed Services Committee. It was included in the final Defense authorization conference for fiscal year 1998. Had we not gone through that process, had we not taken each item individually, had we not been sensitive to the need of our lifestyle and the quality of life, had we not done any of that—yet in consultation with the President and with the representatives of each one of the military services—had we not done that, I wouldn't feel so bad today. But we did that. We did it in the most conscientious way that we know, and that is human contact, actually talking to people through the whole process, keeping them informed about what was in there and what was not in there.

Everybody was not happy with it, but it was a pretty big vote, 97-3. I think that is pretty overwhelming. It tells the story of the work that we did on this legislation.

So I appreciate my ranking member and both sides of the aisle. I appreciate all the folks that worked on this piece of legislation. And, yes, I appreciate the people who represented the military services and the people who represented the White House as we were working on it. I appreciate them, too. But maybe some things I don't appreciate: Once you agree on something,

then you walk away from it some 6 weeks later. That is not the way we do business in Montana, and I don't think that is the way we do business in Washington, Arizona, Georgia, or Kansas.

I ask for your support on this. We will probably have more to say with regard to this piece of legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise today to strongly support the legislation before the Senate, along with the chairman, Senator BURNS, who has done an outstanding job of putting this legislation together. I hope the Senate does disapprove the cancellation of projects which the President made under his line-item veto authority. I do not think it was appropriate to exercise that authority in the case of our bill. The subcommittee worked very hard and successfully to review the many requests that came before us for projects that were not included in the President's budget. We worked very hard to include only those which met very stringent criteria. In all cases, that included the criteria that the project be executable in fiscal year 1998. That is, that contracts could be awarded for construction.

It is puzzling to me why the administration concluded that some 38 projects were not executable. That conclusion is wrong. The Pentagon's own paperwork, provided to the subcommittee for each of the proposed projects, plainly states virtually every project we included was capable of execution in fiscal year 1998.

The subcommittee added substantial sums for new health facilities, quality of life improvements such as the housing area, and for the National Guard and the Reserves. Despite these additions, the final product was frugal, and represented a 6-percent reduction below last year's milcon spending level.

Mr. President, the chairman and ranking member of the Appropriations Committee, Senators STEVENS and BYRD, have rejected the vetoed items as an inappropriate overreaching of authority on the part of the administration. I am gratified that the committee is standing up for the subcommittee's work. It is a substantially better product than the budget submitted by the President, and that is our job. The administration has no exclusive corner on wisdom in making its selection of projects.

In fact, the administration has admitted making serious errors in the handling of this matter. I would have thought that the administration would have been far more careful and selective in exercising its new line-item authority, but the reverse was the case. The exercise of power here was sloppy, and rushed—and resulted, as OMB Director Raines wrote to the committee on October 23, in inaccuracies. The administration has taken to writing to individual Senators to indicate it

would help restore those projects wrongly vetoed, and put them back in the budget at the earliest opportunity. That tactic makes the situation, if anything, even more confused, since it appears the administration is revising its evaluation of the mix of projects based on new information or criteria and there has certainly been no meeting of the minds on such new acceptable criteria with the committee.

Mr. President, I would suggest that Senators look at this disapproval resolution in the narrow framework in which it is written. Senators need not address this position on the constitutionality or wisdom of the line-item veto legislation itself to vote for this resolution. A vote for this resolution is a vote against back-of-the-hand capriciousness, apparently in a hurried manner, after the subcommittee, full committee, and both Houses labored over a period of several months to scrub the budget and add only those projects which are deemed worthy.

I hope this measure will receive the strong support of the full Senate, as it did when the conference report was first presented, and that it will be presented to the President before we conclude the first session of this Congress.

Mr. President, I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, before my friend from Arizona speaks, we had a unanimous consent on the order.

I ask unanimous consent that we go back and forth, which would mean that the next Senator allowed time would be Senator MCCAIN from Arizona and, after that, Senator CLELAND from Georgia.

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

Mr. BURNS. I yield to my friend from Arizona.

Mr. MCCAIN. Mr. President, I intend to be brief. This issue has been well discussed and well debated, and will be again because this is the first step in a process that we will see for the first time in the Senate, and that is a motion of disapproval of a veto by the President and an attempt to override the President's veto. So we will have plenty of time. I mainly asked to speak, one, to congratulate Senator STEVENS not only for his stewardship of the entire Appropriations Committee, but his staunch advocacy for a strong national defense and his sincere efforts to do what he feels is right.

Senator BURNS has done an outstanding job as the chairman of the Military Construction Subcommittee. I believe that his recent depiction of the situation at Malmstrom Air Force Base is an ample indication of his concern for the living standards of the men and women in the military and his deep and abiding concern for their welfare.

Having said that, Mr. President, I, as a supporter of the line-item veto, intend to vote against this resolution. I believe that we have to set up criteria

that need to be met, because there is not an unlimited amount of Defense dollars or taxpayer dollars for that matter. Not only did these projects—or at least the overwhelming majority of them—not meet the criteria I have been using now for 10 years, but there were 129 low-priority items added to the Milcon appropriations bills that should have been—at least under the criteria I have been using for the last 10 years—vetoed.

Mr. President, there is a process that we go through. It is authorization, it is hearings, it is budget requests, it is the kind of orderly process that gives a priority that is sufficiently compelling for the taxpayers' dollars to be used on that project, whether it be in military construction or defense appropriations, or any other appropriations bill. In order to understand that, in my view, in order to make a reasonable and fair and objective decision, you have to set up objective criteria. That is where the administration has failed in this exercise.

The people in this body—the Senator from Washington, who just spoke about what happened in her State, the Senator from Montana, the Senator from Georgia, and all the other cosponsors of this bill—deserve the right to know under what criteria the President of the United States would act in vetoing these various projects; in this case, they are military construction projects. They have a right to know that, as do the people and the military installations in their districts. We have a future years defense plan that the Pentagon sets up, which lists the projects that are going to be funded, and which they plan to, after a careful screening process, request funding for from the Congress and the American people. There is a system that goes before the authorizing committees. We have a military construction authorization bill, and then it goes before the Appropriations Committee. That process should be adhered to.

Why am I against so many of these projects? Simply, Mr. President, because there are 12,000 American military families that are on food stamps. I understand they don't have a decent facility to eat in at Malmstrom, but I also know they are kept away from home because of a lack of equipment. And we are having a hemorrhage of Air Force and Navy pilots because we are not paying them enough and we are keeping them away from their families, keeping them at sea, or in places like Iraq or Turkey, because we are not funding them adequately.

Mr. President, I happen to know that we are not modernizing the force sufficiently in order to meet the challenge in the future. We are buying things such as the B-2 bombers, which we find out can't even fly in the rain. Then we have the *Seawolf* submarines, and there is no tangible challenge to American security that warrant paying for that. Frankly, we are funding projects not on the basis of merit, but for other reasons.

I believe that the men and women in the military, especially those enlisted men and women, deserve more than they are getting. They are not getting it because we are funding projects and programs many times which are unnecessary. Also, in the Defense appropriations bills we are funding projects that have nothing to do with national defense. I am not sure what electric car research has to do with national defense. I am not sure what supercomputers to study the aurora borealis have to do with defense. They may be worthwhile projects, and I do not disagree that some of the projects that were vetoed by the President here were worthwhile; it is a matter of priority.

I hope that the President of the United States and the Director of the Office of Management and Budget, who obviously is making many of these recommendations to the President, will understand that we have to set up criteria for when the line-item veto is used or not used. Otherwise, you give the appearance of politicization of the process, which understandably angers and upsets Members of Congress who feel that they or their projects are being singled out, where other projects under the same criteria were not line-item-vetoed.

So I believe that if we want to avoid going through this exercise on a fairly frequent basis, the Members of Congress and the American people deserve the President of the United States to say: This is the criteria I will use—whether it is authorized or not, whether it is added in conference or not, whether it was earmarked or not, whether it was requested, or whatever. I am not saying the President should use my criteria, but I am saying he should use an objective criteria that is credible; so that when the Senator from Montana, Senator BURNS, who has devoted so many hundreds of hours to this effort and takes his duties as chairman of the Military Construction Subcommittee so seriously, decides whether or not to add or not add a project to his legislation, he will know whether it meets his criteria. He will have a certainty as to whether the President will veto it or not.

I congratulate the Senator from Montana and his staff for their hard work. I hope we can provide a framework in which he can work so there would be certainty and objectivity, and not a taint or appearance of politicization of this process, which is the case today.

I yield the floor.

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

PRIVILEGE OF THE FLOOR

Mr. CLELAND. Mr. President, I ask unanimous consent that Regina Jackson, a legislative fellow on my staff, be granted floor privileges for the debate on S. 1292.

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

Mr. CLELAND. Mr. President, I join my distinguished colleagues today in

search of any rhyme or reason behind the veto of the \$6.8 million project that the President vetoed at Moody Air Force Base in Georgia. It is known as the HH-60 OPS/pararescue project. It is a critical project that supports combat search and rescue training and pararescue training operations. This project should have been included in the budget. It benefits the quality of life for our service members, and has been operating at Moody since April, 1997. There is no apparent rationale for this veto action. I believe that the Moody project was vetoed because it failed to meet all the criteria for approval set by the administration. Thus, the claim was made that: first, the Moody project was not requested in the President's 1998 budget; second, the project would not improve the quality of life of military service members and their families; three, the project almost certainly would not begin construction in 1998.

Responsible consideration of veto targets would have taken into account and weighed all the facts. The facts are these. My information is based on the fact that, in 1996, the Pentagon announced its plans to move two squadrons, the 41st and 71st, from Patrick Air Force Base, FL, to Moody Air Force Base, GA. In connection with the move, the Air Force began quartering a small number of people at Moody as early as October 1996 and subsequently moved the squadrons there in April 1997. The relocation is now complete and the unit is operating out of a temporary trailer.

Having made a formal announcement, the Pentagon certainly had a genuine interest in the success of this project. The Air Force, having begun the transition in October 1996, obviously intended to implement the plan. Unfortunately, the decisions came too late for the Pentagon to include this project in the President's fiscal year 1998 budget, though, again, I believe there can be no doubt that our defense leadership fully supports the new mission for Moody.

My distinguished colleagues, let us not forget that this Congress is duly responsible for ensuring that our legislation considers appropriate measures where the administration's submission may actually be lacking. It is not unusual, Mr. President, but in fact very common, that in the course of congressional review, we make additions or deletions that are in the best interest of national defense.

In my opinion, this is one of the most critical projects that I have come across. I sit on the Armed Services Committee. I think it is my job, not only as a Senator from Georgia but as a U.S. Senator to bring up other concerns that the administration does not raise. I would like to say that the Moody squadron does employ the Blackhawk helicopter to implement its mission, and the project supports essential combat search and rescue training and pararescue training operations.

What could be more important to the quality of life of military service members and their families than facilities that can operate to preserve those lives?

Apparently, the administration erred in assuming that the squadrons had not yet located to Moody. Actually, the move began in 1996 and is now complete. I think if this veto is not overridden, the mission capability of the squadron will be seriously impacted. A combined function facility is required to provide both an adequate squadron operations space and pararescue space. No facility currently exists at Moody to support the HH-60 pararescue squadron. Without this facility, new mission functions will be almost impossible to perform and may not be able to operate as designed. Whether the veto was arbitrary or ill-advised, the bottom line is that the Moody veto makes no sense.

Mr. President, I ask unanimous consent that a letter sent by myself and Senator COVERDELL be printed in the RECORD that expresses our point of view on this important matter.

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

U.S. SENATE,

Washington, DC, October 7, 1997.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our profound disappointment with your decision to veto a military construction project vitally important to Air Force rescue squadrons based at Moody Air Force Base. Yesterday you vetoed a \$6.8 million project to build a squadron operations support facility to support the 41st HH-60 Pararescue Squadron which has been relocated to Moody AFB from Patrick AFB. We are unable to understand the rationale used in canceling this project. Without this facility, the new mission functions associated with this relocation will be almost impossible to perform and the mission capability of this squadron will be severely impacted. This was an essential project with high military value, and your decision is even more troubling given revelations that Defense Department officials were not consulted.

We are particularly disturbed by the discrepancy in the facts you cited in vetoing this project. Your veto message indicated that 1) "the mission has not yet relocated from Patrick AFB" and 2) "it is unlikely that these funds can be used for construction during FY 1998." Both of these assertions are false. The relocation of these units began in April 1997 and is now complete. Furthermore, the Air Force informs us that the proposed construction can be executed in FY 1998. We are disappointed that your staff has ill-served you in presenting to you the facts regarding this project.

It should be made clear that we both support the line-item veto as a means to reduce spending on wasteful programs when the facts merit a veto. The facts here do not support a veto. We are concerned that the perceived arbitrary nature of this and other such vetoes will undermine support for this useful mechanism.

In closing, we regret that your decision was based on erroneous information regarding the urgency of this project and the ability of the Air Force to execute it. We hope to be able to work with you in the future to support the needs of the men and women who

serve at Moody AFB and in the entire Department of Defense.

Most sincerely,

PAUL COVERDELL,
U.S. Senator.
MAX CLELAND,
U.S. Senator.

Mr. CLELAND. Senator COVERDELL and I are both supporters of the line-item veto to reduce wasteful spending. But the basis for the veto, as the Senator from Arizona indicated, must be prescribed and must rely on the facts, not on false assumptions. Clearly, in the case of the Moody facility, the facts did not justify the decision, and the project did not warrant a veto.

Mr. President, this project has been and remains a top priority for Moody Air Force Base and for both Georgia Senators. The mission has been and remains in place at this time. I look to this bill to make right the wrong of the veto. In so doing, I hope to be able to support the needs of the additional 680 military personnel and approximately 1,500 spouses and dependent children that the mission has brought with it to Moody.

I yield to my colleague, the senior Senator from Georgia, for his remarks. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I rise today to apprise my colleagues of a terrible mistake made by the President and the administration in its issuing a veto on the \$6.8 million HH-60 Operations Pararescue Unit project at Moody Air Force Base in Valdosta, GA.

I am aware of the interest of my colleague, Senator CLELAND, in this matter, and I understand that he has joined me in questioning the rationale behind the abuse of power by the President. We just heard an excellent statement from my colleague, Senator CLELAND, of Georgia, on this very matter.

In looking at this project at Moody, it is important to understand, first, that this pararescue unit is critical to our combat search and rescue training operations which allow this group to function in a proper capacity.

As you may know, Mr. President, pararescue units are imperative to instilling in our fighting forces the battlefield and training confidence necessary for just the type of confidence that we have earned in this century.

The administration claimed that the Moody project was not needed for several reasons—such as budget requests, quality of life, and construction capability. We now know that these assertions are not accurate. The Air Force has distinct plans to fund the Moody project which was included in the Air Force's 1999 budget request. Officials at Moody inform me that they could have, indeed, begun construction on the project this year.

Finally, the Pentagon in 1996 announced its plans to move two squadrons, the 41st and the 71st, from Patrick Air Force Base, FL, to Moody Air Force Base in Georgia.

A small number of personnel began quartering at Moody as early as Octo-

ber of 1996, and subsequently moved the squadron there in its entirety in April of 1997. Make no mistake. The move is now complete, and the personnel are operating out of temporary trailers at Moody as we speak here today.

What greater quality of life issue exists for the nearly 2,200 military personnel and their families that this mission has brought to Moody?

We need to move expeditiously on this legislation to correct this error. The administration did not know, Mr. President, that the squadrons were already in Georgia. They believed they were still in Florida when they exercised this veto.

On this note, I commend my colleague from Alaska, Senator STEVENS, for bringing this bill before the Senate. I ask for my colleagues' support.

Mr. President, if I might make an inquiry of my colleague from Georgia, did he still prefer to participate if the colloquy here this afternoon, or did you want to just enter that into the RECORD?

Mr. CLELAND. Mr. President, I thank the distinguished senior Senator from Georgia who spoke eloquently on this matter. It is clear that the people are already there, and the need exists for this operation facility. There was a misunderstanding, a miscommunication, about this matter at the Executive level, and that we were not properly consulted. Otherwise, we would have been able to share vital information with them at the time, and it might have changed the outcome.

But I hope, along with my distinguished colleague, Senator COVERDELL from Georgia, that the Senate will override the President on this matter and make sure that this vital operational facility is present at Moody Air Force Base in Georgia to accommodate some 2,000 personnel that are already in place, as the Senator has so accurately indicated.

Mr. COVERDELL. I appreciate the remarks again of my good colleague from Georgia, Senator CLELAND. His remarks have documented the travesty that has occurred here. And, of course, when something like this happens, you have over 2,000 families in Georgia who are living in temporary facilities, and it is imperative that this error, this mistake, be overturned, which, of course, would be among the many, many issues that are in Senator STEVENS' bill.

So my colleague from Georgia and I are both rising in support of that to get this error corrected.

Mr. President, I yield the floor.

Mr. MCCONNELL. Mr. President, I would like to thank the chairman of the full committee, Senator STEVENS, and the ranking member, Senator BYRD, for their strong leadership on this important issue.

Additionally, Senator BURNS and Senator MURRAY, the chairman and ranking member of the Military Construction Subcommittee, have done an

outstanding job all year of putting together an appropriations bill which addresses the vital needs of our military installations.

Mr. President, we are here debating the merits of President Clinton's decision to strike funding for over 30 military construction projects. Let me state clearly that I strongly object to the President's reckless use of this new authority.

While I support the line-item authority, in this instance the President not only misused it, he endangered soldiers lives.

Let's look at the President's argument. Among his statements, the President claimed that he was canceling only projects "that would not have been built in fiscal year 1998 in any event; projects where the Department of Defense has not yet even done design work."

Wrong. The President's statement is absolutely inaccurate.

In fact, of the projects contained in this measure, each of them could begin construction in fiscal year 1998, a direct contradiction to the President's claim.

As for the two projects in Kentucky which were deemed wasteful by the President, one had 10 percent of the design work completed, and the other had completed 90 percent of the design work. Ninety percent, Mr. President, that is hardly insignificant.

President Clinton also claimed his effort was "another step on the long journey to bring fiscal discipline to Washington." In fact, he went on to claim he was ensuring "that our tax dollars are well spent," and was standing "up for the national interests over narrow interests."

Wrong again.

The projects eliminated by the President totaled \$287 million. Our Federal budget is over \$1.6 trillion. Therefore, the President's efforts have saved the nation a whopping seventeen thousandths of 1 percent of the Federal budget. So the simple truth is no real money will be saved as a result of President Clinton's veto.

The fact is every single project contained in this measure is in the President's own future year plan for military construction. Therefore, these facilities will be built, if not this year some time in the next 5 years. And, Mr. President, I don't have to explain to you the reality that delaying the inevitable construction will only increase the cost of these projects.

Mr. President, anyone who believes that the projects will be built for only \$287 million, their cost in fiscal year 1998, is sadly mistaken. Each of these projects will increase in cost, and the American taxpayers will be left holding the bag once again.

Finally, Mr. President, allow me to discuss one of the Kentucky projects which was vetoed in order to provide an example of how the process was mishandled by the Clinton administration. And, let me begin by reminding the

Senate that the administration did not even use accurate information in evaluating this and other projects.

Fort Campbell, KY, is home to the 101st Airborne, Air Assault, the "Screaming Eagles." This unit is one of the most important assets in the U.S. Army, and is often the first to deploy in a crisis situation.

As a result, the soldiers at Fort Campbell must maintain the highest level of readiness in order to deploy at a moment's notice. Yet, because President Clinton decided this was a pork-barrel project, over 200 soldiers a day are forced to work in facilities that are more than 50 years old, but were meant to last no more than 15 years when they were constructed.

Let me say that another way. Over 200 of America's finest soldiers are working, everyday, in facilities that should have been replaced or torn down over 40 years ago. These structures are literally falling down on top of the men and women working in these facilities.

Instead, Mr. President, the soldiers of the 101st are working in dilapidated, dysfunctional structures with little or no heat, faulty electrical wiring, no fire control systems and are riddled with asbestos.

An OSHA inspection of these facilities would do what no army in the world could—shut down one of our premier combat units and prevent it from meeting its mission requirements.

Conditions are so poor that work is often performed outside on gravel parking areas and not at all when temperatures reach severe levels.

The \$9.9 million appropriated for this project would have provided much needed facilities to the 86th Combat Support Hospital—a rapid deployable unit equipped with the Army's most modern medical systems, and whose mission it is to support soldiers on the front lines of combat.

To meet its mission requirement, Mr. President, the 86th must maintain more than 1,200 pieces of equipment in top, deployable condition around the clock. And, as you can imagine, much of this medical equipment requires conditions which cannot be met by these inadequate facilities.

Mr. President, the examples are numerous, but the most telling example is truly shocking. In 1991, one of the structures slated to be replaced burned to the ground in a matter of minutes. Fortunately, no one was hurt in this incident, this time.

If this is not a readiness and quality of life issue, I do not know what is.

Clearly, the condition of these facilities is incompatible with maintaining a premier fighting force and with retaining the quality men and women who work there.

Let me conclude, Mr. President, by saying the line-item veto was intended to be an instrument of precision and not the weapon of blunt force trauma. It was meant to deter wasteful spending—not endanger the lives of American service men and women.

But, the President's action was not, as he claimed, "another step on the long journey to bring fiscal discipline to Washington" rather it was a reckless abuse of authority that must be rejected. It is time we stop paying lip service and truly commit ourselves to meeting the needs and quality of life issues of these dedicated soldiers. I ask my colleagues to join me in voting to restore the funding President Clinton eliminated.

Mr. FRIST. Mr. President, I rise today to defend two projects the President of the United States chose to veto in the military construction appropriations bill. The President claimed that three criteria had to be met for an item to be cut. First, the item was not requested in the President's fiscal year 1998 budget; second, it would not substantially improve the quality of life of military service members and their families; and third, architectural and engineering design of the project has not started, making it unlikely funds can be used for construction in fiscal year 1998. Only the first criterion was, in fact met in the two cases I rise to support.

The first project the President struck was a tactical equipment shop at Ft. Campbell. The \$9.9 million project would provide a vehicle maintenance shop, storage for a forward support battalion, and a combat support hospital. The project replaces a 55-year-old building that was constructed in 1942 as a temporary structure to last until the end of World War II. This project was, please note, fully designed, and therefore did not meet the President's third criterion.

This facility is Ft. Campbell's No. 1 priority mission support project. The structure is literally falling down around its occupants and is ridiculously expensive to maintain. The Army wastes tens of thousands of dollars on Band-Aid repair jobs every year just to keep the structure barely functional.

The old structures have significant environmental problems: No oil/water separators, no sumps for battery acid, and the buildings contain asbestos and lead-based paint. In addition to the environmental issues, the structures have old faulty wiring that caused a fire in October 1991. Also, there is no eye wash area or vehicle exhaust system.

The new structure would support the 101st Airborne, whose operational deployment requirements have increased 300 to 400 percent to support Operations Other Than War. In 1995 alone, the Clinton Pentagon spent \$6.6 billion in Operations Other Than War in places like Bosnia, Haiti, and Somalia. Combined, the cost of both of the Tennessee projects vetoed by the President are about the same as one day's spending at that rate.

Ironically, according to the President's formula for cuts, if this facility were an arts and crafts center, it would have been classified as a "quality of life" project safe from cuts. Of course,

the building's current state of disrepair is a "quality of life" issue to the young Army troop who is spending 8 to 12 hours a day working in the facility.

The other Tennessee project canceled by the President was an atmospheric air dryer facility at Arnold Air Force Base. This \$9.9 million project would construct an air dryer facility to replace the antiquated facility currently used. The new facility would support the mission of the propulsion wind tunnel facility used to test several new weapon systems, including the F-22 and joint strike fighter.

Mr. President, both of these projects are vital to military readiness and national security. It is my hope that my colleagues will take a close look at the projects in this legislation and cast a vote for this critical legislation. We must not allow our forces to decline further into a hollow state reminiscent of the late 1970's.

Mr. KOHL. Mr. President, I want to make a few remarks about the legislation before us. I am a strong supporter of the line-item veto. I believe we must use whatever tools we have at our disposal to restrain Federal spending.

That said, I agree with my colleagues that we have a right to expect the President to exercise his line-item veto authority in a manner that is fair. If he says he is going to use a set of criteria, then he should. Unfortunately, some but not all of the project vetoed met the President's own criteria.

For example, the President used his line-item veto authority to eliminate funding for an aerial port training facility at the General Mitchell Air Reserve Station in Milwaukee based on erroneous information. The administration has admitted as much. There is no question that this project is 35 percent designed with a site selected and is ready to be constructed in fiscal year 1998. In addition, this project was authorized in the fiscal year 1998 defense authorization bill conference report and is included in the Pentagon's 5-year plan.

I should also add that this project makes a significant contribution to the military readiness of a unit which plays an important role in our Nation's defense. The merging of the 34th Aerial Port Squadron, 154 persons, and the 95th Aerial Port Squadron, 102 personnel, has overburdened the current training facility. The 34th Squadron must train its reserve airlift specialists to load and unload military cargo aircraft using one bay of the base warehouse and a leased modular facility. Even with the temporary facility, overcrowding is so severe that the unit cannot train together. Some reservists must train on weekends that are not normal unit training assembly weekends, depriving them of working with the rest of the unit personnel. Using the warehouse bay has also created a shortage in onbase storage. Members of the 34th Aerial Port Squadron have been deployed to support our mission in Bosnia, and they will continue to be

called upon to support other active duty and reserve units.

Funding for the aerial port training facility is not included in the legislation before us today. It is my hope that the Department of Defense will recognize the importance of this project and will move it up 1 year to include it in the fiscal year 1999 budget, and I am working to that end.

Mr. President, it is our job to make difficult choices. I am not willing to support a bill that restores all of the projects which were line-item vetoed. Some of these projects were not 35 percent designed. Some of these projects did not meet the President's criteria. Some of these projects did not need to be built this year.

If this legislation included just the project which met the President's criteria that would be a different story, but that is not the bill before us today. Thus, Mr. President, I cannot support this legislation and I urge my colleagues to uphold the President's line-item veto.

Mr. FORD. Mr. President, just a few weeks ago President Clinton vetoed 38 projects in the military construction appropriations bill. Two of those projects were in Kentucky, one at Fort Knox and one at Fort Campbell. These projects were included despite the fact that neither one fell within the administration's criteria for a veto.

That criteria included projects 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 Department of Defense reported that no architectural and engineering design work had been done.

Both the qualification range at Fort Knox and the tactical equipment shop at Fort Campbell were requested in the Army's 5-year plan, both have well over the necessary amount of design work completed, and both could begin construction in 1998.

Over 50 percent of the design work is completed at Fort Knox and with funding, construction would begin in 1998. This project replaces 10 1940 vintage multipurpose small arms training ranges which generate high costs for maintenance and use—into one modern multipurpose range. This project was the number two construction priority for Fort Knox.

The Fort Campbell tactical equipment shop project is in the second phase of an effort to replace World War II era buildings. With 90 percent of the design work completed, construction can also begin as soon as the money is made available.

Mr. President, the projects at Fort Campbell and Fort Knox were included in the appropriations bill because the Army considered them priorities. And while I am for getting rid of government waste as much as anyone else, these two projects clearly do not meet that criterion.

Mr. REED. Mr. President, I rise in support of S. 1292, the Military Con-

struction Appropriations Line Item Veto Disapproval bill.

I have long questioned the line-item veto in general terms. I am not convinced of its merit and I am particularly concerned with the manner in which it was applied to the Military Construction Appropriations bill for fiscal year 1998.

Like my colleagues I believe that wasteful spending must be cut. However, since the line item veto was exercised for the first time on the Military Construction Appropriations bill for fiscal year 1998, we have learned that even the White House now recognizes that its own data and process for identifying "wasteful" items to be subjected to the line item veto were seriously flawed. Indeed, OMB Director Franklin Raines wrote in the official Statement of Administration Policy, "...we are committed to working with Congress to restore funding for those projects that were canceled as a result of the data provided by the Department of Defense that was out of date." Indeed, it is my understanding that the Administration is seeking ways to right these wrongs through other avenues. Moreover, I am perplexed by the theory that only the Administration knows what deserves to be in the budget. Instead, I believe there is plenty of wisdom here in Congress as well as the White House to establish budget priorities based on rational compromise and debate. Lastly, I would suggest to supporters of the line item veto that the real task of balancing the budget requires votes like the one I cast in 1993 for deficit reduction, not line item vetoes.

There are also some who believe the line item veto is an innocuous device that could never be used for purely political purposes. However, the people of Rhode Island know full well what giving the President the authority to pick and choose specific budget items means. Rhode Island has already experienced a Presidential effort to eliminate an essential program. In 1992, President Bush tried to rescind funding for the Seawolf submarine program which is vital to our nation's defense and the livelihood of thousands of working Rhode Islanders. Fortunately, Democrats were able to beat back the attempt to rescind funding for the Seawolf, but this experience led me to believe that a line item veto would make future battles even more of a lopsided battle than a fair fight. In addition, a President, of any political party, could use the line item veto to eliminate other programs that are important to Rhode Island without fear because a small state like mine only has four votes in Congress.

Mr. President, The line item veto is of untested constitutionality. Without a Constitutional amendment, the line item veto act transferred significant power from the Legislative Branch to the Executive. I would hope that the Supreme Court rules on the constitutionality of the line item veto in the

near future so the Congress can act accordingly. In the interim, I believe the two principle tests on the use of the line item veto should be: One, is a particular line item veto politically motivated? Two, is a particular line item veto the outcome of a rational and coherent analysis based on sound policy?

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT REQUEST— CAMPAIGN FINANCE REFORM

Mr. LOTT. Mr. President, after a great deal of communication and discussion working back and forth, I think we have come up with a fair agreement on how to handle the campaign finance reform issue that would allow us to go forward with other bills this year, and have a time certain in which to proceed next year, and one that would allow for a full discussion and votes.

So I ask unanimous consent that the majority leader, after notification of the Democratic leader, shall turn to the consideration of a bill regarding campaign finance reform to be offered by Senator LOTT, or his designee, on or before the close of business on Friday, March 6, 1998.

I further ask that Senator McCain be recognized to offer the first amendment, in the nature of a substitute, that inserts the text of S. 25, the McCain-Feingold bill, as modified by Senator McCain on September 29, 1997. No further amendments would be in order to the McCain amendment prior to a motion to table.

I further ask that if the amendment is not tabled the amendment and the underlying bill will be open to further amendments, debates, and motions.

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

Mr. LOTT. I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I thank the distinguished majority leader for his efforts and for the leadership he has shown in keeping everybody at the table as long as he has in order for this to be accomplished.

Let me also thank Senators McCain and Feingold for their diligence in working as long as they have to get us to this point.

Finally, let me thank Senator McConnell for his involvement and his participation in allowing us to reach this agreement.

As Democratic leader I can say with great enthusiasm that we are pleased that we have now reached this point. I also feel the need to express my public gratitude to Senators in the Democratic caucus for their willingness to be united in demonstrating the importance of this issue.

This is not better necessarily for Democrats or Republicans. But in our view, this is a very big victory for the