

It is appropriate that we pause today, on this Flag Day, to render our respect and honor to the symbol of our Nation, and to review our commitment to the underlying principles it represents. Today, let us reflect on the deeds and sacrifices of those who have gone before and the legacy they left to us. Let us ponder our own endeavors and the inheritance we will leave to future generations.

Finally, as we commemorate the heritage our flag represents, may we as a nation pledge not only our allegiance, but also our efforts to furthering the standards represented by its colors—courage, virtue, perseverance, and justice. Through these universal concepts, We the People can ensure better lives for ourselves and our children, for these are the characteristics of greatness. In doing so, we can move closer to the goal so well stated by Daniel Webster at the laying of the cornerstone of the Bunker Hill Monument on June 17, 1825. On that occasion he said:

Let our object be our country, our whole country, and nothing but our country. And, by the blessing of God, may that country itself become a vast and splendid monument, not of oppression and terror, but of Wisdom, of Peace, and of Liberty, upon which the world may gaze with admiration forever.

I have long supported legislation which imposes penalties on anyone who knowingly mutilates, defaces, burns, tramples upon, or physically defiles any U.S. flag. I have also supported a constitutional amendment to grant Congress and the States the power to prohibit the physical desecration of the U.S. flag. I regret that earlier this year this Senate failed to adopt a Resolution for a flag protection Constitutional amendment.

I am pleased that last year the Senate adopted a Resolution to provide for a designated Senator to lead the Senate in reciting the Pledge of Allegiance to the Flag of the United States. This has added greatly to the opening of the Senate each day.

Mr. President, today I encourage my colleagues and all Americans to take note of the history and meaning of this 14th day of June. We celebrate our Flag, observing its 223rd birthday, and the 225-year-old Army which has so proudly and valiantly defended it and our great Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank Mr. WARNER, the distinguished senior Senator from Virginia, and Mr. HARRY REID, the distinguished Senator from Nevada, for accommodating the President pro tempore, Mr. THURMOND, and me at this time.

#### PRESIDENTIAL POWER

Mr. BYRD. Mr. President, on Friday, June 9, I noted with particular interest the headline in *The Washington Post* which read, "Bush Aims at 'Discord' in Capital." Not surprisingly, candidate

Bush's solution to too much partisanship in Washington is to increase the power of the Presidency.

We have heard that before. We have heard it from the current President, and we have heard it from previous Presidents. But now we hear it again. Imagine that. The solution to too much partisanship in Washington is to increase the power of the President.

Now imagine that! Among the "power grabs" the candidate advocates are biennial budgeting, a congressional budget resolution which would have to be signed by the President—get that—a version of the line-item veto—how preposterous—and a commission to recommend "pork-barrel projects for elimination." What a joke.

While I readily agree with candidate Bush that there is too much partisanship in Washington, and have said so repeatedly for years, the solutions candidate Bush proposes will do absolutely nothing to eliminate partisanship. In the highly unlikely event that any of these proposals will ever be enacted, their most likely impact would be to hand the next President a club with which to beat into submission members of Congress who might not be leaning the President's way on key issues of importance to him.

None of these reported Bush solutions to disharmony in Washington are new, nor are they "news." Every President in recent history has tried to wrest more power from the people's duly elected representatives and transfer it to the executive branch. The net effect of all such transfers would be that unelected executive-branch bureaucrats, and, the President, who is not directly elected by the people either, would enjoy an increased advantage in forcing their agenda on this Nation.

Make no mistake about it. The carefully crafted constitutional checks and balances between the branches of Government can slowly be subverted over time by just such proposals as these, which candidate Bush has made. While I agree that the climate in Washington these days is less than inspiring, the cure must never be to advocate a weakening of the constitutional checks and balances under the false colors of constructive reform.

Take, for instance, Mr. Bush's proposal to have a commission recommend certain pork-barrel projects for elimination. This is an idea which, conceptually, goes straight at the heart of representative democracy and at its most important tool, the power of the purse. It is a proposal which exposes an absolute ignorance and disregard of the constitutional grant of spending power to the representatives—and I am one of them—of the 50 States. Moreover, when examined closely, the arrogance of such an approach is close to appalling.

To suggest that an appointed commission could somehow understand the needs of the 50 States in terms of public works better than the men and women who are sent here to represent

those States, defies logic and denigrates the people's judgment in the choice of their own Members of Congress. Imagine a commission that would be set up to make judgments about appropriations concerning infrastructure, about bridges, roads, highways, canals, harbors, rivers in this country. That is why the people sent us here; that is our responsibility. No member of a commission can possibly understand the needs of the State I represent—I defy anyone to contend otherwise—and have been proud to represent for 54 years, better than I, and others in the West Virginia delegation. No commission can tell me or tell the people of West Virginia what they need by way of infrastructure, so-called "pork barrel" projects. The same can be said about the Members from other States. I defy anyone to claim that sort of wisdom to the satisfaction of myself or the citizens of my State. Such a claim would be sheer and utter nonsense!

I realize that the term "pork-barrel" has become symbolic in modern parlance of everything that is wrong with Government. But, in fact, one man's "pork-barrel" project is another man's essential road, another constituency's essential road or bridge or dam. What is totally forgotten is that many of these so-called "pork barrel" projects are the sort of infrastructure improvements which, State by State, combine to help to make this country the economic power house that it has become. Now, Webster debated with Hayne in 1830. That has all been plowed over by Webster at that time.

It is easy to oppose infrastructure projects in another Member's state. I wouldn't do it unless there was outright fraud involved. It is easy to claim that if a project does not benefit me or my State, then it must be wasteful. Of course, when it comes down to it, they don't benefit me personally. They benefit the people I represent. But, the Members of Congress on both sides of the aisle generally grant each other the expertise to know what is essential for their own State's well-being. I believe that I would be a poor judge, indeed, of what is good for California or New Mexico or Arizona, and so I generally rely on the Members of those States when it comes to projects which they deem important.

I also assume that the elected representatives of those states have the wisdom and integrity not to advocate foolish or wasteful endeavors. Federal dollars are and have been scarce for years. Congressional spending is watched closely by representatives of the media and by the voters who send us here. What is not watched so closely by the media or the voters who send us here or the voters who indirectly send the topmost occupant of the White House to his position is executive branch spending. Although the voters may be only dimly aware of waste and duplication vigorously advocated and defended each year by the executive

branch, I can assure everyone within the sound of my voice and everyone watching through the electronic eye that it exists in the executive branch.

Talk about pork barrel; take a look at the executive branch! A more useful commission might be one that is charged to look at executive branch excesses and report yearly to the Congress.

How about that? Let the candidates for the Presidency and Vice Presidency take that on. Let both candidates, Mr. Bush and Mr. GORE, take that on. Look at the executive branch, see what the excesses are there, weed out the pork barrel.

As for any attempt to negate the decisions of the people's duly elected representatives through any form of line-item veto process, I assure the new President—and I don't know who will be the new President just yet, but I can assure the new President, whether he be a Republican or a Democrat, whether he be Mr. Bush or Mr. GORE—it doesn't make any difference to me in this respect—whichever party he may represent, that that proposal concerning a line-item veto will encounter a solid stonewall from this Senate, as it has always encountered such a wall.

We slew that dragon once in the courts, didn't we? Yes, we slew that dragon in the courts. Thank God for the Supreme Court of the United States, certainly in that incidence. We slew that dragon once in the courts, and it will raise its ugly head again only with very great difficulty. Any proposal which seeks to bury a dagger in the heart of the most powerful check which the Constitution provides on an overreaching President will encounter serious opposition right here on this floor, and right here at this desk. Amen! May God continue to give me the voice with which to speak and the legs on which to stand to fight this dragon, wherever it may appear.

The power over the purse—a power derived through centuries of struggle and bloodshed—a power that protects the people of this Nation from the whims of a fool or knave in the White House—has been bequeathed to the people's branch in our national charter. It is not there through any accident. It is there through no luck of the draw. It is there because the framers understood the lessons of history and had the wisdom to know that a King or a President must be made controllable by the people in this most fundamental, this most basic way.

By its very nature, any proposal which hands to the President an easy means by which to threaten a Member with the cancellation or redirection of moneys for that Member's State, after those moneys have been appropriated in law by the Congress, gives the President undue and unwise leverage over Members of Congress in a way that completely alters the nature of the separation of powers.

Ask any Governor or former Governor who has had the tool of a line-

item veto at his disposal what he found to be its principal value. You will probably get an answer that indicates that the major usefulness of the line-item veto is a means to bully certain uncooperative members of the State legislature. I urge candidate Bush and I urge candidate GORE and all of their advisers to read afresh article I of the U.S. Constitution. Read it again. Pay particular attention to it. The intent of the framers is crystal clear.

As for biennial budgeting, at the moment, I am not so sure about that. With respect to biennial appropriations, however, I am very sure. I would be very opposed to that. I fear that with biennial budgeting there may be some unintended consequences. With respect to biennial appropriations, I still fear that the consequences of such a change might ultimately mean massive supplemental appropriations bills to cover contingencies which no human mind can predict, such as earthquakes, floods, droughts, wars, or recessions.

While biennial appropriations are always touted for their supposed natural byproduct—more oversight—I believe that, in the real world, the kind of massive supplemental appropriations bills which will likely occur as a result of any such biennial appropriations, if we ever reach that point, will receive very little in the way of thorough oversight.

In truth, most of our serious budget problems derive not from yearly appropriations, but from the ever-growing mandatory spending and entitlement programs. Dealing with politically difficult entitlement and mandatory spending reform demands the kind of study, analysis, consensus, leadership, and courage that no process tinkering can replace. One thing I have learned after 48 years in this town is that when hard decisions press down on politicians, process reform often becomes the solution of choice.

I also noted in the same Post article—and I must admit with some amusement—that while candidate Bush decries polling, he appears to have been paying at least some modicum of attention to the polls, else how would he know that “Americans look upon the spectacle in Washington and they do not like what they see”? I am quoting from the reported story. Perhaps he has found some direct way to channel the viewpoints of the people, but I rather think he has been doing a little poll watching of his own.

The trouble with election year poll watching is that it makes us politicians think we have to instantly respond, either to get a headline or get a vote. As one might expect, these quickie candidate responses are often neither very responsive nor very wise.

No, the climate in Washington today cannot be improved by any such commission, as has been recommended, or any budget process change, or any power grab by the executive branch. The problems here have to do in part with this being an election year and in

part with more fundamental matters. If we in this body could just begin to do away with the simplicity of labeling each other as devils, and each other's proposals as ruinous to the Republic and, instead, worked to promote a freer, less rancorous exchange of debate and discussion on this floor, I believe that much of the pointless partisanship might begin to dissipate.

The partisanship we all complain about is born, at least partially, from the frustration of not being permitted to adequately and openly debate issues and ideas important to our constituencies and to the Nation.

I believe that once we begin to do what our people sent us here to do, which is grapple with the nation's challenges, exchange views, and learn and profit from those exchanges, we will see a return of most of the lost public confidence which may have been reflected in somebody's polls. Legislating in a Republic—and it is a republic, not a democracy. I want to say that again. We pledge allegiance to the flag of the United States of America and to the Republic—not to the democracy.

Well, legislating in a republic can never be a totally neat, efficient, and tidy endeavor. In a nation as large and diverse as our own, which bears heavy responsibilities both domestically and internationally, the way to wisdom usually lies in the often tedious, rarely orderly, free flow of informed debate. Consensus is what we need to aim for, and consensus is best built by an airing of views. The Framers knew this and gave the Congress the power to legislate, tax and appropriate because of that fundamental understanding. But, absolutely basic to that kind of informed discussion and debate is respect among those of us charged with conducting it, for the motives, experience, expertise, and opinions of our colleagues on both sides of the aisle. Regrettably no shop-worn set of budget process changes can mandate that. And the American people should view with an especially jaundiced eye any finger wagging presidential candidate with an agenda all his own who wants to transfer power to himself in order to quiet congressional “discord.”

Mr. President, I ask unanimous consent to print the June 9, 2000 Washington Post article.

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

[From the Washington Post, June 9, 2000]

BUSH AIMS AT “DISCORD” IN CAPITAL

(By Dana Milbank)

KNOXVILLE, TN, JUNE 8.—Texas Gov. George W. Bush today offered a broad plan to take the partisan poison out of Washington—in large part by transferring power from Congress to the president.

The GOP presidential candidate pointed to the budget and confirmation battles of the last decade that have left scars on Republicans and Democrats and have turned off many Americans.

“If the discord in Washington never seems to end, it's because the budget process never seems to end,” Bush told about 600 people in

brilliant sunshine outside the Knoxville Civic Auditorium. He decried an environment of "too much polling and not enough decisionmaking."

"Americans look upon the spectacle of Washington and they do not like what they see," Bush declared. "I agree with them. It's time for a change."

Bush proposed revamping the federal budget process to shift budget-making from an annual to a biennial exercise and to require the president and Congress to agree on spending targets early in the process, to prevent government shutdowns.

Bush also said he would target wasteful spending by restoring a version of the line-item veto and installing a commission to recommend pork-barrel projects for elimination, a nod to one of the favored issues of his former rival Sen. John McCain (R-Ariz.). In addition, he proposed soothing partisan tensions by calling on Congress to approve the next president's executive and judicial nominations within 60 days.

Even on their day of bipartisanship, Bush and his supporters took a couple of partisan shots. "All we have heard from my opponent are the familiar exaggerations and scare tactics," Bush told the crowd in Vice President Gore's home state. "Proposals he disapproves of are never just arguments; they're 'risky schemes.' This kind of unnecessary rhetoric is characteristic of the tone in Washington, D.C. It's the 'war room' mentality."

Gov. Don Sundquist (R) introduced Bush by saying of his proposals: "You're right on every one and Gore is wrong."

The likeliest opponents of Bush's proposals are members of Congress in both parties, particularly those in charge of spending legislation. Many of Bush's proposals—biennial budgeting, the line-item veto, the anti-pork commission and limiting the confirmation process—amount to a transfer of power from the legislative to the executive branch. When the House recently attempted to add a biennial budgeting proposal to a budget reform measure, 42 Republicans joined a large number of Democrats in killing it.

The Clinton administration has supported the line-item veto and biennial budgeting, and Gore advisers said most of the rest of Bush's proposals are unobjectionable. But Chris Lehane, Gore's spokesman, sought to undermine Bush's credibility as a reformer. He said that Bush promised to create an office overseeing the reform of Texas government but that, "to date, no such office has been put together."

This is the second time this spring Bush has focused a major speech on changing the tone of Washington. While some of the details in today's speech will resonate more with political insiders, the overall message, as with his earlier remarks at a GOP fundraiser in Washington, is aimed at a broader audience.

"I recognize it's a little dry, but it's a necessary reform," Bush told the crowd. "If anybody pays attention, people in Washington will pay attention." He added: "I don't see this resonating with intensity across America."

Bush said he got encouraging responses from McCain and Senate Budget Committee Chairman Pete V. Domenici (R-N.M.).

House and Senate members said Bush's ideas would get a respectful hearing on Capitol Hill, although proposals requiring Congress to relinquish power over the nation's purse strings likely would encounter resistance. As for Bush's call for cracking down on pork-barrel spending, Rep. David L. Hobson (R-Ohio), a senior member of the Appropriations Committee, said: "In the abstract it sounds good, but in the real world of government there's always going to be some of that."

Today's speech is part of a package of reform proposals. On Friday, Bush will speak about cutting the budget and making government services more efficient. Among other things, he will propose devoting the off-year in the biennial budget process to examining which government programs should be eliminated.

Biennial budgeting, used in about 20 states, including Texas and Virginia, would free lawmakers to devote more time to other duties. Bush also would write the budget in non-election years to reduce partisan tensions. He told reporters aboard his campaign plane that his proposals would "contribute to fiscal sanity." However, Bush advisers acknowledged, it would be easy for Congress to pass supplemental spending measures, even in non-budget years.

As part of Bush's budgeting proposal, he would require a joint budget resolution to be signed by the president to provide a framework. If Congress and the president couldn't agree, they would use the president's budget or the previous year's, whichever were lower, to prevent a government shutdown. A similar process was used with continuing budget resolutions in the 1980s. The anti-shutdown provision is the one proposal that could draw serious objections from Gore. One Democrat argued that it would "put Congress on autopilot."

Bush's line-item veto provision seeks to avert the pitfalls that caused a similar measure passed by Congress to be struck down by the Supreme Court. Instead of giving the president the power to cancel spending outright, it would allow him not to release certain funds. This is similar to the "impoundment" power used by presidents until Watergate-era reforms took it away because of President Nixon's zealous use of it.

In his speech, Bush decried the "unreasonable delay and unrelenting investigation" in the approval of presidential nominations, an implicit rebuke of Senate Republicans. But he did not recommend that the Senate act on President Clinton's long-delayed appointments.

Bush said the 60-day provision should apply to whoever is the next president. But he seemed to have a pretty good idea of who that will be. "As president, I'm here in Knoxville, Tennessee," he said at one point during his speech.

Mr. BYRD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. L. CHAFEE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, is it the case we are in a period of morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, let me have consent for as much time as I consume in morning business.

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

#### SANCTIONS ON FOOD AND MEDICINE

Mr. DORGAN. Mr. President, while we are waiting for the managers of the Defense authorization bill to con-

tinue—I understand they are trying to work out some arrangements on the bill itself—I wanted to make a couple of comments about an issue I intend to raise as an amendment on the Defense authorization bill. At the risk of being repetitious, which I think is probably advantageous in this Chamber, I want to speak again about the issue of using sanctions that are now being employed by the United States of America on the sale or shipment of food and medicine to other countries. Those sanctions are wrong. We ought not use sanctions on the shipment of food and medicine to other countries. Yet we are, so far, unable to repeal sanctions on the shipment of food and medicine.

We almost got it repealed last year. Seventy Senators voted to repeal the use of sanctions by the United States on the shipment of food and medicine to other countries—70 Senators voted for that—but we went into a conference and we were hijacked, literally legislatively hijacked by the Members of the House. So we still have sanctions on the shipment of food and medicine to many parts of the world.

I also have included this year in the Agriculture appropriations bill, a repeal of the use of sanctions for food and medicine shipments. That appropriations bill will come to the floor of the Senate at some point. But I understand, procedurally, the legislative leaders can hijack it once again with a number of parliamentary approaches. I may very well be in a situation where I, Senator GORTON, who cosponsored the bill in the Appropriations Committee, Senator ASHCROFT, and others, would have a wide majority of Senators and Representatives who believe the sanctions that exist on the shipment of food and medicine to other countries in the world should be repealed. But despite the fact we perhaps have 60, 70, or 80 percent of the entire Congress who believe that, we have been unable to get it done. For that reason, I intend to offer it as an amendment on the Defense authorization bill.

Let me describe just a bit what this issue is. First of all, this is very unfair to America's family farmers. I represent a farm State. Our family farmers are told you should have the freedom to farm. That is the title of the farm bill we have—Freedom to Farm. That all sounds good except farmers don't have the freedom to sell. Our farmers raise grain and they can't sell it in Cuba, they by and large haven't been able to sell it in Iran, they can't sell it in Libya, Iraq, Sudan, North Korea—why? Because we believe these countries are operating outside the international norms. We don't like these countries. We don't like what Cuba does. We don't like the behavior of Libya or Iraq or North Korea. So we say we are going to have a set of sanctions to penalize these countries—economic sanctions. That is fine with me. I am all for creating economic sanctions to try to hurt Saddam Hussein.

But I would say this: Everybody in this Chamber knows when you take