

of the historical evidence and court precedent and find that it is fully constitutional.

I do not believe it is necessary to engage in a lengthy discussion about the line item veto since the Senate has already debated this subject vigorously and I believe the record speaks for itself. I would, however, like to remind the Senate that two former solicitors general—one Democrat and one Republican—testified before Congress that the law is fully constitutional. The American Law Division of the Congressional Research Service reviewed the law and asserted “nothing in delegation doctrine suggests that Congress may not delegate powers . . .” And the Justice Department reviewed the legislation before the President signed the bill and determined it was constitutional.

In closing, let me say, I look forward to working with the President to help him identify spending and tax provisions that he should cancel. I hope that President Clinton has the political courage to exercise this authority diligently and will not bow to the prolific spenders in Congress, thus squandering this historic opportunity. The American people have waited for this for over 120 years. Let us not disappoint them.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

Before the Chair's ruling, for the information of all Senators, this is a resolution that allows the Senate legal counsel to file a brief on behalf of the Senate with regard to support for the line-item veto.

The PRESIDING OFFICER. Without objection, the resolution and its preamble are agreed to.

The resolution (S. Res. 21) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 21

Whereas, in the case of *Sen. Robert C. Byrd, et al. v. Franklin D. Raines, et al.*, C.A. No. 97-0001, pending in the United States District Court for the District of Columbia, the constitutionality of the Line Item Veto Act (Public Law 104-130; 110 Stat. 1200), has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978 (2 U.S.C. 288b(c), 288e(a), 288l(a)), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is directed to appear as amicus curiae on behalf of the Senate in the case of *Sen. Robert C. Byrd, et al. v. Franklin D. Raines, et al.*, to defend the constitutionality of the Line Item Veto Act.

EXECUTIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now re-

turn to executive session to consider the nomination of William Cohen, to be Secretary of Defense, and that the time on the nomination be limited to 20 minutes under the control of the chairman, Senator THURMOND, and 15 minutes under the control of the ranking member, Senator LEVIN, and following the conclusion or yielding back of the time, the Senate proceed to vote on the confirmation of Senator Cohen.

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

NOMINATION OF WILLIAM COHEN OF MAINE TO BE SECRETARY OF DEFENSE OF THE UNITED STATES

The legislative clerk read the nomination of William Cohen of Maine to be Secretary of Defense of the United States.

Mr. LOTT. Mr. President, I have just one bit of clarification. We had hoped to have a full discussion of support for Senator Cohen on Thursday. But we do have the wake and funeral of our former colleague, Senator Tsongas. We are trying to accommodate Senators who need to leave this afternoon to go up to Massachusetts for the wake and for other commitments that were made tonight. We needed to go ahead and get this done today because Senators would not get back until late tomorrow afternoon. I apologize to Senators who may not have as much time as they wanted. I encourage those Senators to stay after the vote to speak on this, if they wish.

So for the information of all Senators, another vote is expected on the confirmation of our former colleague, Senator Cohen, at approximately 3:25 p.m. today.

Following that confirmation vote, there will be an additional period for morning business in which to introduce bills and make statements. However, there will be no further rollcall votes today. The next opportunity the Senate will have for votes, at this point, looks like Tuesday of next week. But we will further confirm that when we do our closing statement later today.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield myself 2½ minutes.

I want to thank the majority leader, Senator LOTT, and the minority leader, Senator DASCHLE, for taking up the nomination of our former colleague Senator Bill Cohen to be Secretary of Defense. As all Senators know, Secretary Perry, who has ably led the Department of Defense for the past 3 years, has departed. It is therefore essential that we fill the position of Secretary of Defense as quickly as possible.

The Armed Services Committee met this afternoon in an executive session and unanimously voted to recommend the confirmation of Senator Cohen as the 20th Secretary of Defense. Senator

Cohen is well known by all Members of the Senate for his distinguished 18 years of service in the Senate representing the people of Maine. Each of us is aware of his character, ability, and dedication to providing unquestioned support for our men and women in uniform. Senator Cohen has repeatedly demonstrated a vision for how the United States must meet its defense needs. I believe that as the Secretary of Defense, Bill Cohen will continue to demonstrate the strong independent characteristics of New England gentlemen and will lead the Clinton administration to provide adequately for the security of the Nation and those who serve in our Armed Forces.

Mr. President, as chairman of the Armed Services Committee, I urge the Senate to confirm William S. Cohen, a dedicated public servant, as the next Secretary of Defense.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 5 minutes.

Mr. President, I am pleased to join the chairman of the Armed Services Committee in supporting the nomination of our former colleague, Senator Bill Cohen, to be Secretary of Defense.

I want to commend President Clinton for his willingness to reach across party lines to select a creative and independent thinker like Senator Cohen to serve as his Secretary of Defense. With this appointment, the President has shown his commitment to a bipartisan foreign policy and a strong national defense. He has selected someone who has very strong feelings about the role of Congress in making national security and foreign policy, and on the need for close consultation between the President and Congress in this area. I hope that Congress will reciprocate by working closely and constructively with the President and his new Secretary of Defense.

Mr. President, I come from a State that was represented in the Senate for 23 years by Senator Arthur Vandenberg, who perhaps more than any other Senator in history stands for bipartisanship in national security and foreign policy. I also sit on the Armed Services Committee where Senator Cohen, for 18 years, served with me and displayed to me over and over and over again, as he did to all of our colleagues during this period, his instinct to be a true American patriot—not a Republican, not a partisan, but a patriot when it comes to American security and foreign policy issues. I look forward to working with him in his new capacity to continue that tradition.

Senator Cohen's experience in the Senate should serve him well as he moves on to his new position. In his capacity as a member of the Armed Services Committee, Senator Cohen has been a leader in virtually every major