have a window of opportunity. And this window of opportunity should be taken to lay out a long-term strategy—a long-term strategy that would, once and for all, make clear what our policy is in dealing with Saddam Hussein.

For whatever else you say about Saddam Hussein, his objectives are clear. He has been very clear in his actions and in his words that he intends to make weapons of mass destruction, that he intends to abuse his people to be able to keep them, that he does not intend to be part of the community of nations. And I think it is time that America be just as clear with Saddam Hussein as he has been with us and with the world.

It crystallized I think for the American people a higher-stake universe—not the rabble rousing by the people who were protesting the war. They would protest the war, no matter what. The people who would protest the war for the integrity and the security of the United States are not the mainstream of America. But who was the mainstream of America? It is that veteran, who spoke with a cracked voice, who said, ''I fought in a war. My son fought in a war.'' And he asked the question that the American people and the Congress ask. And that is: What are you going to do? What is the plan? If you are going to put our troops in harm's way, are we going to have the guts to stick with it when the going gets tough? That was his question. He was so sincere. He captured the heart of America in that moment. And he captured the essence of what Congress has asked the President to do; that is, to submit a plan. If our troops are going into harm's way, if we are going to have an altercation with another country, let's be specific about what the mission is.

The time has come to stop status quo with Saddam Hussein. The majority leader just mentioned that Saddam Hussein has quite a record. He plotted the assassination of our former President Bush. He used chemical weapons on his own people. He used chemical weapons on the Iranian people. He went into Kuwait, and tried to take over another country. This is not a man that we can deal with very easily. And business as usual has not worked for the last decade with Saddam Hussein.

So I believe that the time has come for Congress and the President to work together to address this issue of Saddam Hussein. I hope the President will continue to consult with Congress, because I think in the last 2 weeks there has been a good understanding of where Congress is and where the American people are. Now is the time to put forth a plan. A group of our former Secretaries of State and Secretaries of Defense have made some suggestions. This is not to say that this is the only thing we could do. But certainly having a strategy is something that America has been able to do in the past, and should be able to do today.

I think it is important that we look for another Iraqi Government that we could support—one that wants to be part of the community of nations. We could look at lifting sanctions in liberated areas of Iraq and communicate directly with the Iraqi people. Let them know the dangers of the chemical weapons that are being housed in their country and tell them there is another way. We want to help the Iraqi people. We want to give them the food and medicine for their children that we would like for them to have that every parent in the world wants for his or her children.

We should target relief supplies to those Iraqi people who are in need. We need to delegitimize Saddam Hussein. And we need to be ready with enough troop force to make the threat and live up to it. That, if Saddam Hussein does not live up to this potential agreement that is laid before the Security Council today, we will be ready to act with force swiftly and go for what will be a destabilization of Saddam Hussein; that is, the military regime.

That brings up another question. Are we ready to lead the forces we need for that kind of strength in the area of the Persian Gulf? Are we ready? That brings up the issue of what we are doing in other parts of the world. Is that bringing our forces down to the extent that we are not going to be able to do what we need in the Persian Gulf where everyone I think would agree we have a security interest? Right now we have some pretty alarming statistics. Last year the military had its worst recruiting year since 1979. The Army failed to meet its objectives to recruit infantry soldiers—the single most important specialty in the Army. More than 350 Air Force pilots turned down the $60,000 bonuses they would have received to reapply for the Air Force for 5 more years. That was a 29 percent acceptance rate. Mr. President, 59 percent of the pilots offered that bonus accepted last year and 81 percent in 1995. This is an alarming trend. This is something that we must address as we look at the issues of the use of our force and where they are.

I come back to the need for a policy of when we are going to send American troops into harm's way. I think we must be very careful, because they are stretched so thin, that they are not going to be able to establish in the Persian Gulf a major presence in addition to our responsibilities in Korea and in Europe, and then with responsibilities that we have taken on for the United Nations in places like Haiti and Somalia. We have to have a policy. I would ask this administration to look very clearly at drawing down our readiness at the same time we are asking our troops to do more.

So, these issues are before us. I think the administration should step back and use the window of opportunity to have a clear policy in Iraq. As we go into the discussion of Bosnia, I hope the President will also look at the fact that we have 500,000 fewer soldiers today than we did in Desert Storm, and that we are having a tough time keeping our good people in the military. Let's have a policy that will use our military when there is a U.S. security interest, but be very careful about dissipating our resources in places where we do not. That is causing us to lose many of our best people in the military.

The young men and women who sign up to protect our freedom deserve the support of the U.S. Congress and the President—the support, the training, the quality of life, the equipment to do their job—because their job is protecting our freedom, and there can be nothing as important.

I ask the administration to address these issues as we are looking at Iraq, as we are looking at Bosnia, as we are looking at our responsibilities in a global sense. Let's start acting like the superpower that we are and target our defense dollars for our readiness and our national security. Let's have policies where, when the United States speaks, everyone knows that we will be a reliable ally and a formidable enemy.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. We are on the veto message of H.R. 2631.

Mr. SHELBY. Mr. President, I ask unanimous consent that I may proceed in morning business for 10 minutes.

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

Mr. SHELBY. I thank the Chair.

(The remarks of Mr. SHELBY pertaining to the introduction of S. 1675 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

CANCELLATION DISAPPROVAL ACT—VETO

The Senate continued with the consideration of the veto message.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I yield to no Senator, with the possible exception of ROBERT C. BYRD from the great State of West Virginia, in my contempt for and disdain for the line-item veto bill that we passed in the 104th Congress and which two district courts have held to be unconstitutional. But I intend to vote to sustain the President's veto.

I stood on this floor day after day, year after year, saying that the line-item veto was a lousy idea, an unconstitutional idea. When I think of the abuse that I and Senator BYRD and the people who stood fast on the floor of the Senate against the line-item veto—when I think of the abuse we took, the political abuse we took for resisting what was a palpable political idea, that still rankles me. Like so many ideas that have been floated through this body in the past 23 years that I have

been here, they have immense popularity but they are lousy ideas, and the line-item veto stands out about as high as any next to the constitutional amendments related to prayer in school, flag burning and term limits and all those others things that people love to bring up here so they can run on them because they are popular.

A little history. When Ronald Reagan ran for President in 1980 he ran on the single proposition that he would balance the budget, and the people of this country were becoming, at a time when the national debt was $1 trillion—the people were not only becoming apprehensive about the ability of Congress to control its habits, they were becoming downright frightened. So the soothing voice and the soothing promise of Ronald Reagan played very well with them and he was elected in a landslide. He carried 44 States. He promised that he would balance the budget in 4 years and maybe in 3.

I believed him. I thought he really was committed to a balanced budget. Frankly, not to denigrate the President, I think he really was committed to a balanced budget. I just think, somehow or other, his advisers gave him bad advice and convinced him that, somehow or other, the budget would take care of itself just because he was President. So he came with one of the strangest economic programs in the history of this country. The Nobel laureate at MIT, whose name I forget, who won a Nobel prize for economics, said it was the most profligate, irresponsible economic policy, not in the history of America, but in the history of the world.

And what was it? We would balance the budget by cutting taxes. That is a new one, isn't it? You balance the budget by cutting taxes. And, to his credit, he offered a lot of spending cuts. Some of them were foolish. I remember making ketchup a vegetable in the school lunchrooms. I didn't think that was a very appropriate way to balance the budget. I didn't think considering Hamburger Helper to be an entree was a very good way to balance the budget. But I voted against his tax cuts. There were 11 Senators, 11 Senators who voted against the tax cuts which were, as usual, mostly for the rich. But on the spending cuts I voted ''Aye.'' Eleven Senators voted against the tax cuts, and I said—if you want to read a beautiful speech, write my office and I'll send you a copy of it—I said, ''If you pass this bill, you are going to create deficits big enough to choke a mule.'' I was wrong. They were big enough to choke an elephant.

But then when it came time to vote for the spending cuts, and there were a lot of programs that I liked that President Reagan was proposing to cut, some to eliminate, and I voted with him. And you know something? There were only three U.S. Senators who voted against the tax cuts and for the spending cuts.

The budget would have been balanced in 3 years if a majority of the Members of Congress had voted that way. Three Senators—Bill Bradley from New Jersey, FRITZ HOLLINGS from South Carolina and yours truly. I want that put on my epitaph.

As the deficits began to soar, first to $100 billion and then later to $200 billion, that was scary. That was scary, Mr. President, when we doubled the national debt of $1 trillion, which has taken us 200 years to accumulate, and all of a sudden the first 4 years of Ronald Reagan's administration we doubled it. We did not balance the budget, we doubled the national debt, and people were scared. That is when President Reagan said, ''What we need is a line-item veto. If you will just give me a line-item veto, I can balance the budget.''

Every thinking person knew at that time that you weren't going to balance the budget with a line-item veto.

I can remember when entitlements represented almost as much as the entire income to the Federal Government. I used to do a study every year on seven programs: defense, Social Security, Medicare, Medicaid, interest on the debt, Civil Service pensions and one other thing which eludes me. Seven things. When you added those seven things up, not counting any other discretionary spending, you used up virtually all of the income the Federal Government had. To suggest that a line-item veto could be used to bring this budget into balance in light of those kinds of statistics was absolutely inane, if not insane.

I can remember when I ran for reelection in 1986, the question was always—of course, first of all, I had to face prayer in school. But you know something, Mr. President, with my constituents, I was the only southern Senator who voted against a constitutional amendment for prayer in school. When I explained to my constituents why I voted against it, I got 62 percent of the vote. That sounds like a boast. I don't mean that. All I am saying is, when people hear common sense, they respond in a commonsensical way.

Not only was I having to defend myself against prayer in school, I was having to defend myself against the so-called line-item veto. Why do you not want the President to have the right to stop all those pork projects? It was like Gerald FORD said when he was first elected President. He learned early on the difference between those very meritorious projects out in his district in Michigan and all those poor projects in the rest of the country.

The point is, every analysis that was done of the Federal budget showed that if a line-item veto were used to the very maximum, it would have a minuscule effect on the deficit. It was nothing but a distraction, but a very politically popular one. A lot of us who stood up for the Constitution paid dearly. We were abused politically by admittedly unsophisticated people, well-meaning people, but people who really did not understand the Constitution, which says Congress shall pass a bill and present it to the President. It did not say for the President to pick and choose what he wants. It said he shall sign it or not sign it. If he does not sign it, he can veto it. Approve or not approve, those were his options.

The President has the right and the power—he has the bully pulpit. Anytime the appropriations committees are meeting in the U.S. Senate, the President can call over here and say, ''If you put this, this, this and this in that bill, I am going to veto it.'' I have seen Presidents do it a lot of times. Bill Clinton does it all the time.

Do you know what we do? We normally take it out because we do not want the bill vetoed. That is a Presidential prerogative. But John Adams, James Madison, people who drafted the Constitution, would be whirling in their graves if they knew this body passed such a piece of legislation as the line-item-veto bill.

Mr. President, I feel badly sometimes when I talk the way I am talking right now, because a lot of well-meaning Senators really believed in the line-item veto, I think. I don't mean to denigrate anybody who disagrees with me on this. It is just that I feel so strongly about the Constitution.

I have to say, the Congress is the worst place in the world for trivializing the Constitution. It is incredible the things that people come up with. There was even a resolution in 1976 in the House of Representatives saying it shall be unconstitutional for any President to run who hasn't got enough sense to get out of a hail of bullets. Not out of the rain, out of a hail of bullets.

Mr. President, 11,000 resolutions have been submitted in the Congress since this great Nation was founded—11,000—to change the Constitution. If you take the Bill of Rights out, to the eternal credit of both Congress and the American people, we have only tinkered with it 17 times. No thanks to Congress, in one way, because there have been plenty of efforts, 11,000 efforts, to amend the Constitution, the greatest organic law in the world.

So every time we get a chance to do something politically popular, it is always the Constitution that suffers, that magnificent document crafted by the greatest assemblage of minds under one roof in the history of the world. People around here treat it as though it is a rough draft.

I do not want to wait for the Supreme Court to declare the line-item veto unconstitutional, which they will surely do. I want the people who passed the line-item veto bill in the first place to repeal it. It is our solemn duty to undo one of the most miserable mistakes we have ever made.

I spoke to some of my good friends who supported that thing, and now they tell me they supported it because they believed there would be a new President in 1996—I must say a lot of people voted for the line-item veto because they thought Ronald Reagan

would have been elected forever for life. Nobody ever thought about William Jefferson Clinton being in the White House when the line-item veto took effect, and he likes it. He had it when he was Governor. I was Governor of Arkansas before he was and I liked it. I used it. I used to call those legislators up and say, ''You know that vo-tech school down there in your hometown. There is $250,000 in this budget. If you don't get down there and behave, there isn't going to be any vo-tech school in your hometown.'' If you want to straighten up a legislator's conduct, that is the way to do it.

As I say, I am not being cute about this, I am just simply saying I am going to vote to sustain the President's veto, because I want the line-item veto to be painful enough that a majority of the people in this body will be willing to undo a miserable mistake we made.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, as one who fought for 10 years to pass the line-item veto, I rise in opposition to H.R. 2631, which would restore $287 million for 38 military construction projects which were eliminated by the use of the line-item veto from the fiscal year 1998 Military Construction Appropriations Act. I urge my colleagues, a significant majority of whom supported enactment of the line-item veto authority, to vote against this egregious waste of taxpayers' dollars.

Mr. President, many arguments have been mentioned as a compelling reason to restore this funding. Sadly, most of these arguments seem to be thinly veiled attempts to provide a convenient rationale for Congress' self-serving pork barrel spending. Some of my colleagues have argued that the President's use of the line-item veto to eliminate those unrequested low-priority military construction projects was politically motivated. These arguments conveniently ignore the possible political motivations of the Members of Congress who added the projects.

Others defend various and sundry projects saying they meet the criteria established by Congress to provide a rudimentary method to evaluate group requests by Members of Congress for military construction add-ons. Others simply say that it is the prerogative of the Congress to add projects to the budget request. While true, Congress should not abuse its power over the purse strings by wasting money on special-interest projects in our home States or districts. Finally, some of my colleagues simply object to the line-item veto authority. Although I do not share their opinion, I respect it.

Today, I would like to point out that the exercise we are completing today was set up in the Line-Item Veto Act to ensure that Congress has the last word in determining how Federal funds are spent.

While I disagree with the expected outcome of the Senate's action on this veto override bill, I believe it supports the constitutionality of the line-item veto by demonstrating that the prerogatives of Congress to control the Government's purse strings are protected in the law.

Now, I understand that not long ago my friend from Arkansas spent time talking about how terrible the line-item veto is. I do not quite understand how, in this setting, that my colleague would be averse to the line-item veto since what we are seeing is exactly what the line-item veto was intended to do, and that is, if the President vetoes and the Congress does not believe that that veto is warranted or legitimate, Congress has the right to override the veto.

My friend, the Senator from West Virginia, kept talking about how terrible it would be if we enacted the line-item veto because then there would be this arrogance of power and blackmail exerted on Members of Congress.

Have we seen any manifestation of that, Mr. President? I have not. And if anyone has, I would like to hear about it. Maybe I have missed something.

The reality is, what we are seeing today is an affirmation—even though I regret what is probably the outcome—we are seeing an affirmation of the line-item veto. Because there will be times, I say to my colleagues, that the line-item veto will be exercised, and the President's line-item veto will not be overridden for various strong and compelling reasons.

This is a time where as much as I object to it—and I will elaborate shortly about my objections—the President's veto will be overridden. So the process works. So there has not been a huge transfer of power as so eloquently articulated by some of my colleagues, most of them on the other side of the aisle, when we passed the line-item veto. This has not destroyed the entire appropriations process as was predicted. In fact, the opposite has happened.

In my view, the President of the United States has exercised the line-item veto all too little—all too little. There are billions of dollars in these appropriations bills that he should have—that he should have—vetoed and did not. So to those of my colleagues who somehow use this particular exercise where we are about to override the President's veto as an argument against that line-item veto, I respectfully disagree with your assertion. This is an affirmation—an affirmation—that the Congress has indeed not abrogated its power nor consigned it to the executive branch. In fact, the opposite is happening.

I look forward, as I have for the last 10 years, to debating this particular aspect of the issue with my most respected and revered colleague, the Senator from West Virginia, Senator BYRD.

Most of the arguments in favor of this bill miss the point that wasting scarce defense dollars on pork barrel projects is a disservice to the men and women who serve our military and is potentially detrimental to our national security.

Mr. President, I want to repeat that. Most of the arguments in favor of this bill miss the central point of my remarks and the central point of this issue: Wasting scarce defense resources on pork barrel projects is a disservice to the men and women who serve in our military and is potentially detrimental to our national security.

The question is not whether these unrequested military construction projects can be defended as meeting the Senate's review criteria or as actions within the prerogatives of Congress. The question is whether we are directing scarce defense resources where they will do the greatest good for our country and for the men and women of our All Volunteer Force. I believe we are not.

Today, the United States has approximately 30,000 men and women deployed to the southwest Asia theater of operation, preparing to go into harm's way in Iraq if so ordered. There are 8,000 American troops deployed in support of peacekeeping operations in Bosnia and another 70,000 U.S. personnel deployed in support of other commitments worldwide. That is a total of 108,000 personnel of a 1.4 million men and women force, a force that is nearly half the size of our force a decade ago, deployed overseas in support of our Nation's interests.

Now, Mr. President, that is a lot of people gone for a long time under very difficult conditions. We have an All Volunteer Force. I promise you, I promise my colleagues, if we continue to waste scarce defense dollars on unwanted projects, unwanted weapons systems and unneeded programs that have nothing to do with defense, you will see a dramatic and continued erosion of the All Volunteer Force.

I will give you one example—one example—although I could give many. An Air Force pilot is obligated for 8 years of service after completion of that pilot's training. At the end of 8 years is the first time a pilot has the option of leaving or remaining in the U.S. Air Force. The year before last, 30 percent of those Air Force pilots who had the option of leaving the U.S. Air Force left. Last year, 60 percent—60 percent—of the most highly trained young men and women who are young Air Force pilots left the Air Force. What was the reason? There was primarily one reason that dwarfed all other reasons—too much time away from their homes and families; too much time away from their homes and families. Almost all of them are married. Almost all of them have children. And yet we are going to

spend—in this case we will override $287 million—$287 million. I will describe to this body what that $287 million would buy.

Never before has the U.S. military been more heavily committed overseas in time of peace, and not since before World War II has our standing force been this small. The increasing demands placed on our shrinking Armed Forces coincide with more than a decade of national defense budget cuts. In the last 10 years, the defense budget has been cut in half as a percentage of the gross domestic product and, in real spending terms, by over $120 billion. Yet, America's military personnel have performed admirably, bridging the gap between decreased funding and increased commitments with sheer dedication to duty and professionalism.

Mr. President, in 1998, the U.S. Air Force is one-half the size that it was in 1991—one-half. The U.S. Air Force is half the size and has four times the amount of commitments that they had during the cold war—four times. Some of these young people are meeting themselves coming and going as they go from one deployment to another.

By the way, one of the reasons why I am so skeptical about this latest agreement with Saddam Hussein is: We are going to keep our forces out there for an indefinite period of time? All these aircraft carriers, all these aircraft and people deployed for an indefinite period of time?

Mr. President, I will tell you, it is called the All Volunteer Force—the All Volunteer Force. We are having trouble right now recruiting them, and we are having a terrific problem retaining them. They are responsible for some multimillion dollar and sometimes even billion dollars worth of equipment.

The Clinton administration has consistently underfunded our Nation's defense requirements. Although the Republican Congress has increased funding overall for national defense, we failed to allocate those funds to meet the highest priority needs of our Armed Forces.

In fact, the tendency of Congress to waste billions of defense dollars on low-priority pork projects may be just as potentially harmful to our national security as the administration's neglect of those needs in its budget requests.

Last month—last month—the Chairman of the Joint Chiefs of Staff, General Shelton, sounded a warning about the state of readiness of our forces. He said:

> There is no question that more frequent deployments affect readiness. We are beginning to see anecdotal evidence of readiness issues in some units, particularly at the tactical level of operations.

To many of us, these words sound a lot like the cautious criticisms of top military leaders in the late 1970s, when our Army had been hollowed out after years of inadequate funding and inattention to training and operational readiness. It took nearly a decade to restore force readiness and the morale of our troops.

Let us look at the warning signs of declining readiness.

Recruitment and retention shortfalls are beginning to significantly impact our Armed Forces. The Army is not meeting requirements for infantry units which are already undermanned; pilot shortages are affecting all of the services.

Large force training exercises have been reduced due to funding shortfalls.

Last year, the military had to come hat in hand to Congress to ask for an additional half a billion to fund flying hour accounts to provide pilots and aircrews with required training. By the way, I have been told by the administration that they will be coming over for a supplemental appropriations bill to pay for the latest exercise in the Persian Gulf. I hope that is the case. It has not always been the case in the past.

Aircraft maintenance backlogs are up. At last count, nearly $900 million was required to clear those backlogs. The Navy alone had 172 aircraft awaiting critical depot level maintenance in 1997.

It has been reported that, of 200 tactical aircraft on the front line in the Arabian Gulf region, only 160 aircraft are mission capable. Let me emphasize, this is the front line force, the very force sent to the Gulf to prepare for combat.

The aircraft at home are in worse shape. In many of today's Navy squadrons, commanders are forced to remove hydraulic actuators, flight control surfaces and laser targeting pods from shore-based squadrons in order to keep their deployed aircraft mission capable.

Over the past three years, Congress has added more than $20 billion to the defense budget requests submitted by the Clinton Administration. So why do we still have these serious and growing deficiencies in readiness? Because the practice of Congress has tragically been to misuse billions of these scarce defense dollars to add unrequested programs and building projects to the defense budget.

Let's look at military construction, which is just a small part of the defense budget.

Since 1990, in 1998 dollars, the Congress has spent $8.2 billion on unrequested military construction projects, including new National Guard armories and reserve centers in every state. Not a single one of these projects was requested. Many were not in the long-range military construction plan. Some projects added by Congress were actually at facilities that were to be closed. We paid to build facilities at bases that were scheduled to be closed.

One need only look at the 129 unrequested military construction projects at a cost of nearly $1 billion in the FY 1998 Military Construction Appropriations bill to realize the pork habit has become an addition.

I have no doubt that many of the projects may be needed, but I do question whether any one of these low priority projects are more necessary than the basic welfare and readiness of our armed forces. If this veto is over-ridden and we have to pay the $287 million price tag for this bill, we will be sending an embarrassing message to the American taxpayer, and more importantly, to the men and women of our armed forces.

The message we will be sending to aircraft mechanics is that we know they can't keep their aircraft mission capable because there are not enough parts. But Congress thought it more important that Fort Irwin, California get a new $8.5 million car wash and Oakdale, Pennsylvania get a new $25 million replacement reserve center.

The message we will send to our pilots who are ready to go into harm's way is that, even though they have lost significant training opportunities due to budget cuts, Congress thinks it more important that there's a new $9.5 million facility at the Asian-Pacific Center for Security Studies in Hawaii.

Picture a young enlisted member and his family that must use food stamps to pay the grocer. What's the message to his family as they struggle to make ends meet? We found a way to spend $12.7 million on the construction of the Olympic village in Utah, a project for which land has not yet been purchased and where environmental concerns have not even begun to be addressed.

Each of these projects were included in the long-term military construction plan of the Department of Defense, but in the year 2003, the very last year of the six-year plan. Certainly, projects in the earlier years of the FYDP should logically be deemed higher priority than these projects. There are over $32 billion worth of programs that the Pentagon included in its plan as higher priorities than these projects.

There are other examples of projects that are less than critical to the primary mission of the services.

$7.7 million was earmarked for the expansion of an ammunition supply point at Fort Bliss, Texas, at a facility that was upgraded in 1991, just a few years ago.

Eight million nine hundred thousand dollars was added to build a civil engineering complex at Grissom Air Reserve base in order to improve facilities that were admittedly serviceable but not optimum. It is interesting to note that the DoD project data sheet was blank regarding the planned year of the project.

At a time when the rest of the Defense Department was shrinking, $14 million was set aside for an aircraft hangar at Johnstown, PA, for an activity that had not yet stood up into existence.

So why did Congress deem these projects worthy of fiscal year 1998 funding? Because a Member of Congress asked that they be moved forward, and because that's the way these deals have always been made.

Mr. President, the message will get through, loud and clear, to the men and women who volunteered to serve their country that Congress cares more about pork-barrel spending than their well-being. And a vote to over-ride the veto of $287 million in unrequested, low-priority military construction projects is an endorsement of each and every one of those messages.

Our military is wearing out its machines and wearing out its people. Military health care remains under funded, and there are reports that as many as 11,787 service members and their families are on food stamps. These are the priority problems facing our armed forces, and we, the Congress, are not addressing them.

What could we have done with the $8.2 billion we wasted on unnecessary military construction projects?

According to recent estimates, the costs incurred in support of peacekeeping in Bosnia total $6.7 billion. The estimated costs of the force buildup in the Persian Gulf will be about $1 billion. We could have paid the bills of those commitments and still had nearly half-a-billion dollars left.

That $500 million would be enough to fully fund the short-term modernization of the Navy and Marine Corps Hornet fleet. That modernization would put new radios, global positioning equipment, upgraded defensive countermeasures, improved mission computers and a datalink system that would make all 618 C and D model Hornets ready today to operate in the information centered warfare environment of the next millennium, not to mention be better equipped to face Iraqi defenses, if necessary.

And that's just the military construction pork. In last year's Defense Appropriations bill, Congress added nearly $2 billion for programs that were clearly funded for special interests in their States or districts. Since we added only $2.6 billion overall to the defense budget last year, clearly, pork-barrel spending consumed the entire add-on and more, and took precedence over the real priorities for national security.

Unfortunately, we cannot undo the damage done by past wasteful spending. Today, however, we are faced with the historic opportunity to halt the source of Congress' undisciplined spending and prevent the waste of defense dollars in the future.

Mr. President, I urge my colleagues to seize this opportunity to send the right message to our servicemen and women by voting against the veto override. It is the right thing to do.

I yield the floor.

The PRESIDING OFFICER (Mr. COATS). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise to urge my colleagues to vote to override the President's line-item veto of these 38 military construction projects which we approved in the 1998 budget.

I think the recent district court decision that would reverse legislation granting the President the right to veto individual projects confirms my view of what the Constitution requires. I opposed extending the line-item veto authority to this President or to any President because I believe that those who wrote our Constitution had it right. The separation of powers assigned by the Constitution prevents political manipulation that does a disservice to the democratic process.

Aside from the constitutional question, however, I want to say a few words about why I believe that the President's choices, at least the ones I am familiar with, for program vetoes were ill-advised, at least in the case of the projects in New Mexico that are included in this bill. These were not pork barrel projects. I understood my colleague from Arizona and his comments about opposition to pork barrel spending in the defense bill, and I commend him for that because I agree with him that there are numerous instances each year where projects are added that cannot be justified on a military basis. I do not condone that in any way.

By its own admission, the administration canceled a number of the projects this year in this bill because in the administration's view they did not meet the criteria that they had set up for selection. In spite of what the administration concluded, I'm persuaded that many of these projects were important to the quality of life of military personnel and their families. In addition, many of these projects had been able to complete significant planning that would permit their construction to begin in 1998.

Let me just indicate the sequence of events that occurred with regard to some of the projects in New Mexico when this list of projects that the President was going to line-item veto came out. On the list were some projects that I will refer to later, including White Sands Missile Range, to refurbish aging facilities at White Sands Missile Range. I called the director of the Office of Management and Budget and asked why they had chosen to delete these particular projects. His response was that according to the information he had been given by the Department of Defense, the necessary planning and design work for construction or refurbishing of those facilities had not been done and the money could not be spent in 1998.

We went back to the Army, which is the military service that had the funding in its budget, and asked if we had false information here or inaccurate information and what their understanding was. They assured us, as they had before, that this money was needed, that these were projects where design and construction planning had occurred, and that the money could well be spent in 1998.

I am persuaded that at least with regard to those projects, the Office of Management and Budget was giving the President incorrect advice or incorrect information and that incorrect information was the basis upon which the President chose to line-item veto those particular projects. I don't think this was intentional on anyone's part. Nobody was intentionally misrepresenting the situation, but in its haste to compile a list of projects to veto and in its concern for maintaining secrecy about that list, the administration did not submit candidate projects to the kind of thorough review that such important decisions normally warrant.

I blame the process that was used. Obviously, as I have said before, I believe the process is unconstitutional and has fatal flaws in that regard. But clearly, in addition to that, I think this process was flawed because of this inaccurate information that was given to the President.

As I stated before, part of what the President vetoed was funding to refurbish aging facilities at White Sands Missile Range in New Mexico. Of course, I am concerned about that because many of my constituents work on that facility and believe that facility is important. But I am also concerned because, as General Reimer recently testified before the Armed Services Committee, White Sands is a critical national asset; it is our most capable test evaluation center. It is the premier facility that we have with unique capabilities to test new technologies and weapons, to ensure continued technological superiority over any potential adversary.

The test range is operated by the Army, but it supports testing by all of our various military services. Also, it supports testing by many companies in the private sector. Because of that fact, that the Army does not exclusively benefit from the work at White Sands, the installation has been vulnerable to budget and personnel cuts in the Army that threaten the continued capability of that range. Accordingly, it threatens the continued long-term national security of the country.

Since 1995, for example, White Sands has lost about 43 percent of its military contingent needed to ensure that the users participate in the design, test, and operation of new weapons systems. If the Department of Defense Quadrennial Defense Plan is fully implemented, then White Sands would eventually lose all of its soldiers who are assigned to operate, maintain, and test systems being evaluated.

Similar severe cutbacks have occurred in the civilian work force needed to support the scientific work and operations of the test range.

Meanwhile, the testing workload at White Sands continues to increase as the services move toward this high-tech weaponry of tomorrow's military services. I am concerned because I did visit White Sands this last week and I had the opportunity to observe the conditions of the range firsthand. Many of the facilities on the base date back to World War II. Some of the launch facilities are lodged in makeshift trailers with jury-rigged air conditioning and outdoor toilet facilities.

The risk of fire hazard is great at many of White Sands' widely dispersed facilities, and the ability of the base to combat a blaze effectively is extremely limited. Personnel risk their personal safety in some of these facilities that the President's line-item veto would prevent from being replaced.

Mr. President, my concern extends beyond the refurbishment of the aging buildings at White Sands. I am concerned, also, that the instrumentation that we have in place to conduct and analyze tests at White Sands is inadequate to meet the challenges of new technologies and weapons systems of the future.

Instrumentation at the range is simply not capable of meeting high optical, radar, and telemetry standards needed to observe, report, and evaluate tests of new technologies that are now being designed.

Scientists and the military personnel at White Sands indicated to me that it could cost in the range of $110 million to modernize the instrumentation at White Sands sufficiently in order to meet future test requirements.

While we fully intend to modernize our military weapons, we are not taking the steps necessary to ensure through testing that those weapons will work as designed and as needed.

White Sands is critical to meeting these requirements. If we permit the President's line-item veto to stand, we would endanger our national security interests by continuing to allow the Nation's preeminent testing facility at White Sands to atrophy further than it already has.

I call on my colleagues to reverse the President's veto and to join me in ensuring the future effectiveness of White Sands during this year's defense authorization and appropriations debates.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise today to speak in favor of the resolution to override this line-item veto. I have heard the argument both philosophically about not overriding the President and on the specifics, and I am not persuaded in either case because I supported the line-item veto. I see absolutely no inconsistency in supporting the line-item veto and supporting this override because that is exactly what was intended by the line-item veto in the first place. It was to let the President have a chance to cut projects that he considered inconsequential or not necessary, and Congress reserved the right, as it always does, to override a President's veto by two-thirds vote. It is a higher standard. I think this meets the test of the higher standard, because the President went back and looked at the line-item vetoes he had made and admitted he had made mistakes in his calculations.

The Department of Defense also said that some of the information was erroneous. For instance, these projects are in the military 5-year plan. Many of these projects are very important for our military readiness. In fact, one of the specifics that was mentioned by the Senator from Arizona, the Fort Bliss ammunition storage facility, is necessary and will actually pay for itself because you won't have to pay for the transportation of ammunition 20 miles from a firing range into Fort Bliss. So you are going to save transportation costs and, most of all, you are going to have a safety factor that will be better because you are able to have the ammunition stored in and next to the firing range where it will be used.

This is the end of a project that has already been started. So this is just one instance. I don't disagree with, perhaps, the other suggestions of the Senator from Arizona. I don't know much about that. I know that at Fort Bliss the ammunition storage facility is essential. In fact, I thought it was interesting that the President signed the bill for ammunition storage facilities in Europe. He signed the bill for facilities such as operations headquarters in Europe, and yet he vetoed those that were in the budget in the United States. So I think he has shown that he sees the importance of operational headquarters and the importance of ammunition storage facilities. I just think we need to have those at our bases where they are necessary and where they are in the 5-year plan in our military here.

I think it is important, as we are testing the line-item veto in Congress—and it is already being tested in court—the test should be exactly what we are looking at today. It should be the importance of these projects where Congress has said in its budget submission to the President that they are a high priority. The military has given them a high priority, and I think Congress certainly should have the ability to add to the priorities. In fact, Congress has added to the military budget every year that I have been in Congress and that President has been in office. President Clinton cuts the military budget and Congress puts it back in because Congress values military spending.

Congress believes that the readiness of our forces depends on many things, such as quality of life, pay raises, our military construction, our equipment being maintained. All of this is an issue between Congress and the President, and it is a legitimate issue. Congress has spoken. The President has spoken. Congress has the right under the line-item veto, with a two-thirds margin, to override the President and say these are in fact priorities.

So I hope the President will understand that we have our set of priorities. We are going to fund the military. We are going to make the military a priority. This is our national security at stake, and we believe these projects meet the test. The Senate has a rigorous test. We don't even add in the Senate military budget a military construction project that isn't already in the Defense Department 5-year plan. We never do that. That is our standard. So it is not like we picked something out of the air that the military didn't think was important. It is in the military 5-year plan, and we believe that spending this money for military construction is part of readiness. As we have added equipment, training, salary increases, we are also adding military construction for the overall readiness of our troops.

We cannot continue to add to the responsibility of our military and cut the spending for the military budget. We cannot do it. We are facing a crisis in Iraq, which we must meet, and I support the President sending troops to make sure that we shore up our situation in the Persian Gulf. I hope the President will give us a plan of action for the future there. We support that. But we can't take from military readiness accounts all over the world when we have a situation like we do in Iraq where we need to respond. That is why we are trying to plan for the future, and that is why it is important to override this line-item veto of the President, so that we can maintain that readiness.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

Mr. COATS. Madam President, I yield myself such time as I may consume. I don't anticipate consuming more than about 5 or 6 minutes.

Madam President, I come before my colleagues today with a sense of duality regarding the measure we have before us. On the one hand, the line-item veto override contains two items that are very important to me and to the State of Indiana, and also important to the national defense of our country. On the other hand, embodied in this line-item veto override is a fundamental question that goes to the very root of the principle of the Line-Item Veto Act. That question is whether Congress will abandon the longstanding practice of chasing good money with bad money, of holding worthy projects hostage to unnecessary funding.

So, for me, this vote represents a choice of parochialism and a choice of principle—the former rooted in the hard realities of the military construction process and the latter rooted in the Line-Item Veto Act and the critical necessity of fiscal discipline.

During the markup of the fiscal year 1998 military construction appropriations bill, a preestablished criteria, jointly agreed upon by Congress and the Pentagon, was used to determine what projects would be funded.

There were four criteria:

First, is this project consistent with past action?

Secondly, is the project requested in the future years' defense plan?

Third, is the project necessary for reasons of national security?

Fourth, could a contract be awarded for construction of the project during the next fiscal year, this being fiscal year 1998?

However, the Congress ultimately appropriated five projects that did not meet the jointly established criteria. The President abandoned this criteria when determining which projects he would veto. Thus, both the legislative and executive branches were guilty of abandoning the fiscal discipline established under the joint criteria.

Madam President, I assert that it is impossible to have a disciplined, consistent budget process if the Congress and the White House can't stick with a preestablished plan.

You see, further aggravating this situation is that, following the President's veto, there came admissions from the White House that errors had been made in evaluating projects for the veto, errors beyond the obvious abandonment of the joint criteria. This is of particular frustration to this Member, as two of the projects that were incorrectly vetoed reside in my home State.

However, the Congress has a veto override process designed to address such situations. That is what we wrote into the law. But in an act of regression to past fiscal habits, the override resolution before us today contains those five projects that didn't meet the criteria in the first place, totaling $50 million, that, as I said, failed to meet the criteria, the preestablished criteria.

One is tempted to conclude—and maybe the only conclusion is—it's business as usual. It is just an indication of how extraordinarily difficult it is for Members of Congress, all of us, to curb our compulsion for spending taxpayer dollars.

In this case, the cost of abuse is compounded because the game is being played with our national security at stake.

A maintenance facility for chemical and biological warfare detection devices at Crane naval surface warfare center, and a civil engineering center a Grissom air reserve base are included in this resolution. Both projects are in my home state, and both meet the joint criteria.

The Crane chemical/biological detection center, a $4 million project, relates to a mission shortfall in chemical and biological warfare detection capabilities that should be built as soon as possible.

It would address the Navy's growing need to provide maintenance and support for chemical and biological warfare detection devices aboard surface ships such as those deployed in the Persian gulf today.

Current facilities are inadequate and lack the required environmental controls. The Navy supports the project and local officials have already entered into a contract for the design of the facility. So it meets the criteria that we established.

I want to inform my colleagues and the Members of the Indiana delegation, those who work at Crane, the Department of the Navy, that I intend to work with them expeditiously and as conscientiously as I can, along with the Secretary of Defense and the Department of the Air Force, to accelerate this Crane project—not just support but to accelerate, as well as the Grissom Project, in an effort to ensure that our national defense capabilities are not weakened as a result of the cancellation of these projects.

However, as I previously stated, there is embodied in this resolution the violation of a principle basic to the line-item veto, a principle of fiscal discipline and restraint.

Senator MCCAIN and I fought a long battle for passage of the Line-Item Veto Act. We did so in the belief that it would apply a measure of discipline to a Congress that seemed consumed by a spending habit, and particularly egregious—a practice which loaded otherwise meritorious acceptable spending with that which had not met the criteria and gained the support of a majority of Members of Congress in an up-or-down vote, or straightforward debate on that particular item, but attached to something that was popular, attached to something that was needed with the intent of having it ride through on the train of something that was important. Unfortunately, the resolution before us today embodies that same practice, that same budget chicanery that has taken place in the past.

Though there are many projects of merit contained in this resolution, these meritorious projects are being used to spirit through those that are without merit.

This resolution is a missed opportunity. As the Supreme Court readies itself to ponder the final fate of the Line Item Veto Act, Congress had the opportunity to send the President a resolution that embodied the principle and the practice of fiscal discipline. Instead, we have squandered this opportunity by providing legislation handicapped by fiscal indiscipline.

Mr. President, though I am disappointed in this particular measure, I firmly believe that it demonstrates that the line item veto process is both practical and constitutional.

Judge Hogan has now placed the final question on the Line Item Veto Act before the Supreme Court. As such, I would like to comment briefly on the constitutional strength of the measure.

I believe that the Line Item Veto Act conforms to the presentment clause of the Constitution and that Congress is within its constitutional right in granting to the President the authority to rescind, or withhold from obligation, spending, as he administers the law.

As Walter Dellinger, then assistant attorney general testified before the Senate Judiciary Committee: ''Unlike line item veto bills that our office previously found unconstitutional, S. 4 would not violate any aspect of the presentment clause: It would not authorize the President to veto some portions of a bill and also sign the remaining portions into law. Rather, it would permit the President to rescind discretionary spending after the enactment of an appropriations act that would remain law. Such rescission authority would not implicate the specific textual requirements of Article I, Section 7: It would apply to the administration by the executive of a duly enacted law, not to the constitutionally prescribed procedures for a bill's enactment.''

Timothy Flanigan, a former assistant attorney general during the Bush administration went further, stating that:

> This approach avoids the presentment clause problems . . . by doing nothing to alter how an appropriations or spending bill becomes law. It would not alter the presentment process but instead authorizes the President to rescind specific spending items, unless Congress within a certain time acts to approve that particular item.

The process established by the Line Item Veto Act is not new. Rather, it is the essential restoration of a budget process that existed prior to the Impoundment Control Act of 1974.

On the delegation of powers question, just as Gramm-Rudman survived constitutional scrutiny, so shall the Line Item Veto Act. In that case, the courts ruled that appropriations power was not distinguishable from other powers that had been successfully delegated in the past. The court equated Congress' power to appropriate with the power to tax. Taxing power has been successfully delegated in the past.

I am confident that the Line Item Veto Act is fully constitutional.

Opponents of the line item veto have long argued that any such measure could face constitutional challenges in two key areas. They suggest that a line item veto may violate the presentment clause because a bill no longer would be signed or vetoed in whole, but in part. Secondly, they suggest that the line item veto represents an unconstitutional delegation of Congress' power of the purse. The district court bought into this argument, and the supreme court will now have final say on the question.

The Line Item Veto Act clearly meets the presentment clause standard. It does not allow the President to individually veto sections of a bill when it is presented to him. Rather, the act grants the President authority

to rescind, or withhold from obligation, spending, as he administers the law.

In hearings before the Senate Judiciary Committee, Walter Dellinger, former Assistant Attorney General, Department of Justice testified about the line item veto:

Unlike Line Item Veto Bills that our office previously found unconstitutional, S. 4 would not violate any aspect of the presentment clause: It would not authorize the president to veto some portions of a bill and also to sign the remaining portions into law. Rather, S. 4 would permit the president to rescind discretionary spending after the enactment of an appropriations act that would remain the law. Such rescission authority would not implicate the specific textual requirements of article I, section 7: It would apply to the administration by the executive of a duly enacted law, not to the constitutionally prescribed procedures for a bill's enactment. Our office has carefully reviewed S. 4 and concluded that it is constitutional.

In fact, Timothy Flanigan, former Assistant Attorney General during the Bush Administration, testified that of the various line item veto proposals, enhanced rescission is on the strongest footing constitutionally.

A far more promising legislative proposal, S 4, the Dole-McCain-Coats legislative Line Item Veto Act of 1995, is aimed at giving the President greater control over the expenditure of funds. This approach avoids the presentment clause problems by doing nothing to alter how an appropriations or spending bill becomes law. Senator Dole's bill would not alter the presentment process but instead authorizes the President to rescind specific spending items, unless Congress within a certain time acts to approve that particular item. A statute of that type would amount to a restoration to the President of power taken by Congress during the Nixon Presidency in the Impoundment Control Act of 1974.

Just as the Line Item Veto Act meets the presentment clause challenge, it in no way exceeds Congress' constitutional Authority to delegate its functions to the Executive.

Gramm-Rudman-Hollings survived a constitutional challenge. The courts ruled that appropriations power was not functionally distinguishable from other powers that had been successfully delegated in the past. The court noted that Congress' power to appropriate was particularly akin to its power to tax which has been successfully delegated in the past.

In 1989, the Supreme Court unanimously rejected a plea that Congress' power to tax may not be delegated, the court stated:

Article I, section 8 of the Constitution enumerates the powers of Congress. First in place among these enumerated powers is the 'power to lay and collect taxes, duties, imports and excises . . .' We discern nothing in the placement of the taxing clause that would distinguish Congress' power to tax from its other enumerated powers . . . in terms of the scope and degree of discretionary authority that Congress may delegate to the executive. . . . (Skinner v. MidAmerica Pipeline Co., 109 S. Ct. 1726, 1732, 1733 (1989).

Walter Dellenger testified before the Senate Judiciary Committee,

Although [delegation] is a significant constitutional issue, we are confident that the Supreme Court would sustain S. 4 or similar legislation. It is well established that Congress may delegate sweeping discretionary powers to the executive, including powers that related directly to the nation's fiscal policy. For example, Congress may authorize the President to raise or lower tariffs, to set the price of agricultural commodities, or to recover excess wartime profits. Indeed, on only two occasions—both of which occurred nearly sixty years ago—has the Supreme Court struck down a statute on the grounds that it impermissibly delegated power to the President.

Timothy Flannigan added,

Although this type of bill has previously been attacked on the ground that it would constitute an unconstitutional delegation of congressional power, there is no foundation in the constitution for that claim. The constitution requires that no money be drawn from the treasury except ''in consequence of appropriations made by law,'' (Article I, Section 9, Clause 7), but there is no requirement that the President spend all moneys that are appropriated. Indeed, such a policy would either encourage gross fiscal irresponsibility by the President or would require Congress to micromanage all aspects of Federal procurement. There is nothing in the Constitution that requires either result. [Timonthy Flannigan, Subcommittee of the Constitution, Senate Judiciary Committee, January 17, 1995].

I am confident that the Line Item Veto Act is constitutionally sound and that it will be upheld by the Supreme Court.

Let me conclude by stating that I am saddened to be confronted with a resolution that places my principles in conflict with the interest of my State. However, we are entrusted by the people who elected us to make the tough decisions that will ensure the long-term health, security, and fiscal soundness of this great Nation. As such, I cannot support a resolution that continues the fiscal chicanery of the past. Thus I must vote against it, and urge its defeat.

Madam President, I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Madam President, we didn't make our opening statement a while ago because we had sort of a logistics problem. But we have most of that ironed out.

There are a couple of points that I would like to make on which the support for the override of this veto is very important. I assure my good friend from Nebraska that I will not take long.

We have worked with Senator MCCAIN, who serves on the Armed Services Committee, in developing parameters and guidelines on what we should do when making determinations of spending that money on military construction. I am beholden to him, and I thank him for his leadership, because not only did it help us develop our guidelines but also it helps us to at least coordinate the activities of military construction with Armed Services.

There are two different entities here. I agree that it is alarming whenever we see the attrition, especially an accelerated attrition and losing people who are essential to make our fighting forces really effective—in other words those pilots, those specialized people, who are highly technical and necessary to operate in today's modern Army, Air Force, Navy, or Marine Corps.

There has been some attention given to Guard facilities. There is a very good reason for that. This administration since it came to town has been integrating Guard and Reserve units with regulars wherever they can because the force structure and our cutback in defense spending has required them to do that. In each one of those places where you have Guard or Reserves, it takes facilities that at least come up to the standard that you would find in any regular unit.

So there is a new way of looking on how we build facilities and what facilities are going to be needed. I also say that losing through attrition these people that we depend on in technical positions concerns me. But it also concerns me that if they do not accept advancement or more money to fly 5 or 6 more years, then there is another reason why they are leaving the military. You say they are away from their families. I would say quality of life has a lot to do with that. And the emphasis of the last 3 years or 4 years or so has been on quality of life—not only quality of life for the person that is serving in uniform, or serving in our particular services, but also the spouses of those men and women because that is just as important, too, when we take a look at family life on any base, post, or operation.

It might surprise a lot of Senators that the biggest share of appropriations—the lion's share—goes to environmental cleanup caused by BRAC, the Base Realignment and Closure Commission. The ranking Member and I have looked at some figures, and fully a third of next year's appropriations will be in environmental cleanup. It does nothing to add to the quality of life nor to build facilities nor to integrate anything that has to do with the security and the defense of this country.

There we ought to make some changes, because I think sometimes when we go into environmental cleanup when a base is closed and all of these requirements we are putting on, a lot of these bases are not going to end up being day care centers. Maybe we ought to find out what they are going to be used for and go to that degree as far as environmental cleanup. I am not against environmental cleanup. I do not want to go as far as I can to eat off the floor of barracks. But that is what we are talking about here. All of these so-called add-ons were authorized by the committee. Those are the guidelines. Those are the guidelines and the parameters that were set down.

We will continue as long as I am chairman of this committee to press for quality of life, and also the new

thrust of how we are going to prepare our young men and women for the defense of this country. And if we are going to integrate what we would call regulars with the Reserves or with the National Guard, then it is going to take a new thrust in the way we allocate money to maintain the infrastructure for that to happen. That is the thrust we have used today.

I yield the floor.

(Mr. COATS assumed the chair).

Mr. CAMPBELL. Mr. President, I take the time today to announce my support for the upcoming vote to override the President's veto of the Military Construction Line-Item Veto bill. This bill would have restored the funding to several very important construction projects in twenty-four states, one of which is my own.

I voted for the line-item veto law. This law has recently been adjudged unconstitutional. We could simply wait for the Supreme Court to strike this law down. But I want to be on record reaffirming my belief that the President should have the authority to strike certain portions of congressional appropriation bills. However, I also want to be on record affirming the error in the President's line item in this instance of a certain Colorado project, as well as many others which my colleagues will attest.

In vetoing the restoration of funding to these projects, the President commented, ''the projects in this bill would not substantially improve the quality of life of service members and their families, and most would not likely use funds for construction in FY 1998.'' Mr. President, I can assure you that this assumption is certainly not the case for the appropriation for work on the Army railyard expansion at Fort Carson. It is not, as the President seems to imply, a ''pork project.'' In fact, the Army itself stated it needs this project. It is included in the Army's 5-year development plan.

This project is necessary to expand Ft. Carson's rail capacity to meet the minimum requirements to deploy several assigned units and potentially very large number of reserve units. Let me repeat that: this project is necessary to enable Ft. Carson meet the minimum requirements of deployment. In other words, Ft. Carson currently does not meet the minimum deployment requirements.

In addition, the project would add several basic infrastructure components, including rail spurs, an operations support building and a maintenance shop. If these improvements are not made, the railyard's ability to deploy units, as a member of the ''contingency force pool,'' will be severely limited.

As you can see, the project's completion is necessary in the Army's opinion. I urge my colleagues to vote to override this veto.

Mr. DOMENICI. Mr. President, I rise today in support of the override of the President's veto of the fiscal year 1998 Military Construction Appropriations Bill. On November 13, the President vetoed H.R. 2631 which would have restored funding for the 38 military construction projects he earlier line-item vetoed. It had passed the House by a veto proof margin (352–64) November 8, 1997, and been passed by the Senate in its own version of the same bill by a vote of 69–30.

Mr. President, I believe the Senate will overwhelmingly override the President's veto of this bill. The President listed as one of the criteria used that none of the 38 projects he line-item vetoed was requested by the DoD in FY98. I want to caution the President. Article I, Section 8 of the Constitution of the United States says the Congress has the responsibility to raise and support the military. That means that he does not have the only say how to raise and support our troops. If the Congress believes that certain projects will support our military, it is our right and responsibility to fund those projects. I supported the line-item veto when it was originally passed, but I agree with the Chairman of the Appropriations Committee and others who have stated that his action on this particular bill was an abuse of authority.

The President stated in his line-item veto announcement, ''The balanced budget that I signed into law this summer will extend America's fiscal discipline into the next century. It will bring enormous dividends in our long term economic health. But it will continue to require difficult choices. American government will live within its means.''

It should be clear to everyone, neither the Military Construction Appropriations bill, or any other appropriations bill this Congress has passed, violates the Budget Agreement. America is living within its means, and none of the 38 projects the President vetoed changes that fact.

The President states that the projects he is canceling do not make substantial contribution to the quality of life and well-being of our men and women in uniform. I believe that those who put this list together for the President made a grave error in calculating what exactly can be called a contribution to the quality of life and well-being of our men and women in uniform. It is my belief that calculation should take into account the health and safety of those working at the facility in question. In our case, at WSMR, $6.9 million was appropriated for Launch Complex Revitalization. At the current Launch Complex, personnel are potentially exposed to HANTA virus due to infestation by rodents below existing structures. If that does not qualify as making a contribution to the quality of life, I do not know what else will.

In addition the President line-item vetoed $14 million for the construction of a new Theater Air Command Control and Simulation Facility and Kirtland Air Force Base. This facility was in the Department of Defense's five year plan, it met the President's requirement for 35% design being completed, and it was deemed to have been a military essential project.

In both cases, as with the rest of the 38 projects the President vetoed, these items are important to strengthening and protecting the health and safety of the Department of Defense and those who work at these facilities. The President made grave errors when he put this list together, and I am gratified that after a lot of hard work, today we will be correcting his mistake once and for all. All of these projects were scrutinized by the Appropriations Committee in detail. The Committee found that in many cases the criteria were not correctly applied. This effort is to correct those mistakes.

I ask all my colleagues to support the veto override. I believe it is the appropriate action for us to take. I yield the floor.

Mr. CRAIG. Mr. President, there is another vote that will occur here tonight at 6 o'clock that is very important. That is a veto override. I ask my colleagues to recognize the importance of this and the 38 military construction projects that the President vetoed last fall. He is a bit embarrassed about that now. Somehow the communication between he and the Defense Department on those projects that he had already penciled off on for this year's budget but that we found and the budget process found adequate moneys for, he vetoed.

I am one who supported the line-item veto, but I will say if it is going to be used as haphazardly as it was used in this instance, I will have to reconsider my support, as I think others do.

Mr. President, today the Senate is considering whether to override President Clinton's veto of 38 military construction projects last fall. The President argued that these projects weren't requested, couldn't be completed in FY 98, and did not contribute to quality of life for service member. Mr. President, I strongly disagree. I offer that his reckless veto of these projects is an indication of his disregard for important defense matters and sloppy work by his staff.

Let me begin by setting the record straight. The President claimed that the projects he vetoed were not in the future years defense plan (FYDP). Wrong, Mr. President. 33 of the 38 projects were in the FYDP. The President also contended that design work for the projects wasn't complete and couldn't be executed in the coming fiscal year. Wrong again, Mr. President. For example, the two projects vetoed for Mountain Home Air Force Base in Idaho are currently designed at 50 percent or more, and could be awarded this year.

This President has consistently underfunded the military construction budget, and then had the audacity to veto projects that the Congress thoughtfully restored. This isn't frivolous, Mr. President, the total Military

Construction Appropriations approved by Congress FY 98 was already $610 million below FY 97, but the President's budget was lower—because it was reckless in underfunding the military construction and quality of life projects. In July, this body approved the additional funds for military construction recommended by the Senate Armed Services Committee to help provide money for rundown bases facilities and other high priority projects submitted by the military services that were not funded in the President's budget. It think it is noteworthy that both the authorizing Committees in the House and the Senate noted the continuing low priority military facilities received, despite maintenance and modernization backlogs.

Congress knew better than to cut defense as deeply as the President. It's pretty clear to me that this Commander-in-Chief doesn't have the regard for the men and women in uniform that they deserve. What also angers me also is that the Administration never tried to negotiate or object to any of these projects when they came before the Congress for a vote. It seem apparent that these vetoes were either afterthought or politically motivated.

Despite my frustration by the President's action, I do want to reiterate my support for the line-item veto. However, today Congress is also exercising its right to object and vote down those vetoed items. Certainly, a vote to override the President's veto is not a vote against the line-item veto, it's a vote against arbitrary and reckless vetoes of important projects.

One of the items vetoed is the B–1 Bomber Avionics Shop at Mountain Home Air Force Base. I can hardly think of a more worthy candidate for military construction funds. Currently, it is difficult to keep the proper environment necessary to perform required maintenance tasks on the composite wing aircraft avionics and EMC systems. In fact, sometimes the avionics projects have to be flown off base and back to finish the required work. This mission essential avionics shop not only supports the B–1 beddown, but will also restore inefficient avionics repairs for the F–15 and F–16 which are done in an aging misconfigured building. The current facility has repeated power dumps from faulty fire suppression alarm system, leading to equipment failures and costly repairs.

The President also vetoed the F–15 Squadron Operations Facility. This project replaces a 28 year old, substandard facility that is misconfigured for flight operation and geographically separated from the flight line. The new facility will provide adequate space to plan, brief, and critique combat crews, and direct the F–15 flight operations. Administrative space is required for the commander and staff to program and conduct mission briefings and command activities and to care for, store and issue equipment.

Mr. President, although military construction represents a small portion of the overall defense budget, it is a very important part. The quality of our facilities and installation directly strengthens or weakens the safety and readiness of our troops. It seems apparent to me than many of the vetoed items enhance quality of life of our troops and directly contribute to the mission that our service men and women are asked to perform—no one is asking for country clubs, or golf courses here. These projects are essential to national security interests and improving the readiness of our forces. Mr. President, your vetoes are simply not justified.

I yield the floor.

Mr. ALLARD. Mr. President, I come to the floor today in support of HR 2631. Let there be no mistake, I support the line item veto, but, perhaps just as important, I support Congressional authority to override the veto if deemed necessary. In fact, one of the reasons that I support the line item veto is to make Members go on record in support of or against the vetoed items. I am willing to go on record and support this Resolution without hesitation. One such program is to fund the Army Strategic Mobility Program railhead project at Fort Carson. This project is recognized by the Department of the Army as a need for readiness and is included in the Administration's own Five Year Plan.

To give a brief history, the current railhead at Fort Carson was built in the 1940's and includes several one-story wooden warehouse buildings that were built during the same period. Since then, the railhead has received no major improvements or overhaul.

While the loading and storage capabilities were adequate for many years, they are no longer. Fort Carson is now home to two TIER I units, the 10th Special Forces and the 3rd Armored Cavalry Regiment. As you know, TIER I units must be able to deploy within 72 hours upon receiving notification. The current capabilities fall far short of this requirement. The Army Strategic Mobility Program requires that the railhead deliver 500 cars for a two day outload. The current railhead only allows for 314, well short of that required for the ASMP.

The 3rd ACR is the only heavy cavalry unit in the Army's inventory, and as such it can be sent to any theater of operations. It is critical that this unit be able to meet its deployment requirements. Unfortunately, at this time it cannot due to the inadequacy of the Fort Carson railhead.

Also, Fort Carson would serve as a major staging area for numerous National Guard and reserve units in time of war and the rail-loading and warehousing deficiencies could hamper those activities as well.

Mr. President, when Congress granted the President the line item veto we did not make him the final voice on budget priorities. Congress has the Constitutional obligation to have the final say on all revenue and outlay matters. This is how I believe the system should work. The President vetoes projects and if the Congress disagrees, then two-thirds of the Members in each body must vote to override. Today, it is my belief that Congress will use its veto-override power to approve these projects which are in the Administration's Five Year Plan.

Mr. DOMENICI. Mr. President, the Senate is considering the question as to whether the Senate shall override the President's veto of legislation to disapprove his line item veto of projects in Public Law 105–45, the FY 1998 Military Construction Appropriations Act.

In his first use of the line-item veto authority on an appropriations measure, the President proposed to cancel $287 million in budget authority for 38 military construction projects.

The President used three criteria upon which to evaluate these military construction projects for use of his line-item veto authority: The project was not requested in the President's 1998 budget; the project would not substantially improve the quality of life of military service members and their families; and the project almost certainly would not begin construction in 1998 because the Defense Department reports that no design work has been done on it.

All of these projects were scrutinized by the Appropriations Committee in detail. The committee found that in many cases the President's criteria were not correctly applied. The Appropriations Committee found that in many cases—

The project was included in the Department of Defense's future year defense plan;

The project was mission essential;

The project would enhance readiness, safety or working conditions for service personnel;

A site had been identified for the project;

Money had been spent on the design of the project; and

The Department could begin to execute the project during fiscal year 1998.

Based on this information, the Senate passed S. 1292 on October 30 by a vote of 69 to 30. The President vetoed this legislation on November 11. The House voted to override his veto on February 5, by a vote of 347 to 69. While the Supreme Court has not ruled on the constitutionality of this legislation, lower Federal court has ruled it unconstitutional. If that ruling stands, the 38 projects will be restored. We should go ahead now to permit that to happen. Also, the criteria that the Senate Appropriations Committee applied to these projects are still valid. For that reason alone, the projects should be approved.

Mr. President, this is the first test of the line-item veto on an appropriations bill. I support overriding the President's veto.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Montana is recognized.

The Presiding Officer will advise the Senator from Montana that under a previous agreement we are scheduled to return at 2 p.m., which is just about 30 seconds away, to the Snowe amendment No. 1647 to S. 1663.

Mr. BURNS. Mr. President, I would like to advise the Chair that on this issue of the override vote on this bill, we are prepared to yield back the remainder of our time. After I make a couple of unanimous consent requests, I think we are prepared to yield back our time and then we can go on to campaign finance.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BURNS. Mr. President, also, we had a hearing on this bill after it was vetoed the first time. I ask unanimous consent to have printed in the RECORD the proceedings of that hearing.

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

[Excerpts from a hearing before a Subcommittee of the Committee on Appropriations, United States Senate entitled ''Evaluate the President's Use of the Line Item Veto Authority for Military Construction Fiscal Year 1998 Appropriations'']

They went in to say because the Department reported to the office that no design work had been done on it. Are any 1 of those 33 that are Air Force projects subject to those restrictions?

General LUPIA. Thirteen of those were line item vetoed. Sir, all of those 13 projects were in our 5-year defense plan. None of the 13 were in the President's budget. But they were all in our 5-year defense plan.

The program years varied. Some were in the year 2000 out to the year 2003. Of the 13 items, quite frankly, sir, there is 1, a dining hall at Malmstrom Air Force Base, that I am having a little bit of trouble with determining why the project did not qualify as a quality of life project, and I was not in on the decisionmaking, so I do not know what criteria was used.

The CHAIRMAN. It is all three criteria, General. Was it capable of being executed in 1998?

General LUPIA. Yes, sir, executed, it was, sir.

The CHAIRMAN. But you had trouble finding whether any design work had been started?

General LUPIA. No, sir; I have the information on design work. What I was saying was I have trouble understanding why the Malmstrom dining hall did not qualify as a quality of life project, and again I do not know who made the decision or how, but it is, in fact, a project that supports 700 of our airmen who eat in the dining hall at Malmstrom.

The CHAIRMAN. Well, it was my understanding if it satisfied any one of those three criteria it was not supposed to be on the list. That was what I was informed. Quality of life projects were taken out. Those in the President's budget were taken out. And those that already had design work and could be executed in 1998 were taken out, and the balance were supposed to be those that were vetoed.

Were there any of those that did not have one of those three criteria, as far as the Department of Air Force is concerned?

General LUPIA. No, sir.

The CHAIRMAN. General Gill, how about your service, the Army?

General GILL. Mr. Chairman, we had 44 projects that were accelerated by Congress. I believe 14 were line item vetoed. Of those 14 projects, 12 were in the 5-year, the future years defense program; 2 were not.

Earlier we had been asked by Congress last spring whether or not these projects were in the FYDP and could they be executed in fiscal year 1998. You can debate what execution means. We reproted in all cases that they could be executed. To me as a budget person or as an engineer, that means award of a contract.

The CHAIRMAN. But two of them have some question as to whether that design work has actually been done. The design work I think was added in at an earlier time. Were either of those two quality of life projects?

General GILL. No, sir, they were operational projects. One was a National Guard aviation support facility in Rapid City, SD, and in this case the design work is done by the State, and the action officer in the National Guard Bureau and the State Guard representative miscommunicated and we provided the wrong information to OSD. The State had actually, begun some design work, but had been reported as zero percent design.

The other case was at Fort Campbell, KY, a vehicle maintenance shop. This was the result of a project that was phased and, in fact, the design had been done completely in the earlier phase 1. The data base did not carry the design as being completed for phase 2. Phase 2 was accelerated. It was reported as not designed when, in fact, it is at 100 percent.

Admiral AMERAULT. Yes, sir; sir, all but 3 of the 12 projects that were line item vetoed in the Navy were in the FYDP, in the years 2000 to 2003, some in the out-years of the FYDP.

We reported that all could be executed. That is under the definition that executable means to us a construction contract could be let in the fiscal year. We reported that they could all be executed in fiscal year 1998. And none of them were quality of life.

The CHAIRMAN. I want your judgment, General, whether each of the projects that were vetoed, in every case, the Air Force projects, is the project an essential Air Force project to meet your mission?

General LUPIA. Sir, the projects are essential to the Air Force and they are in our 5-year defense plan. In terms of budget constraints, some of them are in later years than we would like to have them, but they are of military value. Each of the projects vetoed would enhance operations at the respective installations, but their deferral to a future year does not undercut national security.

General GILL. I think categorically I can say that those that are in the FYDP were essential. It is my judgment—and you asked my judgment—that those which fell within the FTDP, appear to be essential facilities for the accomplishment of the Army's mission. They would have been moved forward had there been enough room in our budget. Some of them would have come forward; others would have been gotten to later. It was simply a matter of how many dollars we had and our internal prioritization.

The CHAIRMAN. Thank you. The same question to you, Admiral.

Admiral AMERAULT. Yes, sir; we reported that, whether or not these projects were militarily essential in our response to questions from OSD, we reported in all cases that they were, with the exception of those three that were not in the FYDP. We were not asked that question for those three.

Their placement within the FYDP was simply a matter of budget priorities, affordability, and so forth.

The CHAIRMAN. The timeframe of affordability within the 5-year plan. Thank you much.

Senator DOMENICI. I will go very quickly. I think the project at Kirtland Air Force Base, that is yours, General Lupia. I understand that this project was included within the defense future year defense plan. Is that true?

General LUPIA. Yes, sir; it was in 2002.

Senator DOMENICI. Is this project mission-essential within the context of the plan?

General LUPIA. Yes, sir, it is.

Senator DOMENICI. Has a site been identified for this project?

General LUPIA. Yes, sir, it has.

Senator DOMENICI. Has money been spent on the design of this project?

General LUPIA. Yes, sir; we have already invested $350,000 in beginning the planning and design of the project.

Senator DOMENICI. Can you begin to execute this project during fiscal year 1998?

General LUPIA. Sir, we can execute it, the definition being contract award in 1998, yes, sir.

Senator INOUYE. Admiral, if I may ask, my staff indicated the Navy had every intention of executing construction of the Asian Pacific Center.

Admiral AMERAULT. Yes, sir; sir, that project is in the FYDP in the year 2003. We had spent no military construction planning and design funds on that project. That is what we reported on September 26. Since that time, the A&E contract for preparation of an RFP was awarded on September 30, 9 days ago. Since then $145,000 has been obligated.

Our anticipation was the earliest construction contract award would be in the third quarter of fiscal year 1998.

Senator INOUYE. So your files would indicate that we have already expended $145,000 for design?

Admiral AMERAULT. Within the last 9 days, sir.

Senator INOUYE. And you are ready to move in the third quarter of the next fiscal year.

Admiral AMERAULT. We anticipate that we could award that contract in the third quarter of 1998.

Senator CRAIG. Thank you much, Mr. Chairman.

Let me do a similar action, General Lupia, on the two items vetoed—Mountain Home Air Force Base, the B–1 avionics building. What is its current status?

General LUPIA. Sir, we reported in April 1997 that the project was zero percent designed. We are today reporting 10 percent work that has been accomplished since then.

Senator CRAIG. So design activity is fully underway?

General LUPIA. Yes, sir, that is correct.

Senator CRAIG. Location?

General LUPIA. The site has been identified, no problem with the site, no environmental problems. The project is in the Air Force's 5-year defense plan in the year 2000. So we had already planned to spend 1998 design money to get it going. We spend 2.5 percent 2 years out, and then 6.5 percent on design 1 year out. We have already invested in the project.

Senator CRAIG. How essential is this to the overall beddown of the B–1's at Mountain Home?

General LUPIA. Sir, this project is essential to the beddown. We have been using workabounds and will continue to do that, but it is essential to the beddown.

Senator CRAIG. The F–15 squadron operations facility, what is the status of that, to your knowledge?

General LUPIA. Sir, that project is in the Air Force's 5-year defense plan in the year 2002. So we reported that we have not begun design. But this is again back in April 1997.

Senator CRAIG. So both of these are clearly within the 5-year plan, design work has begun, locations have been determined.

General LUPIA. No environmental problems, sir.

Senator CRAIG. No environmental problems, viewed to be essential for mission?

Mr. BURNS. Mr. President, we have checked with Senator MCCAIN and his office. He requires no more time. The vote on this will occur at 6 p.m. this evening, I am told. We are prepared to yield back the remainder of our time, and I yield the floor.

PAYCHECK PROTECTION ACT

The PRESIDING OFFICER. Under the previous order, the clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 1663) to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization.

The Senate resumed consideration of the bill.

Pending:

McCain amendment No. 1646, in the nature of a substitute.

Snowe amendment No. 1647 (to amendment No. 1646), to amend those provisions with respect to communications made during elections, including communications made by independent organizations.

The PRESIDING OFFICER. Who seeks time? Who yields time?

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. SNOWE. Thank you, Mr. President. I think that the debate on the Snowe-Jeffords amendment has been very important in terms of underscoring the issues that need to be addressed in reforming our campaign finance system. I would like to review for the membership of this body exactly what the Snowe-Jeffords amendment would do, because we have heard so much about the impact of it and the misconceptions about the impact of the provisions included in this amendment.

The fact is, this amendment will affect several categories with respect to advertising by groups across this country during the course of an election designed to influence the outcome of a Federal election. We are not saying they cannot advertise. We are not saying that they cannot engage in political activity. But what we are asking these groups to do is to disclose their major donors if they advertise on either medium, radio or television, 60 days before a general election, 30 days before a primary, in which they identify or mention a candidate for Federal office.

They then would be required to disclose their major donors who contribute more than $500. That is more than twice the threshold for disclosure for Federal candidates.

So, unlike the suggestion of those who are opposed to the campaign finance proposal and the Snowe-Jeffords amendment that this is too invasive, too broad, it is not. In fact, it would meet the Buckley standards handed down in that Supreme Court decision of not being invasive. In that Court decision, they were considering the impact of requiring donors of more than $10 to be disclosed. Obviously, that is broad and invasive. But this would pass constitutional muster.

We are talking about groups that spend money on television or radio broadcasts in which they identify a Federal candidate 60 days before a general election, because, obviously, when those ads are aired at that point in time, they are intending to influence the outcome of an election.

The medium is radio and television. The timing is 60 days before a general election, 30 days before a primary. The ad must mention a candidate's name or identify the candidate clearly.

Targeting: The ad must be targeted at voters in the candidate's State.

And the threshold: The sponsor of the ad must spend more than $10,000 on such ads in the calendar year.

It is very narrow, it is very clearly targeted, very specific. And the Supreme Court has said that you can make a distinction of electioneering communications from other forms of speech. That is exactly what the Snowe-Jeffords amendment does. We are replacing the issue advocacy provisions of the McCain-Feingold legislation, section 201, that could raise constitutional questions. The proposals that Senator JEFFORDS and I are offering today are ones that have been designed by legal and constitutional experts based on court decisions.

What the Snowe-Jeffords amendment would not do, because, again, we have heard so much about what the impact would be and, in many cases, have been very erroneous in some of the circulations in Congress by various groups, it would not prohibit groups from communicating. If they want to advertise, they have every right to do that. They can communicate with their grassroots membership.

It does not prohibit them from accepting funds, corporate or labor funds. It would not require groups to create a PAC. They can continue what they are doing. But they are required to disclose if they are going to identify a candidate 60 days before an election in a television advertisement or radio broadcast.

It would not affect the ability of any organization to urge grassroots contacts with lawmakers in upcoming votes. They can say, ''Call your Senator, call your Member of Congress, using the 1–800 number,'' which is a popular means today. That is certainly allowed. There is nothing to discourage that. If they identify a candidate in a TV or radio broadcast 60 days before an election, then they have to disclose their donors of more than $500, and that is all we are requiring. So it is not invasive; it would not require them to give an advance of the specifics of their advertisement and the text.

What we are requiring in all of this is disclosure so that everybody understands who is financing these advertisements when they are designed to influence the outcome of an election.

It guards against sneak attacks. Doesn't everybody have the right to know? Absolutely. And that is why the Supreme Court made that distinction in Buckley and in other cases, to draw that bright line, which is what the Snowe-Jeffords amendment does.

The Court has never said that there is one route towards what can be distinguished in terms of electioneering communications. The fact of the matter is, it said you can make that distinction, that the U.S. Congress has the prerogative to make that distinction in a very narrow, very targeted way.

This amendment would pass constitutional muster. I think that is what causes some anxiety for some people, because they are opposed to this amendment because it will require disclosure of major donors.

Since when has disclosure been antithetical to good government, to campaign financing? Because that is the thrust of this amendment. It is disclosure. I think we all can concur that secrecy does not invite the kind of campaign that we want to see in America. We are entitled to know who finances these campaigns when it comes to major donors, when they are running ads that influence the outcome of these campaigns.

The fact is, these groups have spent at least, based on what we know because it is a guesstimate because they did not have to disclose, $150 million—$150 million. The best we can guess, because, again, it does not require disclosure, is a third of all the money that was spent was spent on campaign advertising in the last election cycle, and we do not know where one dime comes from. We don't have the identity of donors, and yet they play a key role in influencing Federal elections.

We had $150 million spent on issue ads in the 1996 election, and $400 million was spent for all the candidates: for the President, the Senate and the House. And yet, of this $150 million—this is probably a conservative estimate; this is based on the Annenberg Public Policy Center study; probably the most definitive study on issue advertising and issue advocacy. In fact, what they did was they analyzed advertising that was done by 109 organizations—109 TV and radio advertisements from 29 organizations. So we would expect that that estimate is pretty conservative. So what we are saying here is that there should be a means for disclosure.

The courts have never said that disclosure is not in the public interest.