would be trying to tell everybody how to run campaigns and the American people would end up saying, isn't that something? They are telling all of us they know how to run their campaigns and they are ordering us around in their own campaigns. So I think that is the flip side of this.

Ms. SNOWE. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Maine has 5 minutes remaining on her side; the Senator from Kentucky has 21 minutes and 16 seconds.

Ms. SNOWE. I reserve the balance of the time.

Mr. MCCONNELL. I yield 5 minutes to the distinguished Senator from Idaho.

Mr. CRAIG. Mr. President, I spoke yesterday on campaign finance reform and I stand today certainly in opposition to the Snowe-Jeffords amendment. It does not address the problem. I don't think the problem exists. The courts have said we don't have jurisdiction over it. We ought to leave it at that.

Mr. MCCONNELL. How much time remains on our side?

The PRESIDING OFFICER. The Senator from Kentucky has 19 minutes and 20 seconds.

Mr. KOHL. Mr. President, I rise in favor of the Snowe amendment. First, I wish to commend the Senator from Maine for her efforts to craft a compromise on this issue. If everyone entered this debate with her spirit of negotiation and patience, I think we would surely be able to come to a final resolution of this matter.

I favor the Snowe amendment at this time because I feel it is the best compromise available to possibly pass the McCain-Feingold campaign finance reform bill. As an original cosponsor of that legislation, I favor S.25 as presented yesterday by Senator MCCAIN. I believe the section related to independent expenditures is well-crafted, would go a long way in improving our electoral system, and meets the difficult constitutional standards for this issue.

However, it is clear that the McCain-Feingold bill does not have the necessary votes to end the filibuster. By altering the section of the bill dealing with independent expenditures, we would have a compromise which has the potential of passing the Senate. I would prefer the language as crafted by Senators MCCAIN and FEINGOLD, but it is clear we cannot pass the bill in that form. Therefore, adding the Snowe amendment at least offers hope that campaign finance reform can be passed in this session.

I also wish to add that my support for this amendment is conditional on its inclusion in a broader package of campaign finance reform. Any reform proposal must be designed to be fair and balanced. Taken separately, or added to other legislation that does not address other important campaign finance issues, the Snowe amendment would not have the desired impact on the electoral process.

If we pass the Snowe amendment, and the underlying McCain-Feingold bill, we will have made a great stride toward reforming our campaign finance laws, and offer the American public some hope that Congress is taking their concerns on this matter very seriously.

Mr. McCONNELL. I suggest the absence of a quorum and I will have the time charged to my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. 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. McCONNELL. Mr. President, I was graciously letting my time run during that quorum call. I think we may have inadvertently taken away the 10 minutes prior to the military construction bill. I would like to reconstruct that time. The chairman of the Appropriations Committee is here.

Mr. President, I ask unanimous consent that the chairman of the Appropriations Committee be recognized for 5 minutes prior to the military construction vote and that Senator BYRD, or his designee, be entitled to 5 minutes prior to the military construction vote as well.

The PRESIDING OFFICER. Does the Senator wish that the time for the vote on military construction veto override also be postponed by 10 minutes, accordingly?

Mr. STEVENS. Mr. President, the time is set at 6 p.m., is it not?

The PRESIDING OFFICER. That is correct. In the absence of a change in the time for the vote, the vote would take precedence over any additional amount of time.

Mr. STEVENS. We are talking about the 10 minutes before 6 p.m.

Mr. McCONNELL. Does the military construction vote come first, before the Snowe-Jeffords?

The PRESIDING OFFICER. Yes.

Mr. McCONNELL. Maybe this would solve the problem. I ask unanimous consent that there be 10 minutes prior to the Snowe-Jeffords vote, equally divided between Senator SNOWE and myself.

The PRESIDING OFFICER. Does the Senator intend to insert that time between the two votes?

Mr. McCONNELL. Yes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. 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. McCONNELL. 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. McCONNELL. Mr. President, I understand that the Senator from Maine would rather speak now than between votes. Therefore, Mr. President, let me try one more time.

I ask unanimous consent that the distinguished chairman of the Appropriations Committee have——

Mr. STEVENS. Mr. President, we seek to preserve the time as it is currently allocated for the next 10 minutes before the vote on the MilCon bill.

Mr. McCONNELL. How much time does the chairman of the Appropriations Committee wish?

Mr. STEVENS. Ten minutes.

Mr. McCONNELL. Mr. President, I don't think there is a solution to the concern of the Senator from Maine. It appears that if the chairman of the Appropriations Committee would like the time remaining before the 6 o'clock vote—well, I'm open to any suggestion.

UNANIMOUS CONSENT AGREEMENT

Ms. SNOWE. Mr. President, I ask unanimous consent to move the vote on MilCon to 6:10 p.m. so that we can complete the debate before the votes begin.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CANCELLATION DISAPPROVAL ACT—VETO

The Senate continued with the consideration of the veto message.

Mr. STEVENS. Mr. President, it is my understanding that Senator BYRD will not speak during the time that he had reserved, but Senator KEMPTHORNE would like to speak. How much time does the Senator from Idaho need?

Mr. KEMPTHORNE. About 4 minutes.

Mr. STEVENS. Mr. President, I yield 4 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, I thank the chairman of the Appropriations Committee. I rise with regard to the issue of the military construction veto override. I rise in support of overriding the President's veto of the military construction budget.

Mr. President, I am one of those who supported the concept of the line-item veto. I still do. But when I voted for that, I certainly did not abdicate my rights and authority, if I disagreed with a Presidential line-item veto, to come back and speak against that veto and cast my vote. If, in fact, two-thirds of the Members of this body, along with two-thirds of the Members of the House, vote to override, it would be successful.

Here is an example of two projects that were in the military construction budget which the President vetoed. Both projects were intended to support the combat requirements of the 366th Composite Wing based at Mountain Home Air Force Base.

A recent letter to me from Secretary of Defense Bill Cohen described the

critical role played by the 366th Composite Wing: ''As one of the first units to deploy to a problem area, it has the responsibility to neutralize enemy forces. It must maintain peak readiness to respond rapidly and effectively to diverse situations and conflicts.''

In an ironic twist of fate, the 366th was doing its mission on deployment in the Persian Gulf when the President took inaccurate information, provided by the Air Force, and vetoed two projects intended to support the combat effectiveness of this unit.

President Clinton used his line-item veto pen to delete $9.2 million for an avionics facility for the B–1 bombers and $3.7 million for squadron operations facility for an F–15 squadron.

In his veto statement, the President claimed the vetoed construction projects could not be started in fiscal year 1998 because there was no design work on the proposed projects. This assertion has now been proven false by a letter from the Deputy Secretary of Defense John Hamre, which now acknowledges that the Department of Defense provided inaccurate data about the status of design work.

With respect to the two projects at Mountain Home Air Force Base, the outdated Air Force data provided to the White House listed both projects at zero percent design when in fact, as now verified by Air Force, both projects are in fact over 35 percent designed. Moreover, before any of these projects could be included in the FY 1998 Defense Authorization bill, the services were required to certify that each of the projects could be initiated in FY 1998 and that is what they did, without exception.

As my colleagues know, the Department of Defense puts together a future years defense plan which projects the DOD budget six years into the future. Regarding the two projects at Mountain Home, I note that the Avionics Facility is contained in the Air Force's 1999 budget and the F–15 Squadron Operations Facility is contained in the service's 2000 budget.

As the President ponders the use of the line item veto, I think there needs to be a dialogue with the legislative branch. If there had been dialogue, we might have been able to point out the faulty data being used by the White House.

Early this year Congress and the President reached an historic agreement to balance the budget and increase defense spending above the President's request. Congress went through its normal deliberative process and we used the additional defense dollars to move forward funding for projects on the service's unfunded requirements lists. Indeed, the B–1 Avionics Facility was one of the top ten unfunded military construction projects identified by the Air Force. In addition, the funds were within the budget caps agreed to by the Congress and the President.

President Clinton has made a mistake regarding his use of the line item veto authority on the military construction appropriations bill. The Office of Management and Budget and the Deputy Secretary of Defense acknowledged the President used outdated and inaccurate data to make his decisions. The Senate should give the President another opportunity to do the right thing and pass the pending disapproval legislation.

Let me thank the Chairman of the Senate Appropriations Committee, Senator STEVENS, and the Ranking Member, Senator BYRD for their quick and decisive action to bring this important legislation to the Senate floor.

Mr. President, the point is that we have a line-item veto by the President of the United States based upon inaccurate information provided by the U.S. Air Force. The Air Force has come forward and they have provided the documentation and the letters, and it is to help the military of the United States, such as the 366th Composite Wing, which is one of the groups that will respond upon a moment's notice. I think that we have seen in the last 2 weeks the critical nature of this world and how we may call upon the men and women in uniform to go into harm's way on behalf of the United States of America. And here we are somehow considering that we will not override a Presidential veto that was based upon inaccurate information.

I urge all of my colleagues to vote to override the President's line-item veto and to support the men and women in uniform. If there is any time in recent history that we see how critical it is to support our men and women in uniform, it is now, as we still have this buildup in the gulf and we still don't know what the resolution there will be to this international thug named Saddam Hussein, who still doesn't know and doesn't get the message. So, again, let's support our troops and override the Presidential line-item veto.

I ask unanimous consent that two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, October 21, 1997.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Washington, DC.

DEAR DIRK: Thank you for your letter of September 8, 1997. I want to assure you nothing has changed regarding my enthusiasm for the Enhanced Training in Idaho (ETI) initiative.

The 366th Wing at Mountain Home Air Force Base (AFB) is an important component of our military capability. As one of the first units to deploy to a problem area, it has the responsibility to neutralize enemy forces. It must maintain peak readiness to respond rapidly and effectively to diverse situations and conflicts.

ETI balances realistic local training with careful consideration of environmental, cultural, and economic concerns. The elements of the ETI proposal, though designed to minimize environmental impacts, will simulate real world scenarios and allow the aircrews to plan and practice complex missions. In addition to providing realistic training, ETI's close proximity to Mountain Home AFB also will enable the Air Force to convert time currently spent in transit into actual training time. Thus, the ETI proposal allows Air Force crews to use limited flight training hours more efficiently.

I continue to give the ETI process my full support. It will provide our commanders with realistic training opportunities locally, while ensuring potential impacts to natural, cultural, social, and economic resources are identified, and where possible, cooperatively resolved. Your strong support for the ETI initiative is very important to us, and you may rely upon my continued interest and commitment.

I trust this information is useful.

Sincerely,

BILL.

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, October 29, 1997.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the Administration used three criteria to decide whether to use the line-item veto on individual projects in the 1998 Military Construction bill: the project was not requested in the President's 1998 budget; it would not substantially improve the quality of life of military service members and their families; and it would not likely begin construction in 1998 because the Defense Department reported to the Office of Management and Budget (OMB) that no design work has been done on it.

With regard to the last criteria—the question of design work—questions have arisen about the Defense Department data underlying the project selections. Each of the military services was asked to evaluate the design status of projects in the Military Construction bill. The Defense Department forwarded that information, without change, to OMB. I have enclosed copies of the analysis in question.

It now appears some of the Defense Department data sent to OMB may have been outdated. The Defense Department will work with Congress as quickly as possible to correct any errors that may have occurred as a result of the outdated data.

Sincerely,

JOHN J. HAMRE.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, the Senate is going to vote soon on the override of the President's veto to H.R. 2631, the bill disapproving the line-item vetoes of projects contained in the fiscal year 1998 military construction bill. I am here as chairman of the Appropriations Committee to urge all Members to vote in favor of the override of the President's veto in this matter.

Let me begin by congratulating Senators BURNS and MURRAY for their leadership in handling the military construction bill and the line-item veto process over the past few months.

At no time has the discussion on this military construction bill and the line-item veto been marked by partisan rancor. These two members of our subcommittee, Senators BURNS and MURRAY, and our full committee have proceeded in a completely bipartisan fashion to deal with this bill and the line-item process. As Senator BURNS noted in his comments earlier today, this debate and vote provide the first test of the line-item veto process enacted by the Congress.

As chairman of the conference that presented the final version of the line-item veto bill to the Senate, I am pleased that the procedures established in that bill have worked.

I regret that we must act to override the President's veto of this disapproval bill. In a hearing before our committee and in numerous public statements, administration officials conceded that errors were made in handling the military construction bill. During a time of intense pressure on our defense budget, there could be no consideration of foregoing these critical projects that are necessary to support our military efforts.

Override of the President's veto restores 38 projects, totaling $287 million, for this fiscal year 1998. All of these projects have been defined as necessary by the Armed Forces and are executable during this fiscal year.

Subsequent to the President's action on the military construction bill, the administration took a very different approach to the remaining 12 appropriations bills for fiscal year 1998. I do believe that the confrontation that has occurred over this bill has refined the process for dealing with the line-item veto. While I do not support the President's decision with regard to many of the specific line-item vetoes he presented to Congress with regard to the 1998 bills, our committee did not hold any hearings or report disapproval bills on any of the other line-item veto messages. We did not challenge the President's decision on any line-item veto on any bill other than this military construction bill, although, again, I will say, as chairman, I disagreed with many. For 1998, the President transmitted 81 line-item vetoes of specific appropriations totaling $483.4 million.

In my judgment, the line-item veto has proven to be a useful and appropriate tool for any President to reconsider spending matters passed by the Congress.

Consideration of this bill, however, and this override will demonstrate the effectiveness of the process created by the bill that created the line-item veto. We definitely prepared a process to overturn a Presidential veto of a disapproval bill, and that is what we are dealing with now. We passed the original bill, the President line-item vetoed it, we passed a disapproval bill, and he vetoed that. This is a process to overturn that veto of our bill whereby the Congress decided to literally overturn his veto.

I again regret that the President chose to veto this measure. I think he did so on the basis of misunderstanding or upon misinformation presented to him. As I said in the beginning, the criteria used by the White House, as applied to these projects, just did not fit. This was not a proper veto of the items in this military construction bill.

I am here to urge all Members to vote to override the veto on this bill, restore the funding for these projects that are urgently needed for military construction, and validate the process that the line-item veto bill presented to the Congress and make it work. Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

PAYCHECK PROTECTION ACT

The Senate continued with the consideration of the bill.

Mr. MCCONNELL. Mr. President, are we now on the Jeffords-Snowe time?

The PRESIDING OFFICER. The Senator is correct. At this point, 5 minutes are left on each side, according to the previous unanimous consent agreement.

Mr. MCCONNELL. Mr. President, the Snowe-Jeffords amendment, while I am sure it is well-intentioned, isn't consistent with the first amendment. The American Civil Liberties Union, America's experts on the first amendment, say that it falls short of the free speech requirements of the U.S. Supreme Court in the first amendment.

The proponents of this proposal seem to me to be dismayed at all of this speech out there polluting our democracy and our campaigns. The presumption underlying that, of course, is that we as candidates somehow ought to be able to control elections, as if only our voices should be heard.

The proponents say what we need to do is get all of this speech under control. And the way you do that, of course, is you make the speech accountable to the Government through the Federal Election Commission. They say, ''Well, it is just disclosure. All we are asking is just disclosure.'' The U.S. Supreme Court in the case of NAACP v. Alabama made it abundantly clear that you could not require of the group its membership list or its donations to be handed over to the Government as a condition for engaging in public discourse.

So clearly, Mr. President, this measure would not pass muster.

With regard to nonprofits, the amendment puts all manner of new controls on them if they are so audacious as to mention any of our names near an election.

Finally, Mr. President, it punishes private citizens who have a constitutional right to support causes popular and controversial without being subject to Federal regulation.

So, let me just sum it up.

There isn't any question—and I am sure proponents of this amendment wouldn't deny it—they wouldn't be offering the amendment at all if it were not designed to make it more difficult for groups to criticize all of us in proximity to an election.

Mr. President, I confess I don't like it. I wish it didn't happen. Even some of those groups that come in in support of us we frequently think make things worse and botch the job. But the Court has been rather clear—crystal clear—that the candidates don't control all of the discourse. We certainly don't control what the newspapers are writing about us in the last few days of an election. And we certainly can't control what groups may say about us to our displeasure in proximity to an election.

Democracy is sort of a messy thing. It is sort of a messy thing. The speech police don't get to control how everybody participates in our elections. It may frustrate us. But that is the price for a healthy democracy.

So, Mr. President, at the end of the discussion I will make a motion to table the Snowe-Jeffords amendment, and I hope the motion to table will be approved.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I am delighted to be able to yield a minute to my colleague from the State of Maine who has been a leader on campaign finance reform.

Ms. COLLINS. Mr. President, thank you.

Mr. President, I rise today to urge my colleagues to support the compromise amendment offered by our distinguished colleague, the senior Senator from Maine, and the Senator from Vermont.

Mr. President, I am confident that the original language in the McCain-Feingold bill relating to the issue ads would have withstood constitutional scrutiny. But the careful work of the Senator from Maine and the Senator from Vermont certainly removes any doubt on that score. They have done an artful job in crafting this language, and I hope it will receive the support of every Senator.

Thank you, Mr. President.

Ms. SNOWE. Mr. President, I now yield a minute to my colleague from Vermont, Senator JEFFORDS. I want to express my appreciation to him for all the work he has done on this amendment and his leadership on that as well.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Vermont is recognized.

Mr. JEFFORDS. Madam President, there is an adage in the legal debate that when the facts and the law are not in your favor you tend to shout loudly and improperly about irrelevant principles of free speech.

The opposition has done a masterful job on that. The issue is simple. In an election, does the public have the right to have disclosed in a timely fashion who is paying for an attack ad attacking a candidate? It is a matter of right to the voter and the election process. It is a matter of fairness to the attack candidate. More correctly stated, does the attacker have a constitutional right not to disclose who they are? The answer is a clear no. The public yes, the attacker no.

Ms. SNOWE. Madam President, first of all, I express my appreciation to my colleague, Senator JEFFORDS, for all of his efforts, and to all of my colleagues who have supported this endeavor.

First of all, Madam President, I ask unanimous consent to have printed in