PRIVILEGE OF THE FLOOR

Meanwhile, I ask unanimous consent that during the remarks of Mr. MOYNIHAN, Mr. LEVIN, and my own remarks, former counsel for the U.S. Senate, Mr. Michael Davidson, be allowed the privilege of the floor of the Senate.

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

Mr. COATS. Mr. President, on behalf of the majority leader, I ask unanimous consent that immediately following the 1 hour special order, the following Senators be recognized in order to offer the following amendments:

Senator DODD, regarding Reserve retirement, 10 minutes for debate, equally divided, and no second-degree amendments in order; Senator MURRAY, relating to burial, for up to 10 minutes, equally divided, no second-degree amendments in order; Senators MURRAY and SNOWE, regarding Department of Defense overseas abortions, 1 hour, equally divided, with no second-degrees in order prior to the vote; Senator REID, relating to striking Senator KEMPTHORNE's language, 2 hours, equally divided, with no second-degrees in order; Senator HARKIN, regarding gulf war illness, 30 minutes, equally divided, with no second-degrees in order prior to the vote.

I finally ask unanimous consent that any votes ordered in relation to any of the above-mentioned amendments be delayed, to occur in a stacked sequence at a time determined by the majority leader after consultation with the Democrat leader.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I beg the Senator's pardon; I was distracted.

The PRESIDING OFFICER. The Senator from West Virginia reserves the right to object.

Mr. COATS. Mr. President, I think this has been cleared on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair. I thank all Senators.

SUPREME COURT'S LINE-ITEM VETO DECISION

Mr. BYRD. Mr. President, the U.S. Supreme Court earlier today announced in its ruling in the consolidated cases of Clinton v. New York and Rubin v. Snake River Potato Growers that it has found the Line-item Veto Act to be unconstitutional. It did this by a vote of 6 to 3. It is with great relief and thankfulness that I join with Senators MOYNIHAN and LEVIN—and I am sure that if our former colleague, Senator Hatfield, were here he would join with us—in celebrating the Supreme Court's wise decision. Mr. President, the Founding Fathers created for us a vision, set down on parchment. Our Constitution embodies that vision, that dream of freedom, supported by the genius of practical structure which has come to be known as the checks and balances and separation of powers. If the fragile wings of the structure are ever impaired, then the dream can never again soar as high.

Today, the Supreme Court has spared the birthright of all Americans for yet a while longer by striking down a colossal error made by the Congress when it passed the Line-Item Veto Act. For me and for those who have joined me in this fight, a long, difficult journey is happily ended. The wisdom of the framers has once again prevailed and the slow undoing of the people's liberties has been halted.

Every year, we in this Nation spend billions upon billions of dollars, we expend precious manpower, we devise greater and more ingenious weapons, all for the sake of protecting ourselves, our way of life and our freedoms from foreign threats. And, yet, when it comes to the duty—and we all take that oath with our hand on the Holy Bible and our hand uplifted, we take that oath and say ''so help me, God'' that we will support and defend this Constitution. And so when it comes to the duty of protecting our Constitution, the living document which ensures the cherished liberties for which our forefathers gave their lives, we walked willingly into the friendly fire of the Line-Item Veto Act, enticed by political polls and grossly uninformed popular opinion.

Now that the Supreme Court has found the Line-Item Veto Act to be unconstitutional, it is my fervent hope that the Senate will come to a new understanding and appreciation of our Constitution and the power of the purse as envisioned by the framers. Let us treat the Constitution with the reverence it is due, with a better understanding of what exactly is at stake when we carelessly meddle with our system of checks and balances and the separation of powers. If we disregard the lessons learned from this colossal blunder, we might just as well strike a match and hold that invaluable document to the flame. Unless we take care, it will be our liberties and those of our children and grandchildren that will finally go up in the thick black smoke of puny political ambition.

Edmund Burke once observed that, ''abstract liberty, like other mere abstractions, is not to be found.''

If we, who are entrusted with the safeguarding of the people's liberties—and that is what is involved here—are careless or callous or complacent, then those hard-won, cherished freedoms can run through our fingers like so many grains of sand. Let us all endeavor to take more to heart the awesome responsibility which service in this body conveys, and remember always that what has been won with such difficulty for us by those who sacrificed so much for our gain can be quickly and effortlessly squandered by less worthy keepers of that trust.

Mr. President, let me read just a few brief extracts from the majority opinion. And that opinion was written by Mr. Justice Stevens.

There is no provision in the Constitution that authorizes the President to enact, to amend, or to repeal statutes.

That is elemental. I am editorializing now—that is elemental.

Continuing with the opinion written by Mr. Justice Stevens, and concurred in by the Chief Justice and four other justices:

What has emerged in these cases from the President's exercise of his statutory cancellation powers, however, are truncated versions of two bills that passed both Houses of Congress. They are not the product of the ''finely wrought'' procedure that the Framers designed.

* * * * *

If the Line-Item Veto Act were valid, it would authorize the President to create a different law—one whose text was not voted on by either House of Congress or presented to the President for signature. Something that might be known as ''Public Law 105–33 as modified by the President'' may or may not be desirable, but it is surely not a document that may ''become a law'' pursuant to the procedures designed by the Framers of Article I, [section] 7, of the Constitution.

If there is to be a new procedure in which the President will play a different role in determining the final text of what may ''become a law,'' such change must come not by legislation but through the amendment procedures set forth in Article V of the Constitution.

I close my reading of the excerpts from Mr. Justice Stevens' majority opinion. Let me read now, briefly, certain extracts from the concurring opinion by Mr. Justice Kennedy. He says this:

I write to respond to my colleague JUSTICE BREYER, who observes that the statute does not threaten the liberties of individual citizens, a point on which I disagree. . . . The argument is related to his earlier suggestion that our role is lessened here because the two political branches are adjusting their own powers between themselves. . . . The Constitution's structure requires a stability which transcends the convenience of the moment. . . . Liberty is always at stake when one or more of the branches seek to transgress the separation of powers.

Separation of powers was designed to implement a fundamental insight; concentration of power in the hands of a single branch is a threat to liberty.

The Federalist states the maxim in these explicit terms:

The accumulation of all powers, legislative, executive and, judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny.

Others of my colleagues may wish to quote further.

So what is involved here—what the Court's opinion is really saying—what is involved when we tamper with checks and balances and the separation of powers, that structure in the Constitution? What is really involved are the liberties of the people.

Blackstone says it very well in chapter 2 of book 1. Chapter 2 is titled ''Of the Parliament.''

Blackstone said the same thing that the Court is saying:

In all tyrannical governments, the supreme magistracy, or the right both of making and of enforcing the laws, is vested in one and the same man, or one and the same body of men; and wherever these two powers are united together, there can be no public liberty. . . .

There it is. There can be no public liberty where these two powers are united in one and the same man or one and the same body of men.

That is what the Line-Item Veto Act sought to do; namely, to unite the power of making law with the power of enforcing the law in the hands of one man: the President of the United States.

Let me close with this excerpt from my own modest production titled ''The Senate of the Roman Republic'':

This is not a truth that some people want to hear.

See, I was talking about the line-item veto. I spent years in preparation for this battle, and those years of preparation went into the writing of this treatise. I quote:

This is not a truth that some people want to hear. Many would rather believe that quack remedies such as line-item vetoes and enhanced rescissions powers in the hands of presidents will somehow miraculously solve our current fiscal situation and eliminate our monstrous budget deficits. Of course, some people would, perhaps, prefer to abolish the Congress altogether and institute a one-man government from now on. Some people have no patience with constitutions, for that matter.

Mr. President, I yield to my colleagues.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from New York is recognized.

Mr. MOYNIHAN. I thank the Presiding Officer.

Mr. President, I rise to praise the Constitution, but also appropriately perhaps in this setting, the Senate's foremost expositor and defender of that document, the Honorable ROBERT C. BYRD, who has today helped write a page in the history of liberty. I mean no less, and I could say no more.

In 1995, led by Senator BYRD, Senator LEVIN, Senator Hatfield and others, we pleaded with the Senate not to do this, not to enact this legislation. We said it is unconstitutional.

That is a large statement. We did not say it was unwise or unseasonal. We said it was unconstitutional. We take an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic, and domestic enemies can arise from ignorance, well-intentioned ignorance.

This surely was the case, because the bill passed 69 to 31.

It passed in the face of the clearest injunction from George Washington in 1793 who said, I must sign a bill in toto or veto it.

Senator BYRD, along with the Senator from New York and Senators LEVIN and Hatfield, chose, with two Members of the House, to sue the Government of the United States declaring this act to be unconstitutional. The Court held we did not have standing, although two Justices dissented. Justice Stevens, who wrote today's opinion, said in his dissent in that earlier case that we did have standing, and that the measure is unconstitutional. This was so plain to a scholar and a judge.

I will take just a moment to add and to emphasize Senator BYRD's citations of the writers at the time the Constitution was composed.

In the Federalist Papers, Madison at one point asks, given the fugitive existence—that nice phrase—of the Republics of Greece and Rome, why did anybody suppose this Republic would long endure? Because, it was answered, we have a new ''science of politics.'' The ancients depended on virtue to animate the people who govern. We have no such illusions. We depend on the clash of equal and opposed opinions and interests—the conflict of opposings interests and the separation of powers, those two fundamental ideas. And we wrote them into the Constitution: article I, the legislative branch; article II, the executive branch. And the court decisions in this matter, too, have hearkened back to those early times.

I was struck by the opinion written by Judge Hogan, who earlier this year was the second judge of the U.S. District Court for the District of Columbia to hold this statute unconstitutional. He cited Edward Gibbon, whose ''Decline and Fall'' was published in 1776.

Here is Gibbon's passage as cited by Judge Hogan:

The principles of a free constitution are irrecoverably lost when the legislative power is nominated by the executive.

And that is exactly the direction we were moving in.

Justice Kennedy, in this morning's opinion, quoted a passage from the Federalist Papers in which Montesquieu, in the ''Spirit of the Laws,'' is cited:

When the legislative and executive powers are united in the same person or body, there can be no liberty.

Liberty is what Senator BYRD was talking about. Liberty is what was upheld by the Supreme Court of the United States today, and liberty is what was put in jeopardy, I am sorry to say, Mr. President, by this body, by the other body, and by the President who signed the bill. Liberty was put in jeopardy. Liberty has prevailed.

Let us learn from this. Let us not just let it go by and think nothing happened. Something did happen. A smallish group opposed it, took it to court, were rebuffed, took it to court again. We were there as amici and prevailed. But had we not, what would have happened? Had ROBERT C. BYRD not been here, what would have happened to our liberties? Not to our budget. These are inconsequential things compared to that fundamental.

And so, sir, I rise to express the honor I have felt in your company and hope that history will long remember and largely note what was done today in the Court at the behest of the sometime majority leader, the distinguished upholder of our Constitution, ROBERT C. BYRD. Not as a man but as a man speaking for the ideas and principles on which the Constitution of the United States is based.

Finally, sir, I express thanks to our counsel, Michael Davidson, Lloyd Cutler, Alan Morrison, Charles Cooper, and Louis Cohen—some of the finest attorneys in our country—who have helped us with this matter, and have generously done so on a pro bono basis. Professor Laurence H. Tribe at the Harvard Law School, and Dean Michael J. Gerhardt of Case Western University School of Law, were also of great assistance, as were others.

I celebrate the moment and yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the victory which we celebrate today is truly a victory for the American people and our Constitution. It has been a matter of real pride for me to be associated with Senators BYRD and MOYNIHAN in the effort that we have made, first when we went to court to challenge the line-item veto and were parties where it was ruled we had no standing, and the substantive issue was then delayed to the decision of the Court today. But then when, as Amicus, we banded together—no longer was Senator Hatfield there, who is no longer a Senator, who was with us I know in spirit, and who had been with us in our first effort—to file an amicus brief to point out and to argue the fundamental premise of this Constitution's Article I.

The article that relates to enactment of laws is that the only way a law can be made, modified, or repealed is if the Congress is involved. And Congress may want to give the President the power to repeal a law or modify a law or even enact a law on its own. We may want, for whatever momentary reason we have, to give a President the power to make, modify, or repeal a law, but, thank God, we have a Constitution which says we cannot do that. And, thank God, we have a Supreme Court today which upheld that very fundamental provision of the Constitution.

What we tried to do—the Congress tried to do—in this law was to give the President the power to repeal a law which he just signed. What this law tried to do, and thankfully was not allowed to do, was to give the President the power to create a law today with his signature, a bill which had passed both Houses and which became law when he affixed his signature. But then this Line-Item Veto Act said that if he, within a certain number of days, wanted to modify that law, unless Congress acted to do something to the contrary, that he could unilaterally, on his own,

without congressional involvement, change the law of the land.

Now, when we were all kids we learned about this Constitution and what those magic words ''law of the land'' meant, and what they mean today, and what, the Good Lord willing, they will always mean in this country—''law of the land''—all of us bound by it equally, no matter what our station or income or power, all bound by those words, ''law of the land.''

When the President affixes his signature to a bill, that bill then takes on that power, in a free society, of being the law of the land. What the line-item veto bill, in the form we passed it, tried to do was to then say, ''Well, yes, it's the law of the land today, but the President can undo that law by himself, without congressional approval, if he does it in a certain number of days, in a certain type of way.''

The Supreme Court said today that that cannot stand. The fundamental reasons have been cited by Senator BYRD, the mentor of all of us relative to the Constitution, and in so many other ways, and also cited by Senator MOYNIHAN. The fundamental reason is, as the Federalist put it, as James Madison put it, that there could be no liberty where the legislative and executive powers are united in the same person.

It is so fundamental, we often forget it. We should never forget it. The Supreme Court emblazoned it again on the constitutional consciousness of this country today. There can be no liberty where the legislative and executive powers are united in the same person. What this bill tried to do was to unite that power in the President by saying that he could make a law today as part of the legislative process, of which he must be a part, but then alone, as the executive, undo that law tomorrow—he could repeal a law on his own.

That is what this Congress tried to give a President of the United States. What a power. And what a road that would have taken us down. To think that we would even consider giving a President the power to repeal or modify the law of the land on his own without congressional involvement, changing a law which had been properly enacted and presented—to think that we would do that is almost unimaginable. We tried, Congress did, and, thank God, we failed.

I want to close by again thanking Senator BYRD for his leadership. I will always treasure a copy of the Constitution which he has inscribed to me, the same Constitution which he carries with him every day of his life, in his pocket, which he has so often on this floor brought out to make a point. I want to thank him.

I want to thank Senator MOYNIHAN and Senator HATFIELD. I want to thank the counsel who represented us on this amicus brief that we just filed successfully: Mike Davidson, Linda Gustitus, Mark Patterson.

I also want to thank, on behalf of all of us, the attorneys who represented us in our earlier effort, where we did not succeed because of a technical reason but where we nonetheless established that beachhead which today led to victory. And those lawyers were Mike Davidson, at that time as well; Lloyd Cutler; Lou Cohen; Alan Morrison; and Chuck Cooper.

I also wish to thank Peter Kiefhaber. Although he is not a lawyer, he has one of the keenest legal minds—if you will excuse me—that I have ever seen. With their help, and the help of many others in this body, but mainly with the leadership of Senator BYRD, the position today was sustained that our liberty has been preserved in the most fundamental way.

I yield the floor.

The PRESIDING OFFICER. The time allotted to the Senators has expired.

Mr. MCCAIN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Didn't Senator COATS and I have time allotted?

The PRESIDING OFFICER. Under the previous order, the Senators both from Indiana and Arizona will now be recognized for 30 minutes.

Mr. BYRD. Mr. President, would the Senators allow me to close our comments on this highly important subject? I will be brief.

Mr. MCCAIN. I ask unanimous consent that the Senator from West Virginia be allowed to speak for as long as he desires.

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

Mr. BYRD. I thank the distinguished Senator from Arizona. I also thank the Senator from Arizona, Mr. MCCAIN, and the Senator from Indiana, Mr. COATS, for their steadfast support of that in which they believed and concerning which we disagreed.

I have, from time to time, found myself wrong in life, and I have learned some lessons in being wrong. But Senators COATS and MCCAIN never faltered in their efforts. They were very worthy protagonists of their cause. I salute them, admire them, and respect them.

Mr. President, if I may add just this: we should learn a lesson by this experience. We have a duty as Members of the Senate to support and defend the Constitution. Some of us read it differently, understand it according to our own lights differently, perhaps.

We should understand that it is up to us to fight to preserve that Constitution, to protect it, to support it, to defend it. We should not pass off to the Supreme Court of the United States the duty that is ours as elected representatives of the people in this country—a duty which is ours, to study the Constitution, to study its history, the constitutional history of America, study the history of American constitutionalism, to study the history of England, to study the history of the ancient Romans, to study the colonial experience, to reflect upon the church covenants, to reflect upon the Bible and its teachings of that federation, the twelve tribes of Israel. We should do our very best to uphold that Constitution and again not to depend upon the Supreme Court of the United States to do our work. We should not hand off our responsibility to the Supreme Court.

In this instance, I am proud of the Supreme Court. At no moment in my life have I ever been more proud of the Supreme Court of the United States than I am today. God save that honorable Court!

I close, if I may, with the lines written by Henry Wadsworth Longfellow in ''The Building of the Ship.'' I think they are most appropriate for this occasion:

Thou, too, sail on, O Ship of State!
Sail on, O UNION, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid thy keel,
What Workmen wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope!
For not each sudden sound and shock,
'T is of the wave and not the rock;
'T is but the flapping of the sail,
And not a rent made by the gale!
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee,
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee,—are all with thee!

The PRESIDING OFFICER. Under the previous order, the Senators from Arizona and Indiana are recognized for 30 minutes.

Mr. MCCAIN. Mr. President, there is a line that has entered American slang, and that is, ''That is a tough act to follow.'' Mr. President, I think that certainly applies now when I make my remarks following those of our most distinguished Senator of the U.S. Senate, Senator BYRD.

Senator BYRD, I know that Senator COATS will say this for himself, but both of us appreciate the honorable conduct of this many long years' debate that we have had together—and, unfortunately, we will have in the future, since Senator COATS and I do not intend to give up on this issue.

More importantly, there was a seminal moment, I think after about 5 years of our debating this issue, when you walked up to Senator COATS and me and said, ''I believe you're really sincere in your belief that the line-item veto is both constitutional and appropriate for America.'' That was, frankly, one of the greatest compliments that either one of us have been paid in our time here in the Senate.

May I say that Senator COATS and I continue to intend to fight this battle. I must say, in all sincerity, it will be much more difficult for me. It will be a much more arduous task without the

companionship and friendship of an individual that has the highest moral standards and the highest dedication and commitment to the betterment of this Nation and its families than my dear friend from Indiana. He is not gone yet from this body, and we have the rest of the year to fight this battle, but one of my deepest regrets is that my dear friend and partner will not be there.

Mr. President, I intend to speak briefly on this issue, and I know that Senator COATS does, also. Let me make just a couple of comments.

One, it is important to point out that my understanding of the reason given by the Supreme Court for the 6–3 decision was that the Constitution requires every bill to be presented to the President for his approval or disapproval—every bill. In other words, my understanding of this decision is not that the concept of transferring this power to the President of the United States lacked constitutionality, but the fact that each bill was not sent to the President for approval or disapproval was where the Supreme Court made this decision.

Now, if that is the case, it is an argument that S. 4—which Senator COATS and I cosponsored, and was passed by a vote of 69–29, known as separate enrollment—will be constitutional. As we all know, we went into negotiations with the House that passed enhanced recession—the budgeteers and Finance Committee people—and we made certain concessions which resulted in enhanced recession. But the original bill that was passed by a vote of 69–29 through the Senate was separate enrollment, which meant that every bill would separately be presented to the President of the United States for his approval or disapproval.

In all due respect to my friend from Michigan, the allegation that somehow we were handing constitutional power—if I wrote the words down correctly—''to repeal or modify laws without congressional involvement,'' clearly it calls for congressional involvement. The Senator from Michigan knows that. If he vetoes it, it comes back to the Congress of the United States for veto override. That is not noninvolvement. Let's be very clear here as to what the original bill that passed 69–29 said.

Finally, we can't justify spending $150,000 to fund the National Center for Peanut Competitiveness, or $84,000 earmarked for Vidalia onions. My all-time favorite—one year we spent a couple million dollars to study the effect on the ozone layer of flatulence of cows. We can't do that kind of thing.

Unfortunately, the President of the United States now, again, does not have the power that 43 Governors in America have, and that is the line-item veto power.

Today, Senator COATS and I will reintroduce the separate enrollment bill that passed 69–29 through the U.S. Senate. We believe that clearly has constitutionality, and we will be getting expert opinions. But our initial understanding of the Supreme Court decision is based on the fact that these were not separate bills sent to the President of the United States for approval or disapproval. The fundamentals of the separate enrollment bill, which passed in the 104th Congress by a vote of 69–29, was exactly that and will meet those standards.

We will have many more hours of discussion and debate on this issue both in the public forums around America as well as on the floor of the Senate. I thank Senator BYRD for his extreme courtesy. I look forward to further debate with him and others on this issue. I believe the time and the opinion of the American people, as well as the Constitution of the United States, is overwhelmingly in favor of the line-item veto in the form of separate enrollment.

Today, The Supreme Court struck down the line-item veto in a 6–3 decision. I am very saddened by this decision. This 6–3 decision concludes that the line-item veto act violates the part of the Constitution requiring every bill to be presented to the President for his approval.

This is a bad decision. Polls from previous years indicate that 83 percent of the American people support giving the President the line-item veto. We need the line-item veto act to restore balance to the federal budget process.

The line-item veto act was a vital force in restoring the appropriate balance of power, and eliminating wasteful, unnecessary pork-barrel spending. Unfortunately, pork barrel spending is alive and well. Most recently, the FY 1999 Agriculture Appropriations bill had $241,486,300 million in specifically earmarked pork-barrel spending. The FY 1999 Energy Water Appropriations Bill contained approximately $649,428,000 million for specially earmarked projects that were not included in the budget request.

We can not afford this magnitude of pork barrel spending when we have accumulated a multi-trillion dollar national debt. Right now, today, we use a huge portion of our federal budget to make the interest payments on our multi-trillion national debt. In fact, this interest payment almost equals the entire budget for national defense.

Mr. President, we can not justify spending $150,000 to fund the National Center for Peanut Competitiveness, or an $84,000 earmark for vidalia onion, when we should be using this money to pay down the national debt, or provide tax cuts for hard-working middle class Americans. Until recently, we amassed huge budget deficits. If we are to realize our anticipated future budget surpluses, we must exercise fiscal restraint.

Our past budget deficits can return to haunt us. These past deficits did not occur by accident. They occurred because we shifted the balance of power away from the executive branch to the legislative branch. In 1974 the Budget Impoundment Act was passed, which deprived the President of the United States of the authority to impound funds. This was a tremendous shift in power. This shift eroded the executive branch's ability to exercise fiscal responsibility and fiscal restraint.

Our objective is to curb wasteful pork-barrel spending. Even though the line-item veto was recently struck down, there are other means to reaffirm the appropriate balance of power, and curb pork-barrel spending.

Shortly, Senator COATS and I will introduce another approach to curbing Congress' appetite for mindless unnecessary and wasteful spending of hard-working American's tax dollars.

Essentially, the Separate Enrollment Act of 1998 will require that each item in any appropriations measure or authorization shall be considered to be a separate item.

Legal scholars contend that the separate enrollment concept is constitutional. Congress has the right to present a bill to the President of the United States. Separate enrollment merely addresses the question of what constitutes a bill. It does not erode or interfere with the presentment of the bill to the President. Under the rulemaking clause, Congress alone can determine the procedures for defining and enrolling a bill. Separate Enrollment is constitutional and will clearly work.

Separate Enrollment is not a new concept. This concept is not controversial. The Senate adopted S.4, a separate enrollment bill in the 104th Congress, by a vote of 69 to 29. Its mechanics are simple * * *. This bill requires each spending item in legislation to be enrolled as a separate bill. If the President chose to veto one of these items, each of these vetoes would be returned to Congress separately for an override.

The Separate Enrollment Act will help to restore some of the Executive Branch's role in the Federal budgeting process. The current budget process is in disarray. We have a huge national debt. We have budget surpluses that can easily be ''spent'' away. Our system of checks and balances is out of sync in the budget process. Congress has too much power over the federal purse strings, and the President has too little. While the line-item veto is not an instant fix to this dilemma, it is a valuable tool to realign the balance of powers, and check Congress' appetite for reckless pork barrel spending.

This is a nonpartisan issue. The issue is fiscal responsibility. We have 100 Senators, and 435 Representatives. It is hard to place responsibility upon any one member. Thus, no one is accountable for our runaway budget process. The line-item veto act, or a separate enrollment bill would make it more difficult for the Congress to blame the President for not vetoing an entire appropriations bill. Our new proposal will allow the President to surgically remove wasteful pork-barrel spending from appropriations and authorizations bills.

Past Presidents have sought the line-item veto. Congress finally agreed in 1995, when we passed the line item veto, to redistribute some of the power in the federal budget process. By giving the President a stronger role, the line-item veto, or a Separate Enrollment Act would instill additional Presidential accountability and Federal spending, and reduce the excesses of the congressional process that focus on locality specific earmarking, and caters to special interest, not the national interest, as it should.

Mr. President, in closing, I simply ask my colleagues to be fair and reasonable when addressing the issue on fiscal responsibility. The line-item veto and the shifting the balance of power in the budget process is vital to curbing wasteful pork-barrel spending. Again, I look forward to the day when we can go before the American people with a budget that is both fiscally responsible and ends the practice of earmarking funds in the appropriations process.

Mr. President, I yield the floor at this time to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I thank my colleague from Arizona for his kind remarks.

I also want to congratulate the Senator from West Virginia for a significant victory. The Senator had indicated during the debate that he believed and had reason to believe that the bill we were sending to the President, which was signed by the President and exercised by the President, would not stand constitutional muster. The Court affirmed that conclusion.

I also congratulate the Senator from West Virginia, Senator BYRD, for being the guardian of this institution. He stands at the gate to retain its hallowed practices and rules and traditions. And in this modern age of seeking the expedient and convenient over the tried, tested, and true, the Senator's contributions are extremely important to the future of this institution. I commend him for that. He is also a constitutional scholar without peer in this institution.

This Senator, as I did yesterday and as I do today, stands up with some trepidation in terms of discussing issues and matters of the Constitution, because I know I am doing so with someone who has studied it for far longer and has a far better understanding of it than I have.

When Senator MCCAIN and I addressed the issue of the line-item veto, we consulted a number of constitutional scholars. It is fair to say that there is disagreement. There are constitutional scholars, recognized scholars, who believed that the process of enhanced rescission was not line-item veto, per se, enhanced rescission was a constitutionally acceptable process, that it did retain a balance of power, it did retain the prerogative of Congress to override the Presidential veto. And it is my understanding, along with Senator MCCAIN's, on a quick reading, I would say—not even a full reading, but a very brief overview of the decision that is handed down, and I look forward to reading the entire case—that what the Court addressed was more procedural than principle, the procedure of the omnibus bill being presented to the President and, as the Senator from Michigan said, being signed, and then in a sense accepted and then reviewed relative to certain aspects of that.

The Court obviously sided with the argument so ably presented by the Senator from New York, who has left the floor—the Senator from Virginia, the Senator from New York, the Senator from Michigan, and others.

It is the principle that Senator MCCAIN and I are attempting to address, not the procedure. We had spent numerous hours of discussion and debate in attempting to establish a procedure whereby the principle of a balance against what we considered to be—and many, I think, of the American people considered to be —an irresponsible exercise of the spending power of the Congress—not the right to have the power of the purse, but an irresponsible use of that, and the voluntary transfer of some of that power, yet retaining a balance in terms of the division of power between the branches, as the founders intended. That was our intent.

As Senator MCCAIN said, the bill that passed the Senate with 69 votes as a separate enrollment procedure would have, I believe, addressed the concerns of the Court by presenting to the President separate bills on each line item of spending. We didn't include the tax issue. That was added at the request of members of the Finance Committee. Ours went specifically to spending items. That was different from what was passed in the House of Representatives and perhaps now, in retrospect, a faulty decision. We ceded the Senate procedure to the House procedure, and we paid the price of that ceding—or perhaps not; we don't know for sure what the Supreme Court would have done with that.

The principle of each decision by the Congress standing on its own merits—having the light of day shine on that spending decision, so that the American people know that our yea is a yea and our nay is a nay, and not the procedure of hiding what arguably could be decisions on spending that would not stand the light of day and not receive a majority of support, because it is subsumed by the importance of the broader legislation—is really the principle that we are attempting to address.

We want what is decided in the back halls to be debated on the Senate floor. We want to give each Senator and Representative the opportunity to say, ''I support that,'' or, ''I don't support that,'' and discuss it on the merits, rather than saying, ''I didn't know about that because it was added in the back room. It was part of a thousand-page bill, and we didn't have the time to peruse each line of that legislation. And, yes, had I had an opportunity to vote on that separately, there is no way I would have supported that irresponsible use of the taxpayers' dollars.''

So we are seeking a way of attempting to bring into the process a means by which we could achieve a check against imbalance, against what we considered to be spending that had not been given the opportunity to be addressed and discussed and debated on the merits. We think it is a deceptive practice. We think it is a distasteful practice. We think it does not enhance the public's opinion of this institution and the processes by which we make decisions. We think it is an irresponsible exercise of the fiscal discipline that the taxpayers of America expect us to exercise in the spending of their dollars.

That is the genesis behind the legislation that Senator MCCAIN and I have authored and fought for 10 years to pass, and finally did pass.

So are we disappointed with the Supreme Court decision? Yes, deeply disappointed. Do we see it as a permanent defeat? No, we don't. We think a preliminary reading, and hopefully a further careful reading and study of the Supreme Court's decision, will indicate that the Court decided on the basis of the procedure used, not on the basis of the principle involved. The principle involved ought to be at the center and heart of our debate and discussion. I hope that as we engage in future battles—I guess that is the proper word, because those were heated debates, but principled, heated debates—we can focus on the principle and not the procedure.

Questions have been raised about the cumbersome nature of separate enrollment procedurally, with a large piece of legislation having to be broken down into its separate pieces. Up until a few years ago that was an argument that carried a lot of persuasion and a lot of weight. But with the advent of modern technology—computer technology—and with some visits by myself and others to study with the enrollment clerk, and the witnessing of the utilization of that modern technology in terms of how bills are printed, how they are enrolled, and how they are presented for enrollment, we have the opportunity to take advantage of those marvelous improvements in the way in which we procedurally enroll legislation that is now technologically feasible. What would have taken literally days and perhaps hundreds of enrollment clerks, scribes, working away diligently in the basement of the Capitol separating out the bill, enrolling separate pieces of legislation, and having those signed and presented to the President of the United States, and having the President attempt to deal with it to the point he would have no other time to

deal with any of his other duties and certainly achieve writers' cramp, that no longer is a problem. Technology has allowed us to bypass that.

So we intend to introduce as early as today a procedure—a process—which 69 of our Members, on a bipartisan basis, have supported, which addresses the principle of the issue and not the procedure of the issue. We look forward to the debate that will occur. We look forward to the opportunity to give our Members, all 69 of them—Democrats and Republicans—the opportunity to, once again, support a responsible practice of spending the taxpayer dollars in the most responsible way that we can.

Mr. President, I will close. I wish I were as eloquent and as articulate as the Senator from West Virginia. I wish I could reach into my mind and recall the words of the famous scholars, constitutional experts, or a poem that was appropriate to the discussion. I don't have that capacity. I don't have that talent. I admire that greatly in Senator BYRD. What discipline it must have taken to commit to flawless memory the words of historians, the thoughts of some of the greatest thinkers that this world has ever seen, the magic and beauty of the poetry that expresses those thoughts in the recall that the Senator has.

I am leaving the Senate this year. I will take with me many lifetime memories, not of process but of people—some of the most extraordinary people, I think, ever to have had the privilege of being born into this greatest of all nations and serve in this greatest of all institutions. I take away a vast reservoir of memories of 100 unique individuals with some of the greatest and most extraordinary talents to be found anywhere. And none of them, I think, transcends the abilities and the extraordinary capabilities of the Senator from West Virginia, who I have enjoyed serving with, even though we have found ourselves on opposite sides of a number of issues, and we have found ourselves on the same side on several issues.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I don't want to interrupt this flow, but I want to join very briefly.

Mr. President, I stand here merely as a foot soldier in this discussion. However, I would like to take a moment to offer some comments on the Supreme Court's decision today to strike down the line-item veto as unconstitutional.

I am proud to say that I was one of 29 Members who in March of 1995 cast a vote against the line-item veto, along with the distinguished Senator from West Virginia, the distinguished Senator from Michigan, and Senator MOYNIHAN and 25 others on that day who expressed their opinion that they opposed this legislation—not as I recall, although others may have said, because they disagreed with the approach to deal with the budget issue. In my view, it had little or nothing to do with the budget process, but had everything to do with the issue that provoked the briefs to be filed, amicus curiae briefs, and the subsequent legal actions—that issue is the constitutionality of the line-item veto.

I just wanted to point out that I was looking over the vote. And of the 29 people who voted against the line-item veto in March of 1995, six Members of that group of 29 have since left the Chamber. This list includes our distinguished colleagues Senators Hatfield, Johnston, Nunn, Pell, Pryor, and Simon. Two others who voted nay—Senators BUMPERS and GLENN—will be leaving at the end of this Congress.

The other day, someone counted some 100 different proposals which are being drafted or have been introduced that would amend the Constitution in one way or another.

I am not questioning the intentions or even the desired goals that those constitutional proposals have in mind. But the framers and the founders of the document, which I happen to carry with me as well—a lesson I learned one day watching the distinguished colleague from West Virginia. I got my copy of the Constitution. I carry it in my pocket every single day, and have ever since, along with a copy of the Declaration of Independence, which is included here.

It is our job here to do everything we can to advance the goals and desires of our society, particularly as we enter a new millennium and a new century. But the fundamental principles, values and ideals incorporated in the Constitution, the basic organic law of our country, are rooted in sound philosophical judgments. And the temptation, particularly in the midst of great difficulties—and certainly the budget crisis was no small difficulty with $300 billion of deficits a year, $4 trillion in debt—the temptation to want to come up with an answer to that was profound and significant.

There will be other such crises, maybe not of that nature, but maybe of other natures that will come along, and the temptation will be to solve that problem and to do so by circumventing the values and principles incorporated into the Constitution. I only hope that we remind ourselves of what our forbearers had been struck with; and that is not to in any way denigrate or detract from the fundamental principles of the Constitution as we struggle through a very deliberative, painful, oftentimes annoying and frustrating process called democracy to address the issues of our day.

I often point out to my constituents back home that as a country we have been through a great Civil War, two World Wars in this century, and a Great Depression when I am sure the temptations were great to amend or suspend parts of our Constitution, our Bill of Rights particularly. And we never saw fit to do so during all of those great crises. We never saw fit to do so. We thrive and are strong today as a nation without having made a single change in the Bill of Rights—not one change since those words were first crafted and drafted in 1789—not a single word. Not a single syllable has been changed in the Bill of Rights.

I hope that as we look forward to a new century and a new millennium, with all the unanticipated problems we face as a nation in the world, that we will not be tempted to be drawn ''to the flame''—to use the analogy of the distinguished Senator from West Virginia—to draw to that flame which could defeat it. And I will not put flame to this document and destroy the very principles and values which I think are the rationale and reason for why we have achieved the level of greatness that we have as a people.

As one Member of this body, I suspect, speaking on behalf of the six who are no longer here, and those who are not here on the floor, we thank you immensely on behalf of our constituents, both past, present and in the future, for the three of you, along with Senator Hatfield who led this effort beyond the Chamber here and brought the matter to the highest court of our land. I also extend my gratitude to those six Supreme Court Justices for the decision they handed down today.

With that, Mr. President, I thank my colleague for yielding. And, again, I have said to him in meetings of our own committee, where we sat together and worked together so many times, DAN COATS is going to be missed in the Senate. He has been one terrific Senator, and Indiana can be very proud that they sent someone of his talent, ability, and tenacity. I would much rather have him as an ally than an opponent. I have been an ally of his and have been on the opposite side. Believe me, it is much more pleasant to have DAN COATS on your side. It is a privilege to say so on this floor, as I have on other occasions.

Mr. BYRD. Will the distinguished Senator yield?

Mr. COATS. I would be happy to yield.

Mr. BYRD. I thank the distinguished Senator from Connecticut, Mr. DODD, for his incisive observations with respect to the roster of those who voted against the Line-item Veto Act on March 23, 1995, and for his very eloquent statement.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I would like to join in thanking——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from North Dakota?

Mr. COATS. I would be happy to do that if I could just do a unanimous consent request. Then I would be happy to yield the floor.

Mr. CONRAD. I would be very happy to yield.

Mr. COATS. I thank the Senator.

First of all, Mr. President, in relationship to the issue of discussion, I believe it important to the legislative history of the Line Item Veto Act to have the brief prepared by the Senate counsel in support of the line item veto submitted to the RECORD. However, in the spirit of fiscal responsibility, to spare the taxpayer expense of printing the entire document, I ask unanimous consent that the front cover of the brief be printed in the RECORD. The cover provides the necessary source information to assist anyone seeking to review the full document in locating a complete copy. I encourage Senators to examine this excellent brief along with the Court decision.

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

NO. 97–1374

[In the Supreme Court of the United States, October Term, 1997]

WILLIAM J. CLINTON, ET AL., APPELLANTS, *v.* CITY OF NEW YORK, ET AL.

ROBERT E. RUBIN, APPELLANT, *v.* SNAKE RIVER POTATO GROWERS, INC., ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BRIEF OF THE UNITED STATES SENATE AS AMICUS CURIAE FOR REVERSAL

THOMAS B. GRIFFITH,
(Counsel of Record),
Senate Legal Counsel,
MORGAN J. FRANKEL,
Deputy Senate Legal Counsel,
STEVEN F. HUEFNER,
A. CHRISTOPHER BRYANT,
Assistant Senate Legal Counsel,
Office of Senate Legal Counsel,
642 Hart Senate Office Building,
Washington, D.C. 20510,
Counsel for the U.S. Senate.

March 1998.

Mr. FEINGOLD. Mr. President, I come to the floor today to discuss briefly the Supreme Court's decision earlier today to strike down the line-item veto law and to a new approach to the line-item veto that aims to cut some of the vast fat contained in our annual spending bills, but will stand up to constitutional scrutiny.

Though the Court found that the line-item veto legislation was flawed, I supported the experimental line-item veto authority we gave the President in 1996 as a means of controlling Congress' voracious appetite for pork.

I had great concerns about many aspects of the legislation. My greatest concern was granting a greatly expanded veto authority that retained the two-thirds override threshold that the Constitution provides for the Presidential veto of entire bills. Extending that authority for individual sections of a bill worried me. And the Court found that this represented an inappropriate shift in the balance of power from the legislative branch to the executive. I do not question the Court's decision.

Mr. President, I don't believe, nor have I ever believed that enhanced rescission authority, whether it be the line-item veto or some other vehicle, is the whole answer to our deficit and spending problem, or even most of the answer, but it certainly can be part of the answer.

I am working on a bill that would allow expedited rescission. It promises to be a useful tool to help reduce the Federal deficit and bring the Federal budget truly into balance, and more importantly to bring reform to our appropriations process.

The introduction of this bill would be extremely timely given this body's consideration of the fiscal year 1999 spending bills. Ideally, we would have an expedited rescissions law in place for this year's appropriations bills, but I know that won't happen. What surely will happen is the stealthy insertion of an extensive list of wasteful and unnecessary projects and programs that pick clean the wallets of this country's taxpayers.

This bill would allow the Congress and the President to work together to exercise the kind of specific budget pruning that many of us feel is a necessary response to the budget abuses that persist in the appropriations process.

Mr. President, this bill would enable the President to propose eliminating specific spending items for veto and would allow Congress to support or oppose the President's suggestions on a simple up or down vote.

This bill would accomplish the objectives of the line-item veto—eliminating wasteful and unnecessary spending—but without violating the constitutional principles of separation of power and balance of power.

Mr. President, I believe this bill would be an effective means of fighting wasteful spending, certainly something everyone opposes.

Mr. COATS. Mr. President, I ask before I yield to the Senator how much time is remaining on the earlier allocated time?

The PRESIDING OFFICER. Three minutes 20 seconds.

Mr. COATS. Is that sufficient? I yield the Senator the remainder of our time.

Mr. CONRAD. I thank the Senator from Indiana very much for his courtesy.

Let me just say I have found the Senator from Indiana to be among the most courteous of our colleagues, and we are very much going to miss him. I think he is an outstanding U.S. Senator, an extraordinarily decent person, and I am personally going to miss him from this body.

Mr. COATS. I thank the Senator for those remarks. They are generous, and also the Senator from Connecticut, I appreciate his remarks. I don't want anybody to misunderstand those remarks or interpret those remarks to mean that the Senator is finished for the year. I expect to be back in the Chamber, and I hope that Senators feel the same way about me at the end of the session as they do now.

Mr. CONRAD. I am sure we will.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Chair. I take just a minute to thank the senior Senator from West Virginia, Mr. BYRD. I thank him for standing up to protect the Constitution of the United States. I don't think there is any higher responsibility for a Member of this body, because we all take a solemn oath when we are sworn in to preserve, protect, and defend the Constitution of the United States. That is the organic law of our country. It is a Constitution that is truly genius in what it has done for our country. We are a very young country, but already the rest of the world seeks to emulate us. And one of the reasons is the genius of that organic law, that document that has provided for the structure of this Government.

Senator BYRD convinced me when we were debating the question of line-item veto, and I must say the constituency pressure from my State was all on behalf of supporting the line-item veto. I did not because I was convinced, after lengthy discussions with Senator BYRD, that it violated the Constitution of the United States and that, in fact, part of the genius of that document was the separation of powers and the power of the purse being put in the hands of the Congress of the United States to reflect the will of the people of this country. And to have that power diluted not because Members of Congress are seeking power but because the Constitution established the framework to protect the rights of the people, that is the extraordinary genius of our Constitution. And nobody has been more vigilant in defending that Constitution than the senior Senator from West Virginia, Mr. BYRD.

I thank him because it was not an easy task. It was not a popular task. But he was right to do it. And the rightness of his position has been confirmed by this ruling by the Supreme Court. It was not a close ruling. By a 6 to 3 vote, the Supreme Court of the United States has said, yes, Senator BYRD and others who made that judgment were correct. We would be doing damage and injury to the Constitution of the United States if we were to approve the line-item veto that had been passed by the Congress of the United States.

So I say to Senator BYRD a sincere thank-you, because what he has done is in the finest tradition of the Senate.

I thank the Chair and yield the floor.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. CONRAD. I am out of time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from West Virginia.

Mr. BYRD. I ask unanimous consent for 1 minute.

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

Mr. BYRD. Mr. President, I thank the distinguished Senator for his statement, for standing with the small group, small band, on March 23, 1995. He perhaps did not at that time follow

the will of his people, but his people were served best by his decision, by the stand that he took, and in the long run I am sure they will admire him for it and respect him for it and reward him for it. His full reward comes from his conscience, his conscience that he did the right thing, that he helped to preserve the liberties of the people of his State and the people of the United States.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent that the cover page of the amici brief referred to before that was filed by Senator BYRD, Senator MOYNIHAN, and myself be printed in the RECORD.

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

NO. 97–1374

[In the Supreme Court of the United States, October Term, 1997]

WILLIAM J. CLINTON, ET AL., APPELLANTS, *v.* CITY OF NEW YORK, ET AL., APPELLEES

ROBERT E. RUBIN, APPELLANT, *v.* SNAKE RIVER POTATO GROWERS, INC., ET AL., APPELLEES

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BRIEF OF SENATORS ROBERT C. BYRD, DANIEL PATRICK MOYNIHAN, AND CARL LEVIN AS AMICI CURIAE IN SUPPORT OF APPELLEES

MICHAEL DAVIDSON
Counsel of Record
3753 McKinley Street, N.W.
Washington, D.C. 20015

Of Counsel:
LINDA GUSTITUS
MARK A. PATTERSON

April 1998.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. May I ask a parliamentary inquiry? What is the business of the Senate?

The PRESIDING OFFICER. The Senate, under a previous order, is authorized to deal with the amendment concerning Reserve retirement, for 10 minutes, equally divided.

AMENDMENT NO. 3004

(Purpose: To require actions to eliminate the backlog of unpaid retired pay relating to Army service)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], proposes an amendment numbered 3004.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of subtitle D of title VI, add the following:

SEC. 634. ELIMINATION OF BACKLOG OF UNPAID RETIRED PAY.

(a) REQUIREMENT.—The Secretary of the Army shall take such actions as are necessary to eliminate, by December 31, 1998, the backlog of unpaid retired pay for members and former members of the Army (including members and former members of the Army Reserve and the Army National Guard).

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the backlog of unpaid retired pay. The report shall include the following:

(1) The actions taken under subsection (a).

(2) The extent of the remaining backlog.

(3) A discussion of any additional actions that are necessary to ensure that retired pay is paid in a timely manner.

(c) FUNDING.—Of the amount authorized to be appropriated under section 421, $1,700,000 shall be available for carrying out this section.

Mr. DODD. Let me begin my thanking my colleagues on both the minority and majority sides for their support of this amendment. I rise on behalf of military retirees, all of whom are due a pension and medical benefits at age 60, as all of my colleagues are well aware. This amendment directs the Secretary of the Army to eliminate by the end of this calendar year a serious backlog that has developed in the processing of pension applications by Army personnel.

My awareness of this problem began, as I think my colleagues will appreciate, with a letter that I received from a constituent, Mr. Arthur Greenberg, of Hamden, CT. Mr. Greenberg, a Vietnam veteran, retired from the military in 1984. Mr. Greenberg submitted his pension application back in February, 6 months before his 60th birthday. Recently, he called to check on the status of his claim and was told that his pension claim would not be processed until 9 months after his 60th birthday. I assumed that this was just an isolated case and merely a problem to be corrected through the normal corrections in the bureaucracy.

The Army informed me, however, that this is not an isolated case, and that its retirement benefits office presently holds a backlog of 2,000 cases out of a total of 5,000. So Mr. Greenberg's situation is not the exception but fast becoming the majority of cases, in terms of pensions to be received. In other words, 2,000 military retirees who have reached their 60th birthday and become eligible for pensions and medical benefits are waiting for those benefits to come.

The number of military retirees who become pension eligible increases every year. In 1994, there were 6,700 pension packages that were submitted. In 1996, the number jumped to 8,700. By the end of this year, over 10,000 Army retirees will have asked for their pensions. To give you some sense of where this is headed, 10 years from now that number will be 29,000 applications for pensions and medical benefits. In the face of this steady increase in the number of pension-eligible retirees, the office that processes Army pensions has been reduced from as many as 40 personnel a couple of years ago to just 17 people today.

I realize the Army must make personnel reductions, but in view of its increasing workload, the Army pension office should not be so drastically cut. Some retired soldiers who spent a career defending this country cannot easily afford to wait for several months to begin receiving their retirement benefits. Those benefits make a difference in the majority of these people's lives.

From the first day of boot camp, the Army has demanded from those who go through that process that they be punctual and responsible. Now, however, they must camp out by their mailboxes while they wait on the Army to provide the benefits to which each of them is entitled and due. This amendment, very simply, directs the Secretary of the Army to submit a report to Congress regarding this backlog and eliminate the backlog no later than December 31, 1998.

Furthermore, it requires the Defense Department to provide up to $1.7 million from existing funds to eliminate the backlog of Army pension claims—$1.1 million to update antiquated computer systems and another $600,000 to hire some additional 10 civilian personnel. That would get you up to 27—far short of the 40 we had before.

By the way, I should say that the Army supports this amendment. They don't like the idea they cannot provide these benefits. But they believe these numbers would allow them to update their computer systems and hire the necessary personnel to process the claims. Then we can avoid, to put it mildly, the embarrassment of seeing these pensioners wait to get the dollars they are due. But, more important, the people who deserve these benefits will receive them on time.

I am very grateful to our colleagues, both the distinguished Senator from South Carolina, the chairman of the Armed Services Committee, as well as my colleague from Michigan, Senator LEVIN, and the other members of the committee for their support of this amendment. I am grateful to them for allowing it to be considered and adopted, as I am told it will be, by approval of both sides.

I yield to my colleague from Michigan, whom I see on the floor, for any comments he wishes to make on this.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEVIN. Mr. President, I ask unanimous consent I be allowed to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me congratulate Senator DODD for his