

Second, a retirement program that mixes insurance with welfare does not work, because these two functions are fundamentally incompatible.

As a result, we have a bad welfare plan and a bad old-age insurance plan which make the system much more inefficient for those who need welfare assistance as well as those who need retirement security.

It does not work because it is based on the false assumption that people no longer have to work to achieve the American dream—the government will take care of them.

Third, when we consider Social Security, policy—not politics—should be our guide. Changes made for short term gain will come back to haunt us.

Fourth, the federal government does not have a good record of running social insurance programs. We should look for ways to improve and streamline the program.

Fifth, we should begin to look to the ingenuity and competitive spirit of the private sector to improve and rejuvenate the program.

The American people should have some freedom of choice. Each individual has different abilities and different needs at different times; they should be free to choose either the current compulsory insurance plan or their own individual retirement accounts.

The individual retirement account is not a new idea. A majority in Congress supported this idea 60 years ago. Sixty years ago the Clark amendment, the individual retirement account, was supported by the vast majority in Congress—60 years ago. Had we adopted the Clark amendment then, our Social Security system would be in much better shape today.

And it is not too late, because Congress should take Senator Clark's advice by allowing people to opt out of the Social Security system and giving individual workers the right to fund and control the investment of their own retirement accounts.

With today's mature and well-regulated financial markets, every American, rich or poor, can greatly improve their retirement security. We must provide the options to ensure that Americans can provide for their retirement, not just pass an increasing liability on to their children and grandchildren. If we don't make this change, we are going to pass to our children a national debt somewhere between \$80- and \$160 trillion. We need to pass on the ability for our children and grandchildren to make those decisions for themselves.

Finally, we need to educate and inform the public about Social Security. We should encourage more people to participate in the policymaking process. We need to encourage them to understand how options can actually help them enjoy their retirement. A well-informed general public will not be deceived by political rhetoric and will be able to decide what is the best option for them. They can make that decision best for themselves.

So, Mr. President, with the perspective offered by the past, I urge my colleagues to join me in the months to come in my efforts to improve retirement security for all Americans.

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

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

Mr. BYRD. Mr. President, I ask unanimous consent that I may consume as much time as I require.

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

THE PRESIDENT'S TRIP TO CHINA

Mr. BYRD. Mr. President, 11 months ago, this body resoundingly passed S. Res. 98, a sense-of-the-Senate resolution, cosponsored by the distinguished Senator who presently presides over the Senate, the Senator from Nebraska, Mr. HAGEL, and myself. The Byrd-Hagel Resolution sent a strong message to the Administration regarding the then-impending Kyoto Protocol. The Resolution directed the Administration not to submit the Kyoto Protocol to the Senate for its advice and consent until developing countries, especially the largest emitters, make "new specific scheduled commitments to limit or reduce greenhouse gas emissions" similar to those to which developed nations would be bound if the Protocol were implemented. The resolution also called on the Administration to show that such a Protocol "would not result in serious harm to the economy of the United States."

In anticipation of the President's trip to China, I recently sent a letter to him urging him to use his influence to persuade the Chinese to take "a progressive leadership role among the developing world" so that we can begin to fully address this complex and serious issue. I noted that, "after 2015, China is expected to surpass the United States as the world's largest emitter of greenhouse gases. While the Chinese contribution to global emissions in 1995 was 11 percent, it is expected to reach 17 percent by percent by 2035. In that same time period, the U.S. emissions will shrink from 22 percent to 15 percent."

While the international effort to bring China on board may seem like a difficult task, it is still possible if we seek win-win opportunities. While China has taken a number of steps to clean up its own environment, China's domestic efforts must increase given the serious nature of their environmental problems. I urged the President to encourage China to support the market mechanisms that were successfully incorporated in the Protocol by the Administration's negotiators.

Through flexible, market-based mechanisms, we have a tremendous op-

portunity to work with the developing world, allowing for economic growth and also reducing world, allowing for economic growth and also reducing global greenhouse gas emissions. As I have previously said, the United States and the rest of the developed world is not attempting to limit the economic growth of China or any other developing nation. China has the right to develop economically. But, based on the growing body of evidence and the potential consequences of increasing greenhouse gas concentrations, all economic development should be done in a responsible manner. The Chinese must recognize the importance of their role, and they should not ignore their responsibilities in addressing this shared problem. Global warming is a global problem. It is not just an American problem. It is not just a European problem. It is a global problem. And as such, it requires not just an American solution, not just a European solution, but a global solution.

I wrote the President stating that, "the combination of these efforts would be the right course of action and underscores how the Chinese could accept binding commitments to reduce their greenhouse gas emissions. Taken together, these steps would lead to a real reduction in emissions as well as global participation in the Kyoto Protocol."

Mr. President, I believe we should challenge the Administration to recognize the concerns of the Senate and the American people with regard to the Kyoto Protocol and its possible impact on the U.S. economy, but in saying this, I am also willing to seek a constructive dialogue focusing on addressing this important issue. Of all the significant concerns that the President will discuss with the Chinese during his visit, I believe that this is one of the most critical for the long-term relationship of both our nations. We have to begin to work together because our shared environmental futures are at stake, and the well-being of our people's futures—these are at stake.

SENATOR COATS AND THE LINE-ITEM VETO

Mr. BYRD. Mr. President, on another item, I take this opportunity to speak about him during his absence, and I am referring to the distinguished Senator from Indiana, Mr. COATS.

Mr. COATS will be leaving the Senate after this year. He is voluntarily doing so. He is a very able member of the Senate Armed Services Committee. I serve on that committee with Senator COATS. He is very knowledgeable about national defense, about military matters. He takes his responsibilities seriously. He is extremely articulate in his exposition of the problems and the defense needs of our country, and he is quite influential among the other members of the committee and of the

Senate on both sides of the aisle as well.

I admire him. He was a very dedicated protagonist—a very dedicated protagonist of the line-item veto, and it was on those occasions when we would debate back and forth between us, and among us on both sides of the aisle, that I learned to respect Senator COATS—learned to respect him for his ability to debate, for his equanimity, always, in debate. He is always most charitable, very deferential, and courteous to a fault. He has always treated me fairly and kindly. On yesterday, when we discussed the Supreme Court's decision—which I favored, and which did not follow the viewpoint of Mr. COATS—Mr. COATS was most magnanimous in his words concerning those of us who opposed the line-item veto.

So, basically he is a gentleman, and what more can one say? A gentleman; he considers the views of others, he listens to the words of others patiently and with respect, and is much to be admired. I admire him.

He has indicated, along with Senator MCCAIN, that it is his—it is their intention to come forward with another proposal. And of course I will respect their viewpoint and listen to what they have to say and read carefully what they propose, and will again oppose anything that purports to shift the people's power over the purse as reflected by their elected Representatives in this body and in the House of Representatives—shift that power to any President.

Yesterday was a great day in the history of our Nation, an exceedingly important day, because, beginning with President Grant after the Civil War, all Presidents, with the exception of William Howard Taft, have endorsed and espoused the line-item veto. For much longer than a single century, Presidents have wanted the line-item veto. George Washington, the first and greatest President of all Presidents, in my viewpoint, recognized the Constitution for what it was and for what it is. He said that when he signed a bill, he had to sign it or veto it in toto, he had to accept it or veto it in its entirety.

Washington presided over the Constitutional Convention that met in Philadelphia in 1787. He presided. He listened to all of the debates. He, obviously, listened and joined in the conversations that went on in the back rooms and the meeting places of Members when they were not in convention session. He knew what their thoughts were. He knew what Madison's thoughts were; he knew what Hamilton's ideas were; he knew what Elbridge Gerry's feelings were; he knew what Governor Edmund Randolph's ideas were. But George Washington knew that that Constitution did not allow, it did not permit, it did not give the line-item veto to any President.

I am grateful to the majority on the Supreme Court for having acted to save us from our own folly. I am somewhat disappointed and amazed that there

would even be a minority on the Supreme Court on this issue. I cannot comprehend a minority of the Members of the Supreme Court seeing any way other than as the majority saw it. I voted against Clarence Thomas to go on the Supreme Court, but Mr. Justice Thomas yesterday saw clearly what the Constitution requires.

Who yesterday stood to defend this unique system of checks and balances and separation of powers? Clarence Thomas was one of the six. He redeemed himself in great measure, in one Senator's eyes—my own! I was proud of Chief Justice Rehnquist who agreed with Mr. Justice Stevens in the majority opinion. I was proud of Mr. Justice Kennedy in his concurring opinion.

For the first time, Congress had committed this colossal error of shifting to the President a power over the purse that he does not have under the Constitution. Congress failed the people of the United States, in whom all power in this Republic resides and from whom all power is given. And the Senate failed. For the first time in more than a century and a quarter, the Congress yielded to political impulses and gave to the President a share in the control of the purse that the Constitution does not give him.

For those who have read Madison, who have read the Federalist essays, they saw in Federalist 58 Madison's words when he said, "This power over the purse may in fact be regarded as the most complete and effectual weapon with which any Constitution can arm the immediate representatives of the people for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure." Those are Madison's words.

So, Mr. President, where are our eyes? Read the Federalist essays, read the debates that took place in the convention—according to Madison's notes and the notes of others who attended that convention. Where could we possibly imagine that that Constitution gives to us puny pygmies—the power and the authority or the right to attempt to end run the Constitution by giving to the President the line-item veto by statute?

What a shame. What a shame. How would those framers look upon us? But the framers wisely provided for that eventuality when they created the judiciary. And our forebears in the first Senate, which met in 1789, also provided for that eventuality when they enacted the Judiciary Act and created the court system.

I am a more exalted admirer of the Supreme Court today than I have ever been in my 29,439 days of life. It isn't my birthday; I have just lived 29,439 days. I keep count of my days, take my life one day at a time—29,439 days. And yesterday I became a more enthusiastic and avid admirer of the Supreme Court of the United States than ever before because, to me, this, this decision by the Court preserved the system

of checks and balances and separation of powers.

So God bless America. God bless this honorable Court.

I also pause to thank those 28 other Senators who, on March the 23th, 1995, stood with me in voting against that inimical, perverse Line-Item Veto Act that sought to give the line-item veto to the President of the United States.

And I thank those 30 other Senators on both sides of the aisle who stood with me in voting against the conference report on that legislation, the Line-Item Veto Act, on March the 27th, 1996, a year and 4 days later. That was when the Senate stabbed itself in the back. Those 31 who stood in defense of the constitutional system of checks and balances and separation of powers on that day, those 31 were vindicated by the Supreme Court's decision on yesterday.

Thank God for the United States of America!

God save the Supreme Court of the United States!

(Mr. ENZI assumed the Chair.)

FOURTH OF JULY

Mr. BYRD. Mr. President, on still another note, it seems like such a short time ago that we rang in the New Year. It is almost July, and the midpoint of the year has passed. How quickly we have gone from gray skies, lowering clouds, and seemingly incessant rain, with some snow, some hail, strong winds, to bright sunshine and the first fruits and vegetables of the season. Already the brief moment of the wild strawberries, those tender morsels of condensed sunshine and spring showers, has passed, but juicy blackberries are ripening along their protective bramble arches, ready for picking in time to fill a pie that may grace a festive Fourth of July picnic. In West Virginia, whole families can be spotted, buckets in hand, along the fence rows where brambles grow, especially those old rail fences, gathering blackberries for pies and jam. Of course, the younger the picker, the more blackberries that end up inside the picker rather than inside the bucket, but that is just one of the messy, finger-staining joys of summertime. And the fingers are stained, as are the lips and the chins and the drippings on the clothing.

When I think of the Fourth of July, visions of family picnics crowned by the very literal fruits of that berry-picking labor are among the many happy thoughts that surface. Like that blackberry pie topped with melting vanilla ice cream, Fourth of July memories are a sweet blend of small town parades with volunteer firemen in brightly polished trucks and high school marching bands bedecked in their finest regalia; of local beauty queens sharing convertibles with waving mayors and Congressmen and Senators; and flags . . . flags everywhere, waving in the sweaty palms of excited youngsters and proudly flying before houses on