

there are some who don't like to admit this, but they have been told that this money will be spent on highways. Now, that can be discussed because there was a period when they were not told about a particular portion of that money, the 4.3 cents, there was a brief period when that was not going into the trust fund for highways.

Because of the action by the distinguished Senator from Texas, Mr. GRAMM, and the Finance Committee, that money, the 4.3 cent tax, is not going into the highway trust fund but it is just sitting there. We are saying in our amendment, let's spend it, because the American people think that is what they are getting when they go to the gas tank. Don't let anybody tell you they don't think that.

I was in this Congress in 1956—I was in Congress before that—but in 1956 we created a highway trust fund. That was during the Eisenhower administration. It was during his administration that his great and good idea concerning an interstate highway system came into being. In order to fund that highway system, Congress created a trust fund. The people were told that the moneys that they were putting into that trust fund in 1956 would go for highways, and they have been under that impression for 42 years, except for a couple of years, perhaps, beginning in 1993 or some such.

Mr. President, the people ought to have faith in their Government and that is what this amendment is all about, a faith-in-Government amendment. Build highways. And the Department of Transportation tells us that only 39 percent of the highway systems throughout this great country stretching from the Atlantic to the western waters and from the border of Canada to the Gulf of Mexico can be considered in good condition.

The highways are rapidly deteriorating. So are the bridges. We have over 580,000 bridges and 180,000 of them are either structurally deficient or functionally obsolete. The American people want to see their highways and their bridges built back up. We talk a lot about child care. We see people spending their time in the long lines because of congestion. They ought to be home taking care of the children who have just come in from school. They have to have good highways in order to do that. It took me an hour and 15 minutes to get from my house, 10 miles away, to my office yesterday morning. What are we talking about? What are we kidding the people about? That is our purpose.

Now, I hope, as do my colleagues, that we can reach an agreement among the principals. I am encouraged by this morning's meeting, very much encouraged, by the attitudes and presentations of all who were there. I want to express my compliments and my thanks, again, to the majority leader and to the chairmen of the committees who were there, Mr. DOMENICI, Mr. CHAFEE, and to the ranking members who were there. Everyone participated.

Mr. President, I hope we will be able to continue these discussions. The majority leader is going to ask us to come back tomorrow, and in the meantime we will be talking. But there is no deal, and I hope people will debunk some of such wishful thinking from their minds. We have yet to see where we are going to go and how we are going to get there. We are making progress but we are not there yet.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes and 50 seconds remaining.

Mr. BYRD. Mr. President, I see Mr. WARNER has come on the floor. Would he like any time at this point? Our friend, Mr. GRAMM, and I have been discussing this highway bill. I think the Senator who has just walked on the floor would be pleased with what we said.

Mr. WARNER. I was not able to be here when our distinguished colleague from West Virginia spoke, but I am sure the Senator got the assurance of our colleagues to work this problem out, together with the Republican leader, and I am sure, shortly, the Democrat leader, will likewise join. I think it is in the interests of the Senate that this legislation move. That was very definitely Senator LOTT's principal motivation to try and assemble this meeting today. We would not have reached this meeting today had it not been for the leadership shown by the distinguished Senator from West Virginia and the senior Senator from Texas.

Here we go. Let's hope for the best.

Mr. BYRD. I thank my friend from Virginia, Mr. WARNER, who has been a participant in this matter from the beginning. I am sure he will agree that until he and Senator GRAMM and Senator BAUCUS and I came up with this amendment, the Byrd-Gramm-Baucus-Warner amendment, until we came up with that amendment, there wasn't any idea as to how we were going to get more money above the reported bill for the States. It is only because our amendment was prepared and 53 cosponsors are on it today, that any of the States have real prospects for getting more money for highways.

Is that an accurate statement?

Mr. WARNER. Mr. President, I say to my distinguished colleague, you will recall Senator BAUCUS and I had an amendment early on in this procedure. It failed, by my recollection, by one single vote. I believe the distinguished Senator from West Virginia joined in our amendment urging the Senate for a greater allocation of spending.

I do believe, however, there is considerable momentum not only within the 53 Senators who have joined in this Byrd amendment but other Senators who are hearing from their respective highway constituencies, and that is not just the road builders, that is the citizens that use the highways.

As the distinguished Senator from West Virginia pointed out in our meet-

ing with the majority leader this morning, there is one-third growth in the use of highway structure, which in and of itself is perhaps only one-third to 40 percent in top shape. So it is essential for America that this is truly a bipartisan effort, for America to move ahead to improve its infrastructure transportation.

I thank the distinguished Senator.

Mr. BYRD. Mr. President, I just close by thanking the people out in the country who have shown great interest in this amendment, who have discussed it, Senators in their home States with the people, and people who are in the construction business, people who are in the highway construction business, people who are in the cement-asphalt business, other related industries that see the imperativeness of having this highway bill called up, acted on, in time, that it can be acted on in the House, in time, that both Houses can go to conference, in time, that we hopefully can get a signature on the bill by May 1. I thank those groups, as well.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes and 35 seconds remaining.

Mr. BYRD. Mr. President, I will yield back that time. Before I do, I thank all Senators for listening. I thank the Chair.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CANCELLATION DISAPPROVAL ACT—VETO

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the veto message to accompany H.R. 2631.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives, as follows:

The House of Representatives having proceeded to reconsider the bill (H.R. 2631) entitled "An Act disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105-45", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The PRESIDING OFFICER laid before the Senate a message from the President of the United States to the House of Representatives, as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 2631, "An Act disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105-45."

Under the authority of the Line Item Veto Act, on October 6, 1997, I canceled 38 military construction projects to

save the taxpayers \$287 million. The bill would restore all of the 38 projects.

The projects in this bill would not substantially improve the quality of life of military service members and their families, and most of them would not likely use funds for construction in FY 1998. While the bill does restore funding for projects that were canceled based on outdated information provided by the Department of Defense, I do not endorse restoration of all 38 projects.

The Administration remains committed to working with the Congress to restore funding for those projects that were canceled as a result of data provided by the Department of Defense that was out of date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, November 13, 1997.

The Senate proceeded to consider the bill (H.R. 2631) disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105-45, returned to the House by the President on November 13, 1997, with his objections, and passed by the House of Representatives, on reconsideration, on February 5, 1998.

The PRESIDING OFFICER. Under the previous order, there will be 17 hours of debate on the message, to be equally divided between the chairman and ranking minority member of the committee, with 1 additional hour for debate to be under the control of the Senator from Arizona, Mr. MCCAIN.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, we have a logistics problem here, myself being the cause of most of it. This is the first time that the U.S. Senate has considered a veto message from the President under the line-item veto law. This has already been taken up in the House. There were 38 projects in the military construction appropriations bill that were lined out by the President, and those vetoes were overridden in the House by a strong bipartisan vote of 347-69.

The line-item veto provides a mechanism that allows the President to veto items that he doesn't think necessary or which do not meet his approval. We have been asked many times, "Do you still support it?" after we have worked so hard with the ranking member, Senator MURRAY of Washington, and then it came back with 38 projects lined out—and probably with a very, very weak argument.

I urge my colleagues to vote for this override of the President's veto of H.R. 2631, a bill disapproving the President's line-item vetoes for the fiscal year 1998 military construction bill. I will go back and say that this money should be in the pipeline. Here we are halfway through the year, or better, and if you come from a northern tier of States, especially Montana, we only have two seasons, winter and the construction season. So these projects need to be on line. I will have more to say about this

particular issue. I have to take the Presiding Officer's chair this morning between 12 and 1. First, I would like to say that this is a pretty nonpartisan piece of legislation, the appropriations on military construction, and even this project of the Presidential veto override.

The cooperation between the ranking member of our committee and the work that we do on this for the good of families, and also keeping our military infrastructure in pace with the times, sometimes takes lots of work, and decisions have to be made, sometimes tough decisions, especially if we have less money to work with—and we are going to have less money to work with in the next year—it is going to be even more difficult.

I want to state publicly what a pleasure it was to work with Senator MURRAY and her staff in putting together what we think are the priorities that should be taken care of to ensure that the infrastructure, especially military construction and support of our fighting men and women, whenever it is needed. Senator MURRAY has an opening statement, and I will have more to say on this later on.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Jay Bynum, a Capitol Hill fellow serving on the staff of Senator JOHN MCCAIN, be granted privileges of the floor during the debate on the veto message to accompany H.R. 2631.

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

Mr. BURNS. I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank my colleague, Senator BURNS, the chairman of the committee, who has done an outstanding job in leading our way through this bill.

Mr. President, the Senate today once again is addressing the line-item veto exercised by the President of 38 projects that were included in the fy 98 military construction appropriations bill.

Last fall, the Congress and the American people were informed of a list of 38 projects included in the military construction appropriations bill that fell victim to the President's new line-item veto authority.

The administration cited three criteria that were used in determining whether the President should veto certain projects.

The first criteria is that the project was not included in the President's fy 98 budget request. However, in creating our fy 98 military construction bill, it should be noted that careful thought went into considering the President's requests, the priorities included in the Department of Defense's five-year plan, and due consideration for the Guard and Reserve projects that are too often woefully overlooked by the Department in fashioning its request.

We balanced these interests with the interests of our constituents and the

American people to come up with a comprehensive, reasoned and well-rounded list of projects that will benefit our country.

This balancing of interests is consistent with committee practice—particularly with regard to Guard and Reserve matters. The budget is not perfect, and Congress must act affirmatively to make the most responsible decisions.

The second criteria demanded by the White House is that the project was not a quality of life project, such as housing, dining, clinics, child care or similar family-oriented facilities.

This has always been my number one priority, and in fact, the subcommittee added many such quality of life projects on its own initiative.

I know the President shares my concern for quality-of-life initiatives, but there needs to be some give and take on both our parts to ensure that not only are we providing our men and women in uniforms with a high quality of life, but we are doing this without sacrificing our readiness capabilities.

The third and final criteria offered by the White House, which we were told had to be met by all projects selected, is that the project must be executable in fiscal year 1998.

Inexplicably, the administration claimed none of the projects were executable. However, this was not the case at all. In fact, all the projects included in the FY 98 Senate-passed bill were in fact executable.

By a standard set by the subcommittee itself along with recommendations of the Armed Services Committee, every project was deemed executable. Furthermore, the executable status of these projects was confirmed in Department of Defense reports.

Mr. President, the chairman and ranking member of the Appropriations Committee, Senators STEVENS and BYRD, rejected the vetoed items as an inappropriate overreaching of authority on the part of the administration.

I am gratified that the committee has stood up for the subcommittee's work. It is a substantially better product than the budget submitted by the President, and that is our job. The administration has no exclusive corner on wisdom in making its selection of projects.

Mr. President, the Senate passed a resolution of disapproval, rejecting the President's veto of the projects in the military construction bill last October 30, 1997.

Under the terms of the Line-Item Veto Act, the President then exercised his veto power of this Senate resolution. It is that final Presidential veto that we are attempting to override today, and thereby reinstate the viability of the projects originally subjected to his line-item veto pen.

While it is clear that the entire question as to the constitutionality of the line-item veto law is being considered by the Supreme Court and will be ruled on in the next few months, that nevertheless should have no impact on Senators' votes on the matter before us.

I suggest that Senators need not address their position on the constitutionality or wisdom of the line-item veto legislation itself to vote for this resolution. It was supported by 69 Senators last October, and I would hope it has at least that much support this afternoon when we vote on it again.

A vote for this measure is a vote against the administration's blatant exercise of power that was sloppy and rushed and resulted in many errors.

The subcommittee and full committee, as well as membership of both houses, labored over a period of several months to scrub the budget and add only those projects that were deemed worthy.

I hope that this measure will receive the strong support of the full Senate as it has in the past, and that this will be the end of this matter.

I yield the floor.

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

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. 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. LOTT. Mr. President, I ask unanimous consent to be allowed to proceed as in morning business.

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

MILITARY ACTION AGAINST IRAQ AVERTED

Mr. LOTT. Mr. President, it now appears that U.S. military action against Iraq will not be undertaken in the near future. All Americans, and I'm sure people all around the world, are pleased when military force can be avoided, when our men and women in uniform are not put in harm's way, and when innocent civilian lives are not put at risk.

But we must be clear: We cannot afford peace at any price—peace that could lead to a much more difficult conflict later on down the road.

It is always possible to get a deal if you give enough away. The central issue with regard to Iraq is whether an agreement furthers American interests.

The deal negotiated by U.N. Secretary General Kofi Annan with Iraq does not adequately address the threat posed by Saddam Hussein. After years of denying that Saddam Hussein had any right to determine the scope of inspections or the makeup of inspection teams, this agreement codifies his ability to do both. It is, to quote one diplomat, "the beginning of the unraveling of the inspection process." This accord sets up a new inspection regime under the control of the Secretary General of the so-called "eight palace residences." He appoints "senior diplomats" to the group. He names the head of the group.

And it is not clear to me, although others I am sure are getting clarification on this, who that person would be. Would it be one of the UNSCOM inspectors? Would it be some diplomat?

The group will have its own rules. And we don't know exactly what they are because they have not yet been developed. I know questions are being asked about this by Ambassador Richardson. I know he is trying to get clarifications. I also know that he is concerned about what he is learning.

The Secretary General is calling the shots. The United States is not. Secretary Albright earlier this week objected to my characterization of this episode as "contracting out U.S. foreign policy." With all due respect, I stand by that comment, because it appears that in fact is what has happened.

Because of the central role of the U.N. Secretary General, it is important to understand his approach and his conclusions.

Before and after his mission to Baghdad, Secretary General Annan stopped in Paris. He briefed the French government before he met personally, as I understand it, with any senior U.S. official. I find it of great concern that the French are, frankly, accorded a privilege denied to the United States.

The Secretary General has now briefed the Security Council and the press on his trip.

Let's look at what he has said. "Saddam can be trusted." "I think I can do business with him." "I think he was serious." These are all direct quotes. The Secretary General told reporters he spent the weekend building a "human relationship" with Saddam Hussein.

The Secretary General thinks that he can trust the man who has invaded his neighbors, who has used chemical weapons ten times, and who tried to assassinate former President George Bush. This is folly. I cannot understand why the Clinton Administration would place trust in someone devoted to building a "human relationship" with a mass murderer.

According to the Washington Post, Secretary General Annan described UNSCOM inspectors "as 'cowboys' who had thrown their weight around and behaved irresponsibly." He also "passed along without comment on Iraqi complaint—denied by [UNSCOM] as a paranoid delusion—that some of the most aggressive U.N. inspectors were seeking to hunt down Iraqi President Saddam Hussein so he could be assassinated. . . ."

The Secretary General of the U.N. starts describing the inspectors as "cowboys," when, as a matter of fact, I had the impression, and it was universally agreed, that they had been very professional. These are people with expertise on biological and chemical weapons. These are people that have come from the international atomic agencies. They know what they are doing. Mr. Butler, the Brit, was in charge of the inspectors, has been very

diligent, and very circumspect. As a matter of fact, I understand that one of the most aggressive and most effective inspectors is a Russian. Why in the world would the Secretary General use this kind of wording? Why would he come up with, or even pass along, this ridiculous suggestion that they were being used to hunt down Saddam Hussein?

These comments are outrageous. They reflect someone bent on appeasement—not someone determined to make the United Nations inspection regime work effectively.

The Secretary General has greatly harmed the credibility of the United Nations by cutting what appears to be a special deal with the most flagrant violator of United Nations resolutions, probably in history. Instead of standing on principle, he sat with the unprincipled—and gave him what he wanted.

The United States has not yet formally announced its support for the deal negotiated by Secretary General Annan. It is not too late to reject a deal if it leaves Saddam Hussein rejoicing and leaves UNSCOM out in the cold.

I yield the floor, Mr. President.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I wanted to make some remarks about the situation in Iraq as well.

Is this a time that has been set aside within the MilCon debate, or should I ask consent?

The PRESIDING OFFICER. The Chair would entertain a request from the Senator that she might proceed as if in morning business.

Mrs. HUTCHISON. Thank you, Mr. President. I ask unanimous consent to proceed as if in morning business.

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

THE SITUATION IN IRAQ

Mrs. HUTCHISON. Mr. President, I appreciate very much the leadership that Senator LOTT has provided in the ongoing discussions that we have had in Congress on the situation with Iraq.

I was very pleased that in the 2 weeks previous to this, when the President came to consult with Congress, that Senator LOTT stated that we needed a plan, that it was important that the President have, indeed, in an aftermath certainly the acknowledgment that there might be a retaliation, and asking the President to tell us what the response would be. I think this set in motion, on the part of the President and the President's advisers really the awareness and the reality of the situation—that it is not an immediate situation that is going to be set aside and not visited again. In fact, I think all the indicators point to the fact that we are going to revisit this again—that perhaps we have a reprieve, that we