In conclusion, we have argued that the deeming procedure may present a political question unsuited for judicial review, and, thus, that Congress would not be subject to judicial review. We have considered, on the other hand, that the courts may find that they are not precluded from exercising authority to review this proposal. If the proposal is reviewed by the court, and even if it is not, we have presented an argument leading to sustaining the deeming procedure as not in violation of the principle that a bill in order to become law must be passed in identical versions by the House of Representatives and the Senate. Because of the lack of available precedent, we cannot argue that any of the three versions of the argument is indisputably correct. Indeed, there are questions about all three. In the end, Congress must exercise a constitutional judgment when deciding on passage of the proposal.

What Mr. Killiam has said—and it is a very in-depth and in some ways esoteric discussion—various cases have appeared before the Supreme Court, and he argues at the end of his dissertation that there are arguments that lead in favor of the constitutionality of separate enrollment, but it could be subject to judicial review.

And his last sentence, I think, is probably the most operative, where he said:

In the end, Congress must exercise a constitutional judgment when deciding on passage of the proposal.

I also say to those who are concerned about the constitutionality of this issue, the Simon amendment—and a similar amendment was adopted by the House of Representatives—will call for expedited judicial review. We will find out. I am not using that as an argument for somebody who feels there is a clear constitutionality problem here and believes it is unconstitutional to therefore vote for this legislation just because it is going to receive judicial review. But I am saying to those who may have some doubts that this issue will be resolved and resolved in a very short period of time.

I also want to take a few minutes to quote from Judith Best, who has been a well-known expert on this particular issue. It is a very short quote. This part of her dissertation, entitled ''The Constitutional Objection.''

The objection is that the proposal is unconstitutional—

Meaning separate enrollment is unconstitutional.

because it would change the Constitution, specifically the veto power, by act of Congress alone. The response is as follows: Article I, section 5 of the Constitution permits this procedure. Nothing in Article I, section 7 is violated by this procedure. Under this proposal, all bills must be presented to the President. He may sign or veto all bills. He must return vetoed bills with his objections. Congress may override any veto with a two-thirds majority of each House. Under Article I, section 5, Congress possesses the power to define a bill. Congress certainly believes that it possesses this power, since it alone has been doing so since the first bill was presented to the first President in the first Congress. If this construction of Article I, section 5 is correct, the definition of a bill is a political question and not justiciable. Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment to issues to a coordinate political department. A textually demonstrable constitutional commitment of the issue to the legislature as found in each House may determine the rules of its proceedings. Congress may define as a bill a package of distinct programs and unrelated items to be separate bills. Either Congress has a right to define a bill or it does not. Either this proposal is constitutional or the recent practice of Congress informing omnibus bills containing unrelated programs and nongermane items is constitutionally challengeable. If the latter, the President would be well advised to bring such suit against the next omnibus bill.

I think, basically, Professor Best lays it out there. The Congress has a right to determine what a bill is. The Congress may define as a bill a package of distinct programs and unrelated items. And her argument, which I support, is that therefore the Congress of the United States can define a single enrollment which was part of a package as a bill as well.

But we will probably have much more debate on that in the couple of days ahead. I want to express again my admiration for Senator BYRD, the Senator from West Virginia, for his erudite and compelling and well-informed arguments. I watched a great deal of the debate today between the Senator from Indiana and the Senator from West Virginia. I think it was edifying, and I think many of my colleagues had the opportunity to observe them. I think most of the arguments concerning constitutionality, enrollment, and other aspects of the line-item veto were well described. I, again, express my admiration for the talent and enormous knowledge that the Senator from West Virginia possesses.

Again, I want to emphasize again that a lot of time has been taken, and more time will be taken on the floor on this issue. This is a fundamental and structural change in the way we do business. I believe it deserves thorough ventilation and debate. At the same time, I believe we can probably bring it to a close. I thank the Senator.

UNANIMOUS-CONSENT AGREEMENT

Mr. MCCAIN. Mr. President, I ask unanimous consent that at 10:30 a.m. on Wednesday, Senator BRADLEY be recognized to offer an amendment on tax expenditures on which there be the following time limitation prior to a motion to table, with no second-degree amendments to be in order prior to the motion to table: 30 minutes under the control of Senator BRADLEY, 15 minutes under the control of Senator MCCAIN.

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

MORNING BUSINESS

Mr. MCCAIN. I ask unanimous consent that there be a period for morning business.

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

REPORT ON THE EXPORT ADMINISTRATION ACT—MESSAGE FROM THE PRESIDENT—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States:

To the Congress of the United States:

In accordance with section 3(f) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1862(f)), I am pleased to transmit to you the Annual Report of the National Science Foundation for Fiscal Year 1993.

The Foundation supports research and education in every State of the Union. Its programs provide an international science and technology link to sustain cooperation and advance this Nation's leadership role.

This report shows how the Foundation puts science and technology to work for a sustainable future—for our economic, environmental, and national security.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 21, 1995.*

REPORT OF THE NATIONAL SCIENCE FOUNDATION FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 36

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

1. On August 19, 1994, in Executive Order No. 12924, I declared a national emergency under the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 *et seq.*) to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) and the system of controls maintained under that Act. In that order, I continued in effect, to the extent permitted by law, the provisions of the Export Administration Act of 1979, as amended, the Export Administration Regulations (15 C.F.R. 768 *et seq.*), and the delegations of authority set forth in Executive Order No. 12002 of July 7, 1977 (as amended by Executive Order No. 12755 of March 12, 1991), Executive Order No. 12214 of May 2, 1980, Executive Order No. 12735 of November 16, 1990 (subsequently revoked by Executive Order No. 12938 of November 14, 1994), and Executive Order No. 12851 of June 11, 1993.

2. I issued Executive Order No. 12924 pursuant to the authority vested in me as President by the Constitution and laws of the United States, including, but not limited to, IEEPA. At that