AMENDMENTS SUBMITTED

THE SUPERFUND CLEANUP ACCELERATION ACT OF 1997

SMITH (AND OTHERS) AMENDMENT NO. 1

(Ordered referred to the Committee on Environment and Public Works)

Mr. SMITH of New Hampshire (for himself, Mr. CHAFEE, and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill (S. 8) to reauthorize and amend the Comprehensive Environmental Response, Liability, and Compensation Act of 1980, and for other purposes; as follows:

At the end of title IX, add the following:

Subtitle B—Amendments to the Internal Revenue Code of 1986

SEC. 911. EXTENSION OF HAZARDOUS SUBSTANCE SUPERFUND.

(a) EXTENSION OF TAXES.—

(1) EXCISE TAXES.—Section 4611(e)(1) of the Internal Revenue Code of 1986 is amended by inserting ‘‘, on and after the 10th day after the date of the enactment of the Superfund Cleanup Acceleration Act of 1997, and before January 1, 2003’’ after ‘‘January 1, 1996’’.

(2) INCOME TAX.—Section 59A(e)(1) of such Code is amended by inserting ‘‘, and to taxable years beginning after December 31, 1996, and before January 1, 2003’’ after ‘‘January 1, 1996’’.

(3) CONFORMING AMENDMENTS.—Paragraph (2) of section 4611(e) of such Code is amended—

(A) by striking ‘‘1993’’ and inserting ‘‘2000’’;

(B) by striking ‘‘1994’’ each place it appears and inserting ‘‘2001’’; and

(C) by striking ‘‘1995’’ each place it appears and inserting ‘‘2002’’.

(b) INCREASE IN AGGREGATE TAX WHICH MAY BE COLLECTED.—Paragraph (3) of section 4611(e) of such Code is amended—

(1) by striking ‘‘$11,970,000,000’’ each place it appears and inserting ‘‘$22,000,000,000’’,

(2) by striking ‘‘December 31, 1995’’ in subparagraph (A) and inserting ‘‘December 31, 2000’’, and

(3) by striking ‘‘January 1, 1996’’ inserting ‘‘January 1, 2003’’.

(c) EXTENSION OF SUPERFUND BORROWING.—Subparagraph (B) of section 9507(d)(3) of such Code is amended by striking ‘‘December 31, 1995’’ and inserting ‘‘December 31, 2002’’.

(d) EXTENSION OF TRUST FUND PURPOSES.—Subparagraph (A) of section 9507(c)(1) of such Code is amended—

(1) by striking clause (i) and inserting the following:

‘‘(i) paragraphs (1), (2), (5), (6), (7), and (8) of section 111(a) of CERCLA as in effect on the date of the enactment of the Superfund Cleanup Acceleration Act of 1997,’’; and

(2) by striking clause (iii) and inserting the following:

‘‘(iii) subsections (m), (n), (q), (r), (s), (t), and (u) of section 111 of CERCLA (as so in effect), or’’.

(e) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS TO TRUST FUND.—Subsection (b) of section 517 of the Superfund Revenue Act of 1986 (26 U.S.C. 9507 note) is amended by striking ‘‘and’’ at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting a comma, and by adding at the end the following new paragraphs:

‘‘(10) 1998, $250,000,000,

‘‘(11) 1999, $250,000,000,

‘‘(12) 2000, $250,000,000,

‘‘(13) 2001, $250,000,000, and

‘‘(14) 2002, $250,000,000.’’

(f) COORDINATION WITH OTHER PROVISIONS.—Paragraph (2) of section 9507(e) of the Internal Revenue Code of 1986 is amended by striking ‘‘CERCLA’’ and all that follows through ‘‘Acts)’’ and inserting ‘‘CERCLA, the Superfund Amendments and Reauthorization Act of 1986, and the Superfund Cleanup Acceleration Act of 1997 (or in any amendment made by any of such Acts)’’.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture Nutrition, and Forestry will hold a business meeting on Wednesday, January 22, 1997 at 9:30 a.m. in SR–328A. The purpose of the meeting will be to approve subcommittee assignments, committee rules, and committee budget.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Tuesday, January 28, 1997, at 9:30 a.m. to hold a hearing on the nomination of Alan M. Hantman, of New Jersey, to be Architect of the Capitol.

At 10:15 a.m., the committee will hold an organizational meeting and markup to consider pending legislative and executive business.

Individuals and organizations who wish to submit a statement on the nomination of Alan Hantman to be Architect of the Capitol are requested to contact Ed Edens of the Rules Committee staff on 224–6678. For further information regarding the confirmation hearing and organizational meeting markup, please contact Ed Edens of the committee staff on 224–6678.

ADDITIONAL STATEMENTS

MARTIN LUTHER KING, JR. DAY

● Mr. ABRAHAM. Mr. President, I rise today in recognition of a great man who did much to change our Nation for the better. Before he was struck down by an assassin's bullet, the Reverence Dr. Martin Luther King, Jr. awakened the conscience of a nation. His campaign of nonviolent protest brought to light the injustices of a racially segregated society and played a major role in fostering the legislation necessary to do away with many forms of official discrimination.

Our Nation remains far from perfect, particularly in regard to relations between the races. But America is more just and honest because of the efforts of this man of God. And, in confronting the problems now before us, we still can look to Dr. King for guidance.

Clearly we have more work ahead of us in order to achieve justice in our racial relations. But our greatest challenge in my view is that of restoring hope and opportunity to those of us living in our impoverished inner cities. Reverend King knew of this tragedy. And the spoke out forcefully against it. I myself have seen the poverty and isolation of many of our inner-city neighborhoods. These areas are cut off from the rest of the city, and suffer from a lack of economic hope and the breakdown of the institutions of community on which people everywhere must rely. America must address these pockets of hopelessness, to bring to them the economic growth and spiritual fulfillment necessary for a functioning community life.

Through his speeches and grassroots activism, Dr. King addressed the problem of poverty and the loss of community. He also gave us advice on how to face our problems. The key word, I submit, is ‘‘action.’’ As Reverend King put it:

> We must come to see that human progress never rolls in on wheels of inevitability. It comes through the tireless efforts and persistent work of men willing to be coworkers with God, and without this hard work time itself becomes an ally of the forces of social stagnation. We must use time creatively, and forever realize that the time is always ripe to do right.

Mr. President, I am proud to say that many people in my State of Michigan are carrying on Dr. King's work even as we speak. They know that the time is ripe for doing right. In Detroit's Martin Luther King, Jr. High School, for example, students are participating in the DECA Program. These students have dedicated themselves to helping their community. They have adopted a local senior center to see to it that the resident senior citizens have the comfort and community provided by regular visitors. They have participated in walks for the homeless, put together a silent auction with proceeds going to the homeless, and given up a recent Sunday to assist with the Special Gift Holiday Party for Homeless Children held just before Christmas.

Mr. President, I commend participants in the DECA Program at Martin Luther King, Jr. High School in Detroit. I strongly believe that the kinds of positive local community action in which they are engaged do credit to the memory and legacy of Reverend King, and that their efforts can be part of a larger effort to rebuild our inner cities. Now that we have celebrated the life of Dr. King in our homes, let us celebrate his life by building on his legacy in our communities.●

CONSTITUTIONAL CHALLENGE TO THE LINE-ITEM VETO ACT

● Mr. MOYNIHAN. Mr. President, on Thursday, January 2, in the first civil action of 1997 in the U.S. District Court for the District of Columbia, a lawsuit was filed challenging the constitutionality of the Line-Item Veto Act of 1996. On this the first day of legislative business in the first session of the 105th Congress, I rise as one of the plaintiffs

in the suit to inform the Senate that this action has commenced—as specifically provided for in the Line-Item Veto Act. Section 3(a) of the act provides that:

> Any Member of Congress or any individual adversely affected . . . may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this part violates the Constitution.

Six Members of Congress, led by our distinguished colleague from West Virginia, Senator ROBERT C. BYRD, have joined together to bring this suit, which is captioned *Byrd et al.* v. *Raines et al.*, Civil Action No. 97–001. The other plaintiffs are the Senator from New York, the Senator from Michigan, Mr. LEVIN; the former Senator from Oregon, Mr. Hatfield; Representative WAXMAN of California and Representative SKAGGS of Colorado.

I will simply restate for the RECORD what I said during our debates on this legislation during the last Congress. The Line-Item Veto Act effectuated an unprecedented and unconstitutional allocation of power from the legislative branch to the executive.

The law—Public Law 104–130—which took effect on January 1 of this year, gives the President the authority to cancel any specific appropriation, any item of new direct spending, or any limited tax benefit contained in a bill that the President has just signed into law.

Senators BYRD, Hatfield, LEVIN, and Congressmen WAXMAN and SKAGGS and I have filed this suit because we believe the act violates article I of the Constitution, which requires that a bill be passed by a majority vote in both houses of Congress and either approved or vetoed in its entirety by the President. The line-item veto gives the President the power to unilaterally repeal, without congressional approval, portions of laws which he has already signed.

In 1983, the Supreme Court declared in *INS* v. *Chadha* [462 U.S. 919, 954] that, and I quote:

> It emerges clearly that the prescription for legislative action in Article I, Section 7, represents the Framers' decision that the legislative power of the Federal government be exercised in accord with a single finely wrought and exhaustively considered procedure.

The Line-Item Veto Act departs dramatically from that ''single, finely wrought and exhaustively considered procedure'' for making or changing Federal law. The Constitution could not be more clear on this point. The presentment clause of article I, section 7 states:

> Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it. . . .

The Line-Item Veto Act unconstitutionally expands the President's power by authorizing him to approve a bill and sign it into law and, from an instant up to 5 days later, disapprove and return parts of the bill, so that the parts of the bill disapproved by the President do not have the force and effect of law. The act also violates the requirements of bicameral passage and presentment by granting to the President, acting alone, the authority to cancel and thus repeal provisions of law.

Even if, as some have argued, the President will exercise this power sparingly, his ability to do so will forever shift the balance of power. A balance the Framers deemed fragile, and necessary for the proper functioning of the American Government. The Framers gave the power of the purse to Congress and Congress alone; Madison made the reason abundantly clear in Federalist No. 58:

> 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.

Whether the Line-Item Veto Act is viewed as granting the President a unilateral power of line-item revision of bills that have been presented for his signature, or as granting him a unilateral power to repeal portions of duly enacted laws, the act grants powers to the President that contravene the constitutional process for making Federal law. I might understand if the President were trying to seize this power. But why have we given it to him? The lawsuit filed earlier this month will allow the judiciary to review this issue under an expedited schedule. We hope to have a decision in the case by the Supreme Court in the next October term, and I will provide periodic updates on the progress of the case for the RECORD.●

CONGRESS-BUNDESTAG EXCHANGE

● Mr. LIEBERMAN. Mr. President, since 1983, the United States Congress and the German Parliament, the Bundestag, have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about each other's political institutions and convey Members' views on issues of mutual concern.

A staff delegation from the United States Congress will be chosen to visit Germany April 12 to April 26 of this year. During the 2-week exchange, the delegation will attend meetings with Bundestag members, Bundestag party staff members, and representatives of numerous political, business, academia, and media agencies. Cultural activities and a weekend visit in a Bundestag member's district will complete the schedule.

A comparable delegation of German staff members will visit the United States for 3 weeks this summer. They will attend similar meetings here in Washington and visit the districts of congressional Members.

The Congress-Bundestag exchange is highly regarded in Germany, and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries.

The U.S. delegation should consist of experienced and accomplished Hill staff members who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staff professionals to the United States. The United States endeavors to reciprocate.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite United States delegation should exhibit a range of expertise in issues of mutual concern in Germany and the United States such as, but not limited to, trade, security, the environment, immigration, economic development, health care, and other social policy issues.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag staff members when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two Bundestag staffers in their Member's district over the Fourth of July break, or to arrange for such a visit to another Member's district.

Participants will be selected by a committee composed of U.S. Information Agency personnel and past participants of the exchange.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a résumé and cover letter in which they state why they believe they are qualified, and some assurances of their ability to participate during the time stated. Applications may be sent to Kathie Scarrah, in my office at 316 Hart Senate Building, by Friday, February 14.●

RETIREMENT OF PROCTOR JONES

● Mr. HOLLINGS. Mr. President, on the Appropriations Committee we have always prided ourselves for having the best and most professional staff in the Senate. We maintain a team of staff who are experts on budget and finance and a group of professionals who know these agency programs inside and out. In a few days we will be losing one of our very best staff members to have ever served this body. Proctor Jones, the minority staff director for the Energy and Water Development Subcommittee will be retiring from the Senate to take a position in the private sector.

Proctor Jones hails from Twin City, GA. He came to the Senate way back in