

coherence lead to the laser with incredible applications from surveying to metal fabrication to eye surgery to CD players—a \$16 billion dollar-a-year industry that contributed four billion dollars annually to treasury receipts.

The need to replace the energy radiated by electrons in the process of building more powerful electron accelerators connected with the need for more intense x-rays to lead to the creation of synchrotron light sources (x-ray light, brighter than a million suns)—devices that serve biologists, pharmaceutical researchers, materials scientists, chemists and physicians to see viruses in action, to design molecules, to watch how chemicals react and hundreds of other applied science programs.

These stories, on and on, have been aggregated to indicate a payback of investment in research of 20 to 50 percent annually. To insure this record, science must be accorded the kind of freedom that, from long experience, is so crucial to its success.

The future of American science depends upon an understanding of what makes America a great nation. "America will be great in those areas in which it desires greatness, perceives greatness and rewards and esteems greatness." Science is the source of continuing the frontiers and of the creation of new wealth. To rescue our declining scientific greatness we must recognize the two columns upon which science rests. One column is the extension of human knowledge for no obviously discernible purpose, perhaps only for the joy of discovery. The other column represents the immediate service to society through research which has economic, medical, environmental consequences. Incidentally, social sciences appear in both columns. Both columns serve society in the longer term and support one another. This is the scientific enterprise.

Science is increasingly being squeezed into the universities and national laboratories. The stress on our scientific infrastructure has been increasing over the past decade. Progress in science is necessarily more difficult and more expensive with time as easier problems are solved. (That is why a GDP scale is necessary). This stress becomes known down to high schools, making it far more difficult to repair the dismal science education of our future scientists, engineers, and citizens. Already, Americans are not following science careers and, if it were not for foreigners, our graduate schools would be half empty.

A noted scholar made my summary easy: "In the conditions of modern life, the rule is absolute; the nation which does not value trained intelligence is doomed . . . Today we maintain ourselves. Tomorrow, science will have moved forward yet one more step; and there will be no appeal from the judgment which will be pronounced . . . on the uneducated."

#### THE SUPERFUND LIABILITY EQUITY AND ACCELERATION ACT

**HON. WILLIAM H. ZELIFF, JR**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. ZELIFF. Mr. Speaker, I am pleased today to introduce the "Superfund Liability Equity and Acceleration Act." This is significant legislation because it presents a map of what I believe is the best way to make superfund work in the fairest and quickest way possible. My legislation will repeal superfund's unfair, unjust, and un-American retroactive and joint

and several liability system. They will be replaced with a binding proportional liability allocation system that will only hold people responsible for what they contributed to a superfund site. Most importantly, my legislation lays out a mechanism that I am convinced can pay for such a repeal and see these sites come out of the courtroom and get cleaned up now.

Before I continue, Mr. Speaker, let me be absolutely clear: I do not introduced this legislation as a means to compete with any other versions that may be introduced in the future by the authorizing committee chairmen. I introduce this legislation for the purpose of assisting in their effort, as I have been the only Member of this body who has introduced legislation like this in the past. I have significant experience with this issue of liability, and I look forward to working with my colleagues throughout the next couple of months.

I have been involved with the superfund program since I was first elected in 1990. Soon after being elected, I learned that I had 14 national priority list sites in my district—and began walking those sites.

After walking just a few sites, it became clear to me that this program was not working. Small towns were putting off building new schools or hiring new teachers, and small businesses could not find the capital to expand and create jobs.

I then assembled a task force of about 35 members to study these problems, and come up with some suggestions as to how to get the superfund program back on track. We came up with a series of recommendations which I then turned into H.R. 4161, the "Comprehensive Superfund Improvement Act," introduced in the 103d Congress.

While there were many provisions of that legislation to effectively improve the superfund program, the provision which received the most attention was the provision which eliminated both retroactive and joint and several liability under the superfund program. It is my very strong opinion that nearly every problem with the current program can be traced back to the liability standards currently under the law.

If we look briefly at the 15-year history of this program, we will see that superfund was created in 1980 with a trust of \$1.6 billion to clean up what was then assumed to be a few dozen waste sites. Congress increased the financing to \$10.2 billion in 1986, then to \$15.2 billion in 1990. Despite these billions of dollars of taxpayers' money being spent for such a laudable cause, we now see that a mere 18 percent of superfund sites have been cleaned up in that same time period. This raises the obvious question of whether or not we are getting our money's worth. These facts, combined with a GAO report released just yesterday which says that at the most only one-third of all superfund sites pose an actual risk to human health, makes it is obvious to me that we re not getting our money's worth.

There is one group out there, however, that would argue that we are getting our money's worth. It is the armies of lawyers who spend years in court arguing every possible detail of superfund liability. So when we look carefully at why this Congress has spent billions and billions of dollars and seen a minuscule amount of action, there should be no question as to the culprit: it is the current program's un-American and un-just liability system. If you

like the O.J. Simpson train, you would just love a superfund trail.

Just listen to some of the questions that have to be answered in superfund courtroom cases. Who deposited the waste? When was it deposited? What was the actual toxicity of the waste? Does toxicity have any bearing on liability? How much waste did each party deposit? What exactly were the contents of what was deposited? Was a community involved? If so, should they be held accountable? Did they actually produce the waste, or did they merely own the site? Should the community's funding priorities be taken into consideration—i.e. a new teacher or school instead of EPA—mandated study-remediation costs? Who pays the share of the bankrupt parties? How does that share get split, or does it get split at all? How about the insurance companies? Do their policies cover the activities of the insureds? If so, how much? How does the PRP interpret their insurance policies, and how do the insurance companies interpret their policies? Should banks and other lenders be exempt from liability merely for holding title to the land? The list is endless \* \* \*

It should be clear that it is the liability system of superfund which has brought this program to its knees. We can make all the reforms and changes we want to the superfund program, but I assure my colleagues that if we do not make major changes to the liability system, we will all be back here again having the same conversations in just a few more years.

I have advocated the repeal of retroactive and joint and several liability for several years now, and in fact I offered amendments to last year's bill to repeal those liability standards. There was a large amount of support last year for my idea, but this year, we are seeing even more support. It is yet another burst of common sense that took over this Congress last November.

Allow me to share with my colleagues a paragraph from a letter signed recently by Chairmen SHUSTER, BULEY, and OXLEY, the superfund authorizing committee chairmen:

At the heart of the superfund "blame game" is the system of strict, joint and several, and retroactive liability. If we, the authorizing committees, are to reform this program and get superfund out of the courts and onto these sites, then we must comprehensively reform the current superfund liability, including a repeal of retroactive liability.

I could not agree more.

As for my legislation, I will briefly outline what is in the bill. Those of you who remember my legislation from last year, H.R. 4161, will see much that is the same: there are provisions requiring timely release of evidence to PRPs from EPA, contribution protections, certain exemptions for owners of contiguous properties, relief for lenders and fiduciaries, allowances for site redevelopment, and liability limitations for response action contractors. Finally, there are provisions that expressly state that; First, there will be NO reimbursements for parties guilty of illegally dumping, and Second, no party will lose their rights to continue liability actions in existing court actions.

The real guts of the legislation are the pre-1987 retroactive repeal, the new binding allocation system, and the new Hazardous Substance Revolving Fund. I submit descriptions of these below:

SITES WITH ALL PRE-87 WASTE

Construction complete by 1/1/95: No reimbursement for construction. Assumption of

O&M costs from date of enactment until completed. No reimbursement for completed O&M.

*Construction ongoing as of 1/1/95:* Reimbursement for cleanup actions from date of enactment forward. No reimbursement until cleanup is completed.

*Discovery after 1/1/95:* Cleanup costs are fully reimbursable. No reimbursement until cleanup is completed.

SITES WITH WASTE FROM BOTH PRE- AND POST-87  
(STRADDLE)

*Construction complete by 1/1/95:* No reimbursement for construction. Assumption of O&M costs from date of enactment until completed for the portion attributable to pre-87 waste (determined by proportional allocation). No reimbursement for completed O&M.

*Construction ongoing as of 1/1/95:* Reimbursement for cleanup actions from date of enactment forward for the same percentage of total costs as the percentage of waste attributable to pre-87. O&M costs are reimbursable under the same conditions. No reimbursement until cleanup completed.

*Discovery after 1/1/95:* Costs of cleanup are reimbursable, but only for the same percentage of total costs as the percentage of waste attributable to pre-87. O&M costs are reimbursable under the same conditions. No reimbursement until cleanup completed.

SITES WITH ALL POST-87 WASTE

These sites would go through a binding proportional liability scheme which will include allowance for an orphan share, and for de minimis/de micromis parties.

FUNDING

All superfund revenues would be deposited into a new "Hazardous Substance Revolving Fund," which would be modeled on a similar process used by the Patent and Trademark Office with the fees it collects. This is not a revolving loan fund.

Using the model of the Patent and Trade Office's Fee Surcharge Fund, proceeds to the revolving fund will be recorded as an "offsetting collection" to outlays within the expenditure account. Collections generally are made available automatically for obligation. The proposed revolving fund would not be classified as "offsetting receipts," which are collections credited to trust funds or the general fund which are not authorized to be credited to expenditure accounts.

This new Hazardous Substance Revolving Fund is designed to assure funds and taxes collected from private parties be used only for that purpose. This has been a common complaint of parties who see their money they thought was going to cleanup instead go to offset budget figures or to Washington bureaucrats. It also moves those revenues from the receipt side of the budget to the outlay side. It turns superfund taxes into "user fees" which are assessed against private parties identified by Congress as contributing to the need for cleanups. The proposal assures that funds collected by the new Hazardous Substance Revolving Fund go to cleanup and NOTHING ELSE.

While I believe that the liability system is the culprit for just about every problem with superfund right now, there must be significant reforms in other areas as well, especially in the remediation and State role categories. My position on these reforms remain the same as in last year's H.R. 4161, and I support all of the provision proposed by my very good friend and colleague Senator BOB SMITH, in his proposal made a few weeks ago.

It is essential that we reform superfund this year, and that it be a comprehensive reform that includes liability, remedial, and State role

reforms. Our environment and our economy are suffering. Something has to be done now. Once again, I look forward to working with Senator SMITH, Mr. SHUSTER, Mr. OXLEY, Mr. BLILEY, and Mr. BOEHLERT in achieving significant, fundamental, and comprehensive superfund reform this year. Thank you, Mr. Speaker.

CHILD WELFARE TAKES HIT IN  
LABOR-HHS-ED BILL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. TOWNS. Mr. Speaker, I rise to inform my colleagues that the LABOR-HHS-ED bill cuts \$2.4 million from the child welfare training programs and should restore these funds in conference committee. While it is recognized that the deficit needs to be fixed, should it be done on the backs of children? In 1994, over 3 million children in the United States were reported physically, emotionally, or sexually abused or neglected. The need for trained, skilled, and qualified child welfare protection personnel is essential. Yet, according to the National Commission on Children, only 25 percent of child welfare case workers have social work training, and 50 percent have no previous experience working with children and families.\*

Under section 426, title IV-B discretionary grants are awarded to public and private non-profit institutions of higher learning to develop and improve education/training programs and resources for child welfare service providers. These grants upgrade the skills and qualifications of child welfare workers.

To ensure an available and adequate supply of professionally trained social workers who provide child protection, family preservation, family support, foster care, and adoption services, I urge you to support schools of social work in their untiring efforts to train competent and qualified child welfare protection workers. If adequate resources are not made available then we all bear the responsibility of promoting a child welfare work force that will be ill-equipped to deliver critical services to many children and families. If we provide the necessary funds, we can be assured of a well qualified, trained, and skilled child welfare work force who will make sure that all American families in special need will get quality assistance. This program without a doubt is a sound Government investment for families.

RECOGNITION OF WALLACE  
CLEMENTS ON RETIREMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. GORDON. Mr. Speaker, I rise today to recognize the 50 year career and accomplishments of a true friend, Wallace Clements. After a long career with the International Brotherhood of Teamsters, Wallace and Audrey are finally going to enjoy their best years, in retirement at their Florida home appropriately located on Restful Lane.

Wallace is a native Tennessean from Soddy Daisy. Of the people I've met in my life, Wallace is the best example of how hard work, determination, and raw talent can take you straight to the top. Wallace developed strong friendships and a keen insight into the workings of Government at the local, State, and Federal level. Wallace had provided me sound advice and counsel during the nearly two decades I've known him.

After returning from serving in the Navy during World War II, Wallace went to work as a mechanic for a Tennessee trucking company. It was during this period that Wallace became involved in workers' rights and other civic and social causes.

Wallace is a dedicated working man who places his country, family, and Tennessee at the top of his list of priorities. Close behind these priorities is Wallace's commitment to fighting for the health, safety, and economic well-being of all working men and women.

Today we are celebrating the beginning of a new chapter in Wallace's life. On this special occasion I want to recognize Wallace's selfless toil for the working men and women of America. I know Wallace and Audrey's commitment to help a worker who is out of a job or provide support and encouragement to a family who is down on their luck will only increase in the years to come.

Please join me in wishing Wallace Clements the very best in his well-deserved retirement.

TRIBUTE TO JUSTICE ELWOOD L.  
THOMAS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. SKELTON. Mr. Speaker, today, I wish to pay tribute to Missouri Supreme Court Justice Elwood L. Thomas, who passed away at his home in Jefferson City, Missouri, on July 29, 1995. Justice Thomas, who was sixty-five, died of complications from Parkinson's disease.

Justice Thomas was born and raised in Iowa, the son of a Methodist minister. He was a graduate of Simpson College in Indianola, IA, and the Drake University Law School in Des Moines, IA. From 1965 to 1978 he was a law professor at the University of Missouri-Columbia. In 1978 he became a partner in the Kansas City law firm of Shook, Hardy & Bacon and continued to practice there until he was appointed to the Missouri Supreme Court in 1991, by then Gov. John Ashcroft. He served on the Missouri Supreme Court Committee on Civil Instructions from 1975-1991. During that time, he twice chaired a task force on the Missouri Bar.

Justice Thomas became known for his expertise in jury instructions during his time at the law firm of Shook, Hardy & Bacon. He often lectured to law students, lawyers, and judges on evidence and litigation procedure. He served as faculty for the National Judicial College in Reno, NV, and the National Institute for Trial Advocacy and Missouri's Judicial College.

Justice Thomas was well respected by all who knew him. He was regarded by many of his colleagues as being one of the best legal minds in the State. Justice Thomas had the