

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

unique ability to take complicated matters and explain them, so that all could understand. He was a tremendous asset to the State of Missouri, and will be greatly missed.

Justice Elwood L. Thomas is survived by his wife, Susanne, sons Mark and Steven, and daughter Sandra.

SMALL ETHANOL PRODUCERS
CREDIT LEGISLATION

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. MINGE. Mr. Speaker, Representatives TOM LATHAM, PAT DANNER, GIL GUTKNECHT, EARL POMEROY, JIM OBERSTAR, COLLIN PETERSON, TIM JOHNSON, and I are introducing a bipartisan bill that will make a relatively minor correction to the Federal Tax Code relating to the application of the Small Ethanol Producers Credit. This legislation will allow small ethanol cooperatives the same opportunity to utilize the Small Ethanol Producers Credit that other business entities such as trusts, S-Corporations, and partnerships currently utilize.

The Small Ethanol Producers Credit (Internal Revenue Code Section 40(b)(4)) was passed into law in 1990. The credit was created because Congress determined that tax incentives were an appropriate way to help small producers build ethanol plants. This credit is only available to those entities that produce less than 30 million gallons of ethanol annually. They are eligible for a 10-cent per gallon tax credit for the first 15 million gallons produced. Cooperatives are not eligible because the Internal Revenue Service has ruled that the Code does not permit the credit pass-through to patrons of a cooperative. Without specific inclusion in the Internal Revenue Code, thousands of farmers will be unable to benefit from this credit. This inadvertent exclusion of cooperatives is tragic and should be corrected.

Increasingly, cooperatives are the primary business organization involved in ethanol production in the Midwest. This form of operation usually passes cooperative tax attributes on to its participating patrons. The ineligibility of farmers who are patrons of small ethanol plants denies the tax benefit to those being taxed for cooperative income.

In the Second District of Minnesota alone, four small cooperatives are either currently in production or under construction. At least 18 other small ethanol cooperatives are in the planning stages in Minnesota, Iowa, Missouri, North Dakota, South Dakota, and Illinois. On average, each of these cooperatives is comprised of approximately 300 farmers. For some, the availability of the Small Ethanol Producers Credit determines their start-up viability and whether or not they can compete in the marketplace. This legislation is supported by the National Council for Farm Cooperatives, the American Farm Bureau Federation, the National Corn Growers Association, and the National Farmers Union.

For years, farmers have been encouraged to diversify their business operations. Value-added production, such as ethanol plants, holds great promise to boost rural economies. Ethanol cooperatives provide an excellent opportunity to create local jobs and local profits.

I hope that Congress can make this correction to the Tax Code so that small farmers will be able to benefit from the same ethanol credits that other types of businesses presently utilize.

CELEBRATING THE CAREER OF
JUDGE DAMON J. KEITH

HON. JOHN CONYERS JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to one of the truly great Federal jurists of our era, the Honorable Damon J. Keith, a member of the Sixth Circuit Court of Appeals for 18 years and a member of the U.S. District Court for Eastern Michigan for 10 years, who recently announced he would assume senior status. He was born and raised in Detroit and attended Northwestern High School, where he was a champion track athlete. He graduated from West Virginia State University and received his J.D. from Howard University Law School. He furthered his legal education with an advanced law degree from Wayne State University in Michigan. Not long after, he formed his own law firm, Keith, Conyers, Anderson, Brown & Wahls which included my brother, Nathan Conyers. However, it soon became clear that he was drawn as much to public service and civic activism as he was to the private practice of law. He was particularly drawn to problems of racial discrimination, so that in the end he could not escape the brightly burning flame of the civil rights movement which illuminated the path to racial justice for his generation.

In the early years of the civil rights movement in which Damon Keith's activism began, a major concern was the gross housing inequity in urban areas and uneven access to federally funded housing. Between 1940 and 1960, approximately 3 million African-Americans migrated from the South to the North. As a young attorney, Keith had seen the percentage of the black population in Detroit explode from 9 percent to 29 percent in that 20-year span. In the midst of this demographic transformation he was appointed president of the Detroit Housing Commission in 1958 to address the needs of the growing African-American population. In that same year, Michigan and two other States attempted to address widespread discrimination stimulated by the wave of urban migration with open housing bills, but all of them failed. This grim reality brought housing issues to the forefront of the civil rights movement. In 1961, Martin Luther King, Jr. wrote in *The Nation* magazine that the urban renewal program has, in many instances, served to accentuate, even to initiate, segregated neighborhoods. He explained that a large percentage of the people to be relocated are Negroes, [and] they are more than likely to be relocated in segregated areas.

The struggle for equal rights appeared to reach a climax in 1964 with the passage of the Civil Rights Act which forbade discrimination in public accommodations and in the workplace. But with this great victory came challenges of equal magnitude which broadened the goals of the civil rights movement. There were riots in Chicago, Rochester, Harlem, and Philadelphia after racial incidents

with police, and a brave biracial group of activists formed the Freedom Democratic Party in an attempt to make the Mississippi delegates to the Democratic National Convention more representative. It was as a witness to these national milestones that Keith was to reach a milestone of his own when Gov. George Romney rewarded him for his distinguished service on the Housing Commission by appointing him to serve simultaneously as chairman of the Michigan Civil Rights Commission. He continued in both of these capacities until 1967 when President Lyndon Johnson decided this kind of activist legal approach ought to be rewarded, and appointed him to the U.S. District Court for the Eastern District of Michigan. Later, he became chief judge of that court. It was in this arena where Judge Keith eloquently resolved important cases of national consequence, and his depth and breadth as a national figure was established. In a series of decisions, Judge Keith was able to elaborate a seldom heard theme: how under the Constitution, the power of government must ultimately give way to the rights of common people. It was through these cases that Keith brought his erudition, scholarship and courage to the courtroom and made profound and enduring contributions to the law.

Judge Keith's foundation in housing rights, built upon the landscape of the civil rights movement, guided his decision in *Garrett versus City of Hamtramck*. Evidence in this case revealed that a combination of a lack of low-income housing and widespread prejudice was forcing Hamtramck's African-American residents to flee the city. The decision in this class-action suit stated that:

Fifty-seven percent of the black families dislocated by the project moved out of Hamtramck while only 33 percent of the white families relocated out of the city . . . it was inevitable that substantially more blacks than whites would be removed from Hamtramck . . . the city plans presently include scheduled renewal and industrialization of two additional fringe areas . . . both of which are predominantly black; no plans for replacement housing for citizens presently residing in those areas exist. Thus it is apparent that the city is strategically working to achieve a reduction in its total population and indeed hopes to successfully accomplish such by elimination of those residential areas of the city containing black residents.

In that opinion, Judge Keith decided that the Housing Act of 1949 and by the equal protection clause of the fourteenth amendment required the city of Detroit to provide alternative housing for minorities displaced by the city's federally funded urban renewal program. The same bold sense of social responsibility displayed in *Garrett versus Hamtramck* was found in many other cases he heard and his intellectual rigor ensured that many of his decisions had a national impact.

One case that had a huge impact was *United States versus Sinclair* in 1971, in which Judge Keith declared that the defendants had a right to all transcripts and memoranda relating to illegally tapped conversations which the government intended to use in court. U.S. Attorney General John Mitchell maintained that he had acted under the authority of the president in authorizing wiretaps without a warrant since the matters at hand involved the sacrosanct concept of national security. On close examination though, Judge Keith found that