

It starts with the Superfund's liability scheme called "strict, retroactive, joint and several liability." Retroactive liability means a small business owner can be held responsible for action that took place before the law has passed. Even if you didn't act negligently, even if you followed every law and regulation completely—you're still on the hook. Joint and several liability means the company can be forced to pay 100 percent of the cost of cleaning up a Superfund site even though it was only responsible for a small fraction of the pollution.

With marching orders like that, you can guess the EPA's standard operating procedure: Find any organizations even remotely connected with a Superfund site; then drag them into court to make them pay the clean-up bill. So far, over 20,000 small businesses, hospitals, towns, and community groups—even a Girl Scout troop—have been stamped as "polluters" by the EPA and face potentially crippling legal liability.

All that litigation costs money—a lot of money. More than 20 percent of all Superfund dollars get spent in the courtroom, not to clean up the environment. That translates into an incredible \$6.7 million in lawyers' fees and court costs per Superfund site. No wonder the EPA keeps about 500 lawyers on staff just to work on Superfund liability issues.

So our first recommendation for Superfund reform is repealing retroactive liability for waste disposal prior to 1987, when small businesses were first required to keep detailed disposal records. The conference also recommended changing "joint and several liability" to proportional liability, so those liable would only pay to clean up what they're responsible for.

Another recommendation was that Congress should require the EPA to use "sound science and realistic risk assessments" in identifying toxic sites and establishing cleanup standards. That just sounds like common sense; you'd think that danger to health and safety would be the only criteria for selecting Superfund sites. But you'd be wrong. Today's EPA standards are so seriously flawed that according to a recent federal government study, more than half of the so-called hazardous sites on the EPA's National Priorities List don't even pose a threat to human health.

There are several other reforms on our list, but they all share a common goal: creating a new Superfund that focuses on cleaning up the environment, not harassing innocent businesses. These reforms have a good chance of passing Congress, but the Clinton administration—which asked for our recommendations to begin with—is now resisting.

Recently, a group of business and civic leaders from across the state got together to form South Dakotans for Superfund Reform—a grass-roots coalition dedicated to the type of Superfund reform we proposed to the White House. Our goal is to work with South Dakota's elected representatives in Washington to fix Superfund this year.

There are currently four Superfund sites in South Dakota, including one that has been on the EPA's list for more than 10 years. And 15 small businesses and other organizations in South Dakota have been targeted by the EPA. Unless Clinton and Congress fix Superfund, those businesses—and the jobs they provide to South Dakotans—will remain in jeopardy.

The Clinton White House should be on notice. If it's serious about helping small business, it needs to stop blocking Superfund reform. Washington conferences on small business are fine. But real action speaks a lot louder.

[From the Rapid City Journal, Aug. 24, 1995]

S.D. GROUP CRITICIZES LIABILITY RULES

(By Dan Daly)

The 1980 Superfund law was a good idea gone awry, according to a group of business people who launched a political coalition called South Dakotans for Superfund Reform.

The environmental cleanup program has become expensive, ineffective and unfair, coalition members said Wednesday.

Just 15 percent of the nation's 1,355 sites on the Superfund priority list have been cleaned up, according to the group's literature, and half of Superfund dollars go to lawyers and regulators.

But the group's main complaint was about the retroactive liability rules that place blame for pollution—and the job of paying for cleanup—on companies and landowners "remotely associated with a hazardous waste site," according to the group.

"The reality is that this . . . involves innocent landowners, innocent new businesses that come onto a site unknowing about these things," said Carol Rae, state chairman of the coalition's steering committee. "What we want to do is establish reasonable rules and limits on natural resources damages."

"It's not that any of us here are out to say that we do not want environmental protection or to be responsible corporate or private citizens," said Rae, vice president of external affairs for Chiron Corp., parent company of Magnum Diamond Corp. in Rapid City.

None of the business people at Wednesday's news conference are themselves liable for Superfund cleanup projects. In fact, only a handful of South Dakota sites have been on the Superfund list.

Their interest, said Rae, is as taxpayers and regulated businesses.

Rae, Kroetch and Rob Wheeler of Wheeler Manufacturing in Lemmon, who was also at Wednesday's news conference, served together as delegates to the recent White House Conference on Small Business.

Rae said the conference delegates identified some 2,000 issues important to small business. Changes in Superfund laws, she said, ranked fifth on the list.

She and seven of the group's steering committee members held a news conference in Rapid City Wednesday to outline their position. Members ranged from Richard Krull, manager of the Merillat Industries particle board plant in Rapid City, to Art Kroetch, president of Scotchman Industries in Philip.

The group itself was organized by Steve Knuth of Sioux Falls, who is working for the National Coalition for Superfund Reform. Knuth formed a similar group earlier this year to push for changes in product liability laws.

[From the Argus Leader (Sioux Falls, SD), Aug. 25, 1995]

SUPERFUND REFORMERS START GROUP IN S.D.

South Dakotans who want Congress to change the nation's hazardous waste cleanup program, called Superfund, have organized to promote reform.

South Dakotans for Superfund Reform represents people of various business and community backgrounds with "the desire to see an end to Superfund's unfair and punitive liability system," said committee chair Carol Rae of Rapid City.

The group announced its plans Thursday at a Sioux Falls news conference.

Congress enacted the Superfund law in 1980. Since then, the Environmental Protection Agency has placed more than 1,300 sites on its National Priorities List, but has cleaned fewer than 15 percent of them. More than \$25 billion in public and private money

has been spent on the program—nearly half mainly on lawyers and bureaucracy, Rae said.

A TRIBUTE TO CAL RIPKEN, JR.

Mr. PRESSLER. Mr. President, I join with all Americans to applaud the tremendous achievement of Baltimore Orioles shortstop, Cal Ripken, Jr. Tonight, Cal will play in his 2,131st consecutive major league baseball game, eclipsing the previous record set by the immortal Yankee great, Lou Gehrig, in 1939.

I commend Cal not just for the singular distinction of being baseball's all-time iron man, but the way he achieved it: with class and with dignity. His approach to baseball is the approach hard-working Americans take to their professions—each and every day he goes out and tries to do his best not just for himself but for his coworkers, his team. He doesn't try to be flashy or flamboyant. He quietly and consistently goes out and gets the job done. And for nearly 13 seasons without missing a game, he has done just that—he got the job done.

Cal also recognizes that being a baseball player also means being a role model to millions of youngsters. Cal plays his life off the field the same way he plays on the field—with tireless energy and quiet excellence. He devotes time to numerous charities in his community. He spends countless hours signing autographs and working with young people on how to be both good ballplayers and good citizens. Most important, Cal Ripken is a husband and father of two children. When asked about how important this day is to him, Cal was said to have replied that it was indeed a big day because he was driving his daughter, Rachel, to her first day at school.

I commend Cal Ripken, Jr., and wish him well. Tonight, he will make history as baseball's most consistent, hardworking ballplayer. For myself and on behalf of all South Dakotans, I applaud him for that. I also applaud him for demonstrating that same consistency, that same hardworking spirit off the field as well.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the skyrocketing Federal debt, now soaring toward \$5 trillion, has been fueled for a generation now by bureaucratic hot air—and it's sort of like the weather, everybody talks about it but almost nobody did much about it until immediately after the elections in November 1994.

But when the new 104th Congress convened this past January, the U.S. House of Representatives quickly approved a balanced budget amendment to the U.S. Constitution. On the Senate side, all but one of the 54 Republicans supported the balanced budget amendment—that was the good news.

The bad news was that only 13 Democrats supported it and that killed it for

the time being. Since a two-thirds vote—67 Senators, if all Senators are present—is necessary to approve a constitutional amendment, the proposed Senate amendment failed by one vote. There will be another vote either this year or in 1996.

Here is today's bad debt boxscore:

As of the close of business Tuesday, September 5, the Federal debt—down to the penny—stood at exactly \$4,968,612,934,278.22 or \$18,860.94 for every man, woman, and child on a per capita basis.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAMILY SELF-SUFFICIENCY ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The bill clerk read as follows:

A bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

The Senate resumed consideration of the bill.

Pending:

(1) Dole further modified amendment No. 2280, of a perfecting nature.

(2) Daschle amendment No. 2282 (to amendment No. 2280), in the nature of a substitute.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I rise to correct a statement which I made on the floor in the course of our previous 2 days of debate, the beginning of debate, on this legislation. I rise to not only correct my statement but to offer an apology to the Senate if I have misled anyone, which I certainly did not intend, nor did anyone.

On that occasion, I offered a chart, as you see here, indicating the proportion of children who received aid to families with dependent children in 1992.

This data was prepared for us at the Department of Health and Human Services, Mr. Wendell Primus is responsible there, and mistakes were made. He found those mistakes and called them to our attention.

In the meantime, the Washington Times had written a very fine editorial pointing to this data, saying, "My God, if there is ever evidence this system is failing, it will be found in these tables." These bar charts are easily translated into tables. Then we had to inform the Washington Times that the numbers were scrambled. At one point, it was no more than a simple typing error in a computer printout.

But we now have the correct numbers, and I would like to introduce them to the Senate at this time, as against the data I presented on August 8. The new figures are the corrected numbers for 1993.

The data are the estimated proportion of children receiving AFDC, that is aid to families with dependent chil-

dren, title IV of the Social Security Act, in 1993, which is our last count. As you can see, Mr. President, if you were to recall the numbers originally, the city of Los Angeles was recorded as having almost two-thirds of its children on welfare at one point or over the course of a year. That involved a mistake between the city and the county, not something I am sure happens frequently. Los Angeles drops to a point where I can almost say, Mr. President, that in 1993 only 38 percent of the children in Los Angeles were on AFDC at some point or other in the year.

Think what it means to say "only" 38 percent, which is to say quite literally, by Federal regulation—and my friend, the distinguished chairman, will be talking about some of those regulations. I see he has some stacked on his desk. I am reminded, those are historic desks. If they were to collapse under the load of Federal regulation, the historical society would have something to say about that.

But the idea under AFDC regulations, there are not too many requirements of the AFDC Program. One is a limit on assets, and the limit on assets is \$1,000; \$1,000 for households, which is to say these are households that are paupers and have to stay paupers as a condition of staying alive. If you said only 38 percent of the children in our city were paupers during the course of the year, 20 years ago the public would say, "What?"

In Detroit, it is 67 percent. Those figures were adjusted. We found that Los Angeles went down. New York went up; 39 percent of all children at one point of the year. New York is our largest city with about 7.5 million persons. We have at any given time rather more than a million persons on welfare, which is AFDC plus home relief, numbers not known in the depths of the Great Depression. During the Great Depression, in 1937, when you probably had about as much as 30 percent unemployment, there were half a million persons receiving home relief in New York City. Today, in the aftermath of 50 years of economic growth, we look up and there are more than a million. And 39 percent of our children are on AFDC at one point or another in the course of the year.

In Philadelphia, it is 57 percent. In San Diego, it is 30 percent. The San Diego figures and the Los Angeles figures are close in that range. Texas has, generally speaking, a low rate—San Antonio, 20 percent, and Houston, 22 percent. There is a certain uniformity there. The city of Phoenix, AZ, has as prosperous an appearance as any city on Earth. It grows, I have been told, by a square mile a day. The southern Arizona project brings in water. Barry Goldwater provides a welcome and people cannot wait to move out there. There are green lawns where I think there should not be green lawns. That is desert. But that is another matter. In Phoenix, 18 percent of the children

are paupers at one point during the year.

These numbers can be elaborated. To what exact purpose, I would be hesitant to say. But we do know that Senator DASCHLE's legislation, as well as Senator DOLE's and Senator PACKWOOD's, does address this question of putting children on supplemental security income as a mode of welfare benefits.

If you combine AFDC with SSI in 1993, you get yet higher rates. You get 67 percent for Detroit. You see that it goes from 54 percent AFDC when you add SSI. It is a large number. I think it is the case that the number of children receiving SSI has grown by about 400 percent in the last decade. This is not because there are 400 percent more children disabled. We have had administrative interpretations of statutes which increase the number of children in this category. Philadelphia gets 59 percent; San Diego, 30 percent; Los Angeles, 38 percent; Baltimore, 56 percent; New York, 40 percent. And so it goes.

These are horrendous numbers, and they ask for—they demand—some level of interpretation. The Washington Times, in a perfectly fair-minded editorial—to my mind, a fair-minded editorial—had commented on these numbers that are overstated in the case of Los Angeles and understated in the case of New York. It had this in its editorial, "Welfare Shock."

I ask unanimous consent, Mr. President, that this be printed in the RECORD at this point, without the table.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Sept. 1, 1995]

WELFARE SHOCK

Having spent the better part of the past four decades analyzing the statistical fallout of the welfare and illegitimacy crises enveloping our great cities, Sen. Daniel Patrick Moynihan never has needed hyperbole to describe the dreadful consequences of failed social policies. Perhaps that is because the New York Democrat possesses the uncanny ability to develop or cite pithy statistics that shock even the most jaded welfare analyst, case-worker, senatorial colleague or reporter.

Several weeks ago, Sen. Moynihan, appearing on one of the ubiquitous Sunday morning interview shows, shocked his questioners (and, undoubtedly, his television audience) by revealing that nearly two-thirds of the children residing in Los Angeles, the nation's second largest city, lived in families relying on the basic welfare program, Aid to Families with Dependent Children (AFDC). To illustrate that Los Angeles was not unique, he observed that nearly four of every five (!) Detroit children received AFDC benefits.

The accompanying chart details the extent to which residents in the 10 largest U.S. cities have become dependent on AFDC—and the government. After about three decades of fighting the War on Poverty, during which time more than \$5.4 trillion (in constant 1993 dollars) has been expended, perhaps no single statistic offers more proof of the war's unmitigated failure than the fact that federal and state governments provide the financial