

new owner for the property, could be held liable for any further cleanup even though that entity did not engage in any response action at the facility and was not engaged in the generation of any hazardous substance disposed of at the facility.

To further complicate the situation at the Avtex-FMC Superfund site, the EPA has proposed to subdivide putatively clean portions of the site and authorize the transfer of title to the clean sites to a new governmental, industrial, or business owner. In this manner some productive reuse of part of the property could be achieved long before the other polluted portion of the site has been remediated. Taking control of such a clean portion of the site is risky for the transferee because they could be liable for any further remediation required at the site.

Thus, for example, a civic board taking ownership or control of land presently or formerly part of a Superfund site for nonprofit purposes merely with a view to conveying it to a new industrial or commercial entity could be subject to Superfund liability because, for a time, it was an owner or operator of the site, notwithstanding the fact that it never contributed to the contamination of the site. This is the problem facing the WCRB. Likewise, new fresh start users are deterred from taking over the cleaned site for fear of being liable under CERCLA's complicated liability system.

Mr. Speaker, my legislation would allow a civic entity such as the Warren County Redevelopment Board to take title to portions of the site for the purpose of conveying ownership to an economic enterprise that will in turn be granted a fresh start, that is, to take and use the property free of potential liability for past pollution caused by the conduct of other parties at the site. It must be emphasized that the exemption provided by this legislation is strictly limited. Redevelopment authorities will only escape liability if such entity first, has not engaged in any response action at the facility, second, owns the facility or any portion thereof only on a temporary basis for the purpose of transferring the facility to a fresh start user, and third, has not engaged in the generation of any hazardous substance disposed of at such facility. Similarly, fresh start users will only be exempt if they acquired the facility from a redevelopment authority and has not engaged in first, any response action at the facility, second, disposal of any hazardous substance at the facility, or third, the generation of any hazardous substance disposed of at such facility. In short, redevelopment corporations and fresh start users that contaminate the property will not escape liability, but those that have nothing to do with the pollution would not be held liable.

This legislation is a good Government measure which would give State and local governments needed flexibility in the transition of Superfund sites into productive uses. Moreover, shielding the fresh start user from liability for an act for which the new user has no blame is essential to attracting a new business user which would otherwise be deterred by the potential for liability under the current complicated liability structure.

Mr. Speaker, I ask unanimous consent to include in the RECORD a copy of this legislation and a letter from Fred Foster, president of the Warren County Redevelopment Board, in support of this bill immediately following my statement.

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXEMPTION FROM CERCLA LIABILITY FOR CERTAIN REDEVELOPMENT AUTHORITIES AND FRESH START FACILITY USERS.**

(a) EXEMPTION FOR CERTAIN REDEVELOPMENT AUTHORITIES.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following at the end thereof:

“(n) REDEVELOPMENT AUTHORITIES.—No State or local board, commission, or other entity, or any member thereof, appointed or elected pursuant to State or local law to plan for or implement the redevelopment or reuse of a facility shall be liable under this section for costs or damages with respect to any release or threat of release from the facility to the extent such liability is based solely on the entity's status as an owner of the facility under paragraph (l) of subsection (a) if such entity—

“(1) has not engaged in any response action at the facility;

“(2) owns the facility or any portion thereof only on a temporary basis prior to transfer to another entity; and

“(3) has not engaged in the generation of any hazardous substance disposed of at such facility.

(b) FRESH START USERS.—Section 101(35)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking “described in clause (i), (ii), or (iii)” and inserting “described in clause (i), (ii), (iii), or (iv)” and by adding the following after clause (iii):

“(iv) The defendant acquired the facility from a person exempt from liability under section 107(n) and has not engaged in (I) any response action at the facility, (II) disposal of any hazardous substance at the facility, or (III) the generation of any hazardous substance disposed of at such facility. This clause shall not apply to any person who impedes the performance of a response action or natural resource restoration at the facility concerned.”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply only with respect to final agency actions, or court orders issued or judicial decisions made, under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 after the date of the enactment of this Act.

WARREN COUNTY

REDEVELOPMENT CORPORATION, INC.,

Front Royal, VA, July 19, 1995.

Hon. FRANK R. WOLF,

House of Representatives, Washington, DC.

DEAR CONGRESSMAN WOLF: I am writing on behalf of the Warren County Redevelopment Board (WCRB) to thank you for authorizing the drafting of legislation that will protect the WCRB from legal liability as a result of our attempts to obtain productive reuse of the Avtex-FMC Superfund site in Front Royal.

As you know, the EPA has proposed to subdivide the Front Royal site and convey portions of the site that are supposed to be clean on an expedited basis (by the end of this year), long before the entire site has been cleaned up by FMC. As a matter of fact, FMC has proposed to amend its “work plan” to redo the cleaning up work on about 80% of the site which they have already been working on since mid-1980's. In addition EPA is proposing, for FMC approval, a work plan change that will allow them to dispose of contaminated industrial debris in a so called RCRA capsule. Under present law this on-

site disposal will, inter alia, result in an inspection five years after the remedial action has been completed and at a minimum yet another five year reinspection delay thereafter.

One of the problems we face is whether EPA has the legal authority to subdivide a Superfund site. I authorized our environmental counsel to write to the EPA in Philadelphia to request they disclose the basis for their authority to perform this subdivision of the site and the conveyance later this year of a “clean” part of the site to the WCRB.

The legislation protecting the WCRB from liability is necessary only if the subdivision of the Avtex-FMC site is legally authorized. But even under the best case scenario, if the subdivision is legally possible, the WCRB is convinced that they could never interest a new company to take over a “clean” part of the site unless your bill is expanded to protect not only the WCRB but the new company which will become the owner and operator of the subdivided site.

Therefore to be helpful your bill must exempt such a new owner by authorizing a “fresh start” status under which the new company is exempted from liability for hazardous substances and pollutants and contaminants on or near the Avtex-FMC site unless the new owner can be shown to actually release these substances by its own activities.

I am convinced that unless we can convey “fresh start” status to a new enterprise we will be unable to attract any company to use the site even if it can be subdivided prior to total cleanup.

Again, I want to thank you for your efforts on our behalf. The additional authority we believe to be necessary will of course entail action by the Senate as well as the House of Representatives. The WCRB and I personally would appreciate it if you would undertake to arrange a meeting with Senators Warner and Robb to get their support for this legislation.

Sincerely yours,

FRED P. FOSTER, *President.*

**CONDEMN BOMBINGS IN ISRAEL**

SPEECH OF

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 12, 1996*

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of House Concurrent Resolution 149, which condemns the bombings in Israel, and in solidarity with the people and Government of Israel. This recent spate of bombings was a series of heinous and cowardly acts, perpetrated by elements of the Palestinian society that have been rejected by the majority of Palestinians, and completely reviled by the international community.

During this period of grief and mourning by Israelis and Jews the world over, I am pleased to see that we can all come together like this, in bipartisan fashion, to speak against these acts of evil, and support the Israeli people in their efforts to combat terrorism. However, we are faced with a complex question: How can we best combat the evil of terrorism, as it continues to indiscriminately victimize the people of Israel? I think the appropriate follow-up to that would be: How do we then fight this evil effectively, without completely derailing the peace process? That to me is a quandary, but

it's one that I think is not completely unsolvable.

In fact, I think we've seen some recent steps that would lead us to believe that we're in the best position, since the beginning of the process, to resolve this human tragedy of gigantic proportions. It has finally become apparent to the international community that we are all linked in a common struggle; a struggle to eradicate terror from the face of this planet. Without a doubt, we all have a vested interest in fighting the spread of terrorism, and that is why I welcomed last week's Summit of Peacemakers in Cairo as a positive step in that direction.

The importance of forging as broad a coalition as possible to repel these enemies of peace can not be emphasized enough. It no longer suffices to have world condemnation, we must have world action as well. We have avoided this issue long enough; and in our interdependent and inextricably linked international community, we can no longer afford to do so. However, we must also take careful note: we are not attacking Islam, or the Moslem community—we are attacking terrorism, and terrorism has no religion. We are, in sum, fighting against the enemies of peace, and that fight transcends all ethnic and national borders.

We have all, in effect, partaken in a momentous and irreversible process. We can not be deterred from continuing on. As Hasan Abd Al-Rahman, chief representative of the Palestinian Authority in Washington, said in a statement to a recent International Relations Committee hearing on the commitments made by the Palestinians to the peace process: "It's the struggle between those who have placed their lot with peace and those who seek its death." Therefore, I urge all my colleagues to continue to work together, to be vigilant, and to have faith that we can overcome these recent tragedies. Otherwise, the dark forces poised against us can claim their greatest victory.

#### TRIBUTE TO THE CHRON'S & COLITIS FOUNDATION OF AMERICA WOMEN OF DISTINCTION

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 19, 1996*

Mrs. MEEK of Florida. Mr. Speaker, it is my great pleasure to join with the Chron's & Colitis Foundation of America in honoring their 1996 Women of Distinction. The Chron's & Colitis Foundation is the only national organization dedicated to finding the cure for these two debilitating diseases. The 1996 Women of Distinction are being honored for their devotion to making a difference.

Sonja Zuckerman immigrated to the United States 50 years ago, and has spent her time as an active participant for many important causes including life chairperson of the Diabetes Research Institute's love and hope committee, an ambassador for Project Newborn and her involvement with the Children's Resource Fund, and the Greater Miami Opera. Sonja is an inspiration to those who have had the privilege of working with her.

Judge Lenore Carrero Nesbitt is a U.S. district judge and the first to be appointed to the

Federal bench in the southern district. Judge Nesbitt serves the Miami community through many ways, among them through her membership on the Florida civil justice advisory committee, the U.S. Judicial Conference Committee on Criminal Law and Probation Administration, as a member of the board of trustees of the University of Miami, and as a member of the board of directors of the Children's Home Society.

Gwendolyn B. Scott, MD is presently a professor of pediatrics and the director of the pediatric AIDS program at the University of Miami/Jackson Memorial Hospital. Dr. Scott has cared for children with HIV infection and AIDS for many years, and is nationally and internationally recognized for her work in pediatric HIV infection. She also serves as a member of the Dade County Ryan White HIV planning council, as a member of an AHCPR panel to develop guidelines for early HIV treatment, a member of the board of the AIDS Policy Center, and as the director of the Ryan White title IV program at the University of Miami.

Linda Gibb has dedicated her life to making her community a better place to live and caring for those in the world-at-large who are less fortunate. Ms. Gibb is the mother of five children and wife of celebrity Barry Gibb. She has served as international co-chair of the love & hope committee for the Diabetes Research Institute [DRI], raised funding to build the DRI building at the University of Miami, is an active supporter of UNICEF, Miami Beach police athletic leagues, Mt. Sinai neonatal care unit, the New World Symphony, Infants in Need, numerous AIDS charities, and the Andy Gibb memorial foundation.

Dr. Joyce Brothers is the world-renowned dean of American psychologists. Dr. Brothers has pursued many careers simultaneously, she is a regular columnist for Good Housekeeping and writes a daily column that is published in more than 175 newspapers worldwide. In pursuit of this prestigious career, Dr. Brothers gives of herself to help others.

In honor of their giving and caring for others, I salute the Chron's & Colitis Foundation of America 1996 Women of Distinction.

#### A SELLOUT TO CHINA

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 19, 1996*

Mrs. FOWLER. Mr. Speaker, China's recent saber-rattling in the Taiwan Strait has raised eyebrows and anxiety levels all over the world and generated news coverage about China's defense buildup and weapons and technology sales to other nations. These are issues of extraordinary importance, and I am glad to see that they are finally getting some attention.

One area, however, which has been virtually ignored is the fact that United States Government officials have actually aided the People's Republic of China in these activities by loosening export controls and only selectively enforcing laws which are meant to prevent critical technology from falling into the wrong hands. Some of the effects of this short-sighted and dangerous trend were described last week in an article in the Wall Street Journal written by Michael Ledeen, a senior scholar at

the American Enterprise Institute and an expert on foreign policy.

The article addresses some of the implications of our Nation's transfer of technology to China, including the fact that the transfers are undermining stability in the region and jeopardizing our national security. I include a copy of the article to be included in the CONGRESSIONAL RECORD following my remarks.

[From the Wall Street Journal, Mar. 12, 1996]

#### A SELLOUT TO CHINA

(By Michael Ledeen)

Those of us who believe that free trade and free markets are morally, politically and economically superior to state planning must nonetheless recognize that the government should take measures to prevent the sale of particularly dangerous technology to actual and potential enemies. Our victory in the Cold War was due in no small measure to the Reagan administration's successful program to deny the Soviet Union advanced military technology.

Yet that lesson has been forgotten in the scramble for business in the last major Communist dictatorship, the People's Republic of China. As a recent fiasco proves, the Clinton administration has encouraged American corporations to facilitate the rapid growth of Chinese military power, which is now being used to intimidate our democratic friends and allies in Taiwan and elsewhere in Asia, and may someday be directed against us.

#### A STRUGGLING COMPANY

The story involves a struggling aircraft company, McDonnell Douglas. Led to believe they could cash in on a Chinese proposal to purchase large numbers of civilian aircraft, McDonnell executives, in violation of export-control legislation, permitted the Chinese to visit a plant in Columbus, Ohio, where parts for the B-1 bomber and the C-17 strategic transport plane were manufactured. The Chinese took extensive notes, photographs and even videotapes of the machinery, involving advanced "five axis" tools used to manufacture components not only for aircraft but also for cruise missiles and nuclear warheads. Workers at the plant, already enraged by McDonnell's decision to phase out the facility, protested against the Chinese inspection tours. To avoid the workers's wrath, the McDonnell executives smuggled the Chinese in at night or on weekends. The Chinese were so keen to get their hands on the technology that they linked future cooperation with McDonnell to their ability to buy the machinery.

Even though other American companies were interested in buying the equipment, McDonnell, lured by Chinese promises to buy dozens of jointly produced MD-90 passenger planes, insisted on selling it to China at bargain basement prices (about 10 cents on the dollar). The Commerce Department approved an export license in September 1994. According to government officials, the contents of the factory filled 280 semi-trailers, which were driven to the West Coast, whence the stuff was shipped to China.

On its face the sales seemed to violate international agreements among the "Nuclear Suppliers Group," which forbid selling five-axis machinery to any country known to be a nuclear "proliferator" (China is dubbed a "proliferation concern" by the U.S. itself). To justify this extraordinary action, the licenses stipulated that the five-axis machines would be sent exclusively to a new Chinese facility in Beijing, where they could be monitored, but U.S. officials failed to conduct any preshipment inspection of the new factory. If they had, they would have discovered that it did not exist. The Chinese had created a Potemkin factory in order to acquire