

contrast, are directed against people only 11 percent of the time.

This legislation is long overdue. Looking back on this year alone, one might recall the litany of news stories describing a murderous rampage at a school in Littleton, Colorado; or the drive-by shooting attacks on Jews, an African-American, and Asian-Americans in Chicago, Illinois; or the two pipe-bomb explosions at the predominantly African American Florida A&M University; the brutal murders of two gay men in California; or the torching of synagogues in California; all despicable acts of virulent hatred.

We should work to give our citizens protection from those who would do them harm simply based upon their race, religion, gender, disability, or sexual orientation. Enactment of the Hate Crimes Prevention Act would send a message to our nation and the world that the singling out of an individual based on any of these characteristics will not go unnoticed or unpunished.

Mr. President, I urge my colleagues to enact this important legislation prior the end of this session.

#### SUPERFUND TAX RENEWAL

Mr. ENZI. Mr. President, I stand again in opposition to a proposal from my Democratic colleagues that attempts to renew the expired Superfund tax for the sole purpose of raising revenue to meet budgetary targets. We are once again faced with a policy which advances spending for social programs on the backs of small business owners and municipalities without any attempt to reform the current program.

I am puzzled at this current proposal for several reasons. First, it is estimated that the Superfund Trust Fund has maintained a surplus of \$1.5 billion. In addition, appropriation committees in the House and Senate have allotted \$700 million in general revenue to supplement funding for the program through Fiscal Year 2000. According to an analysis conducted by the Business Roundtable, it is estimated that the Superfund Trust Fund will have sufficient funding through 2002 without the need for further taxes.

Even without the imposition of taxes, contributions to the Superfund Trust Fund are plentiful. In 70 percent of all sites responsible parties paid cleanup costs in addition to reimbursing the EPA for its oversight expenditures. These payments, and the collection of all related costs to the EPA, are applied to the Trust Fund. In the remaining 30 percent of cases, the responsible parties pay the EPA to scrub the contaminated site in addition to paying for oversight costs. According to the Chemical Manufacturers Association, only 3 out of 150 sites required sole payment from general revenues because the parties involved either abandoned the site or were bankrupt.

The premise behind the initial creation of the Superfund program was to

facilitate a rapid cleanup of hazardous waste sites nationwide, with the responsible parties largely funding the site cleanup. This is a relatively simple and logical concept known as the "polluter pays" principle.

Secondly, the EPA has admitted that the Superfund program is drawing to a close. Under such conditions, there is no compelling reason to reinstate a tax to fund a program which is not only flawed, but is being phased out.

I ask my colleagues to heed the advise of numerous business and taxpayer organizations that oppose the reinstatement of the superfund tax in the absence of overall reform. I ask unanimous consent that the letters from the following organizations be printed in the Record:

U.S. Chamber of Commerce, American Petroleum Institute, The Business Roundtable, American Insurance Association, and Americans for Tax Reform.

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

AMERICANS FOR TAX REFORM,  
Washington, DC, October 28, 1999.

Hon. BILL ARCHER,  
Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN: I am writing to support your publicly-stated opposition to the imposition of any new taxes related to potential Superfund reform legislation pending in the House of Representatives. At a time when the non-Social Security budget surplus is projected to grow as high as \$1 trillion, Congress should not be raising taxes to pay for more government spending.

Furthermore, the Corporate Environmental Income Tax (CEIT) that expired in 1995 is a direct tax on corporate income. Thus, if any one of the 209 of Members of the House Republican Conference who signed the Americans for Tax Reform pledge not to raise new personal or corporate income taxes were to vote for them, they would be in direct violation of their signed pledge.

The House of Representatives has correctly rejected President Clinton's proposal for new taxes on at least three different occasions, most frequently by passing the Sense of Congress that Congress should not raise taxes to pay for more government spending. We hope that this steadfast opposition to any new tax increases continues in the debate over reform of the Superfund program.

In summary, no new taxes means no new taxes, and we support your position not to raise any taxes to pay for more spending.

Sincerely yours,  
GROVER G. NORQUIST.

THE BUSINESS ROUNDTABLE,  
Washington, DC, October 19, 1999.

Hon. J. DENNIS HASTERT,  
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The Business Roundtable is opposed to renewal of the Superfund taxes for purposes of raising revenue to meet budgetary targets. By law the Superfund Trust Fund was intended to be dedicated to cleaning up sites on the National Priorities List (NPL) and not for other budgetary purposes. The Superfund is funded both by Superfund taxes, but also from recovery of cleanup costs from responsible parties. Members of The Business Roundtable fall significantly in both categories.

We strongly believe that the taxes, which expired in 1995, should not be renewed for the following reasons:

1. The Superfund Trust Fund has an estimated surplus of \$1.5 billion. In addition, both the House and Senate appropriations committees have allotted \$700 million in General Revenues to supplement funding for the Superfund program through fiscal year 2000. Under our analysis, we estimate Superfund will have sufficient funding through the year 2002 without renewal of the taxes.

2. Under the Superfund law's liability scheme, responsible parties largely fund site cleanup regardless of the imposition of taxes. The preponderance of funding for Superfund is driven by the law's liability scheme, not from taxes. Most "deep pocket," responsible parties contribute well in excess of their actual fair share of responsibility. Where EPA spends money from the Trust Fund for cleanup, these expenditures are also in large measure recovered from responsible parties.

3. The Business Roundtable continues to support the principle that Superfund taxes be tied to comprehensive Superfund reform, including Natural Resource Damages. Both the House Transportation and Infrastructure Committee and the House Commerce Committee have reported reform bills. "Regular order" would suggest that any future federal funding of superfund be tied to an assessment of the impact of these reforms on the future of the program. Taxes should not be renewed absent comprehensive reform, and the current bills need to be evaluated against this criterion. In particular we would note that at this point the legislation is silent on Natural Resource Damages, which we believe must be reformed.

4. Finally, both House and Senate Appropriations for EPA include directives for a study of the costs to cleanup the remaining sites on the NPL and bring the Superfund program to successful closure. We support such an analysis to determine what the actual cost estimates are for Superfund. Under an earlier Roundtable analysis we concluded that it would be feasible to finance the current program at a rate of about 20 to 30 new sites per year (historical average) with an endowment representing approximately four years worth of funding (historical tax rates). There is no compelling reason to reinstate the taxes at their full rate for five years to fund a program which is phasing down. Nor should funding be renewed absent completion of the analysis directed by both House and Senate committees.

We urge you to resist any efforts to reinstate Superfund taxes for budgetary purposes, absent the Congressionally directed evaluation of future program costs and reform legislation, which includes Natural Resource Damages.

Thank you for your consideration.

Sincerely,

ROBERT N. BURT,  
Chairman, The Business Roundtable Environmental Task Force, Chairman and CEO, FMC Corporation.

AMERICAN INSURANCE ASSOCIATION.  
Hon. J. DENNIS HASTERT,

Speaker of the House,  
U.S. House of Representatives, Washington, DC.

Hon. RICHARD A. GEPHARDT,  
Minority Leader, U.S. House of Representatives.

Hon. TRENT LOTT,  
Senate Majority Leader, U.S. Senate.

Hon. THOMAS A. DASCHLE,  
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR MR. SPEAKER, MR. LEADER, MR. GEPHARDT, AND MR. DASCHLE: In recent days proposals have been made to reinstate the expired Superfund taxes to provide revenue offsets for non-Superfund spending—such as the tax extenders bill now under consideration—without enacting meaningful Superfund reform. In addition, as this session of Congress

draws to a close, there may be separate attempts to attach to unrelated legislation Superfund liability carveouts that shift cleanup costs to parties who remain liable at Superfund sites. We are writing to express our continued strong opposition to both of these proposals.

No Superfund Taxes Without Meaningful Superfund Reform.

Reinstatement of the expired Superfund taxes prior to enactment of meaningful Superfund reform would effectively prevent legislative reform of the Superfund program. That's because under the "pay-go" rules of the Federal budget laws, any Superfund re-authorization bill that includes mandatory spending provisions must also include provisions to reinstate the expired Superfund taxes or provide equivalent offsetting revenues "within the four corners of the bill" to keep it deficit neutral. Thus, if the Superfund taxes were to be enacted prior to consideration of a Superfund reform bill, Superfund reform could not be enacted without finding a new source of revenue, essentially an impossible task.

The taxes should not be prematurely reinstated, especially now that legislative reform of the Superfund program is within our reach. On August 5th the House Transportation and Infrastructure Committee voted 69-2 to report H.R. 1300, the Recycle America's Land Act, introduced by Subcommittee Chairman Sherry Boehlert. That bill now has some 138 cosponsors, divided nearly equally between Democrats and Republicans. The House Commerce Committee is expected to mark up a similar bill, Mr. Greenwood's H.R. 2580, in the next few days.

In the meantime, the Superfund program does not need reinstatement of the taxes to continue operating at full speed. The current surplus in the Superfund Trust Fund, combined with continued appropriations at the most recent level, mean the program will be fully funded through at least FY 2002. In fact, even with enactment of legislative reform, reinstatement of the taxes at the full levels that existed prior to their expiration in 1995 is not necessary. As the Boehlert bill, H.R. 1300, recognizes, any new funding for Superfund should be carefully tailored to reflect the declining needs of the cleanup program, which EPA has acknowledged is winding down.

#### No Cost-shifting for Liability Exemptions.

We are also concerned that there may be attempts this year (just as there were last year) to provide liability relief for certain parties by inserting amendments into appropriations bills or other legislation. While we do not oppose properly-crafted liability exemptions for small business, municipalities, recyclers, or others, we do oppose exemptions that shift their shares of cleanup costs to the remaining Superfund parties. Under the Boehlert bill, H.R. 1300, these costs would be part of the orphan share paid by the Trust Fund. This is the original purpose for which Congress created the Trust Fund.

There is certainly no justification for shifting these orphan shares to the other parties. In fact, in recent years even EPA has consigned much more of these orphan shares to the Trust Fund. Shifting costs to other parties is not only unfair, it is one of the main causes of litigation and the attendant cleanup delay at Superfund sites.

In sum, we urge you to oppose reinstatement of the expired Superfund taxes without enactment of meaningful Superfund reform. We also urge you to oppose Superfund liability exemptions which shift cleanup costs to other liable parties.

If we can provide assistance or further information on these or other related matters, please do not hesitate to call on us.

Sincerely,

ROBERT E. VAGLEY,  
President.

U.S. CHAMBER OF COMMERCE,  
AMERICAN PETROLEUM INSTITUTE,  
October 8, 1999.

Hon. J. DENNIS HASTERT,  
*Speaker of the House, U.S. House of Representatives, Washington, DC.*

Hon. RICHARD A. GEPHARDT,  
*House Minority Leader, U.S. House of Representatives, Washington, DC.*

Hon. TRENT LOTT,  
*Senate Majority Leader, U.S. Senate, Washington, DC.*

Hon. THOMAS A. DASCHLE,  
*Senate Minority Leader, U.S. Senate, Washington, DC.*

DEAR MR. SPEAKER, SENATOR LOTT, MR. GEPHARDT, AND SENATOR DASCHLE: We are writing to express our concern about possible efforts to reinstate the expired Superfund taxes. Proposals to reinstate the taxes solely as a means of raising revenue without enacting comprehensive reform of the Superfund program are very disturbing to us. Raising taxes on industry runs directly counter to congressional efforts to reduce taxes. Furthermore, the Superfund taxes do not need to be reinstated to keep the program going. Under the most recent appropriations and funding mechanisms, the trust fund will remain solvent for many years as the program begins to wind down. Even by EPA's own admission the Superfund program is drawing to a close.

The Superfund program was created to address a broad problem—paying for the clean-up of "orphan" waste disposal sites (those that were either abandoned or whose owners were bankrupt). A wide range of individuals, businesses and government entities have contributed to Superfund sites, therefore general revenues should pay for the program's administrative costs and the clean-up of sites where the responsible parties cannot be found.

In 1995, the Superfund taxes expired. EPA officials claim that using general revenues rather than industry-specific taxes to pay for Superfund would "constitute paying for polluters' clean-ups on the 'backs' of the American taxpayers." That is simply not true. Private sector responsible parties (the so-called "polluters") have always paid the majority of cleanup costs associated with the program. In addition, all responsible parties continue to pay their share of Superfund clean-up costs, even though the dedicated taxes have expired. Under CERCLA's strict joint and several liability standard, persons identified as contributing wastes to a Superfund site are paying their share (in addition to the shares of other contributors) of the clean-up costs.

Even without industry tax revenues, Superfund will have sufficient funding from general revenues, fines, penalties, and profits on investments to support the program into Fiscal Year 2002. For fiscal year 2000, the Appropriations Committees have chosen to fund between \$700 and \$725 million of the Superfund program from general revenues. In fact, Congress can fund the entire program from general revenues, according to the General Accounting Office and the Congressional Budget Office.

Simply stated the Superfund taxes should not be reinstated—instead, general revenues should continue to be used to pay for the program. Reinstating industry-specific taxes is not consistent with Congress' intent for the program, that is, whenever possible, polluters should pay for the costs of cleaning up the sites they helped contaminate. The debate over Superfund should not be about reinstating the taxes. It should be about winding down the program as it completes its original mission and devolving the day-to-day operation of the program to the states.

Sincerely,  
RED CAVANEY,

American Petroleum

Institute.

THOMAS J. DONAHUE,  
*Chamber of Commerce  
of the US.*

Mr. ENZI. Mr. President, now is not the time to consider tax increases to pay for government spending, especially at the same time we are experiencing a non-Social Security surplus, projected to grow as high as \$1 trillion over 10 years, and at a time when American citizens are paying taxes at the highest peacetime rate in history.

Mr. President, I yield the floor.

#### SAFEGUARDING OUR SECURITY

Mr. TORRICELLI. Mr. President, there are few matters of more importance to the nation than the safeguarding of our security. Every day, tens of thousands of men and women wear the American uniform proudly in all the world's time zones while guarding against threats to American citizens and our interests. Perhaps there is no more perilous environment in which our servicemen and women operate than beneath the oceans. Because of the secrecy demanded by the myriad missions, Navy submariners have come to be known as the silent service. Often reluctant to speak on their own behalf, I commend to my colleagues attention the following article which is of great importance, not only to our nation's undersea warriors, but to the nation's security.

The commentary in Defense News touches upon an important opportunity. It is the chance to secure more useful life from four Ohio-class submarines slated for retirement. The article suggests the possibility of converting them from their strategic nuclear duties into tactical Tomahawk shooters able to provide our overseas warfighting commanders additional striking capability.

I ask unanimous consent this article be printed in the RECORD.

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

[From Defense News, Mar. 29, 1999]

CONVERTED SUBMARINES COULD BOLSTER U.S. POWER PROJECTION  
(By Ernest Blazar)

Power projection can be a difficult concept to understand in the abstract. It is a nation's ability to make its military might felt beyond its borders—as diplomacy's coercive underpinning, deterrence or in actual combat.

American power projection has taken many forms in years past; the man-o-war, expeditionary Marines, the dreadnaughts of the Great White Fleet, the aircraft carrier, the Army's 82nd Airborne division and the Air Force's expeditionary wings. Different crises have demanded different kinds of U.S. power projection at different times.

In recent years, however, U.S. power projection at the lethal end of the spectrum combat has increasingly relied upon a single tool. Since its 1991 Persian Gulf war debut, the Tomahawk cruise missile has become the weapon of choice when crises demand swift and accurate U.S. military response.