seems senseless to appropriate billions of dollars to upgrade a system to secondary treatment when our ocean waters are adequately protected at the primary levels.

The Environmental Protection Agency [EPA] has been trying to force San Diego to upgrade its wastewater treatment plant, at a cost of billions, to comply with the act. The Clean Water Act mandates that cities use secondary treatment of sewage which removes at least 85 percent of the solids from sewage. However, San Diego's Point Loma Wastewater Treatment Plant uses advanced primary treatment to remove approximately 82 percent of the solids before it is discharged 4.5 miles out into the ocean.

For years, San Diego has argued that because of its deep ocean outfall, secondary treatment of its sewage is unnecessary and costly. According to noted scientists from Scripps Institute of Oceanography, it may even be detrimental to the environment. That is why I am encouraged that H.R. 794 would allow the city of San Diego to be free of the requirements regarding biological oxygen demand and total suspended solids in the effluent discharged into marine waters. Such modifications will not alter the balance of our marine life and viability.

As a Representative of San Diego, a retired naval officer, and all around sea-lover, I have immense concerns for the proper treatment of our waters. San Diego is unique in its ability to discharge of its waste into deep waters. We are unlike so many cities that must discharge into lakes and rivers. I believe this issue should be treated as a matter of common sense. According to current law, San Diego would be required to waste money to alter a system that has proven successful. The intent of H.R. 794 is to allow San Diego to treat its sewage in a cost-effective, as well as environmentally safe, manner.

Finally, I would like to thank Representative BILBRAY for his efforts in this regard. This legislation would help to right a major wrong for San Diego. I look forward to the consideration of H.R. 794 in the near future. Speaker GINGRICH has also stated his concern for this unique situation. Speaker GINGRICH has proposed that 1 day a month be set aside in the House for the consideration of bills, such as this, targeted to eliminate specific activities of Federal agencies that are deemed stupid. I believe this is a perfect example of an unfunded mandate at its worst. As witnessed by majority votes in the House and Senate, there is a need to prevent Congress from imposing mandates, often unnecessary, on States without providing the proper funding for them.

INTRODUCTION OF THE TOXIC POLLUTION RESPONSIBILITY ACT AND THE MUNICIPAL LIABILITY CAP ACT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1995

Mr. SMITH of New Jersey. Mr. Speaker, today, I reintroduced legislation addressing one of the central problems in the Superfund Program—municipal liability. I have introduced this legislation in the past two sessions and was pleased that it was included in principle in the comprehensive Superfund reform which was supported by a wide coalition and nearly gained congressional approval last year.

The Toxic Pollution Responsibility Act and the Municipal Liability Cap Act would free local governments from the costly entanglements of third party lawsuits generated by parties eager to share the costs of Superfund cleanup. Far too often, potentially responsible parties [PRP's] with obligations to contribute to cleanup costs initiate third party lawsuits against communities which had disposed simple municipal solid waste as sties which later found their way onto the National Priorities List [NPL]. Sometimes, these legal actions are predicated on serious, but erroneous, intentions of shifting cleanup costs to municipalities and taxpayers. Sometimes, however, they are just dilatory tactics meant to postpone final payments and cleanup.

The success of these tactics is obvious. In the 15 years of the program, only 5 percent of the 1,245 sites on the NPL have been completely cleaned up. And for that small accomplishment, an estimated $20 billion in combined Federal, State, and private funds has been spent. The National Association of Manufacturers estimates that the average site clean up takes 11 years and between $25 and $40 million. This is a far cry from the original EPA estimates of 5 to 8 years and $7 million.

To linger in negotiations and courts for years on end is very costly. A November 1993 Rand Corp. study of Superfund-related expenditures for 108 companies indicates that 32 percent of these combined expenses went to legal fees. There are few municipalities—particularly small communities—which can afford such exorbitant prices. To meet these costs, implicated towns would have little recourse other than tax hikes and/or reduced local services.

And beyond this, these lawsuits have averted the main principle of the Superfund law—to make the polluter pay.

Municipalities are not the hazardous waste polluters. They disposed simple everyday waste at these sites—coffee beans, toilet paper tubes, and banana peels—and not the industrial hazardous waste which transformed simple landfills into Superfund sites. There is no equating one with the other. And the law must reflect this distinction.

Furthermore, communities performed this duty not only to fulfill their traditional local responsibilities, but at the behest of the U.S. Congress and the Environmental Protection Agency [EPA]. In passing the Resource Conservation and Recovery Act of 1976 [RCRA], Congress specifically noted that ''the collection and disposal of solid wastes should continue to be primarily the function of State, regional, and local agencies.'' Congress was clear in RCRA that local governments should hold the primary responsibilities in solid waste management within their jurisdiction. Are we to punish them now for complying so efficiently?.

The two bills which I have introduced today recognize the innocence of these actions. The provisions of the bills apply to transporters and generators of municipal solid waste which have not been named by the EPA as PRP's. The first of my bills—the Toxic Pollution Responsibility Act—would entirely exempt these parties from the threat of third party suits. The second of my bills—the Municipal Liability Cap Act—would cap the total municipal liability obligation at 4 percent for each site. This cap was first advocated in 1992 by an internal EPA review board. This principle was also incorporated into last year's comprehensive Superfund reform proposal as a 10-percent cap on municipal liability.

The overwhelmingly decisive passage of unfunded mandates legislation by the House demonstrates our commitment to providing overburdened local governments with long overdue relief. These are our partners in governance and serve the same citizens we serve. We owe them this much. I encourage my colleagues to cosponsor one or both of these initiatives and I encourage the House Committee on Commerce to consider this important proposal for inclusion once again in a comprehensive Superfund reform package.

A DECENT MINIMUM WAGE

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1995

Mr. WARD. Mr. Speaker, I would like to bring to the attention of my colleagues an article by Robert Kuttner which appeared in the January 29, 1995 issue of the Washington Post. I feel that this article vividly illustrates the need for an increase in the minimum wage and I hereby submit the following text of this article for the RECORD.

[From the Washington Post, Jan. 29, 1995]

A DECENT MINIMUM WAGE

(By Robert Kuttner)

President Clinton wants to raise the minimum wage. The Republicans object. Indeed, House Majority Leader Richard Armey wants to repeal existing minimum wage laws.

Politically, this was a difficult call for Clinton. On the one hand, raising the minimum wage seems to contradict Clinton's well-advertised return to his ''New Democrat'' roots. The federal minimum wage evokes FDR, factory workers and the Great Depression, a set of images that Clinton hopes to transcend. The middle class, object of Clinton's courtship, earns a lot more than the minimum wage—or it isn't middle class.

At the same time, a higher minimum wage clearly resonates with the Clinton theme of honoring work. In his State of the Union speech, the president once again saluted Americans working longer hours for less pay, and suggested they deserve more reward. These are precisely the people who've stopped voting, but who tend to vote Democratic when they vote at all.

Contrary to mythology, most of the 4 million minimum wage workers are not teenagers flipping burgers after school. They are breadwinners, mostly female, contributing to an increasingly inadequate household income.

Moreover, the value of the minimum wage has deteriorated markedly. Throughout the late 1950s, under President Eisenhower, it had a real (inflation adjusted) value of over $5 an hour in today's dollars. In the mid-'60s, before eroded by inflation again, it peaked at $6.38—50 percent higher than today's value. As recently as 1978, it was worth over $6, enough for two breadwinners to earn a barely middle-class living. Today it is just $4.25.

In that sense, the Republican views on the minimum wage are also contradictory. Republicans, even more fiercely than President Clinton, want to replace welfare with work. But if work doesn't pay a living wage, then

even people who dutifully take jobs can't pay the rent.

Republicans also want budget balance. But hiking the minimum wage is a lot more budget-friendly than having government subsidize low-wage work.

The government's principal device for making work pay is the Earned Income Tax Credit—a kind of negative income tax targeted to low-wage workers with families. It was expanded, with strong bipartisan support, in 1993. Next year, the EITC will cost the federal budget more than $15 billion.

Of course, the Republican desire to encourage work and reduce federal outlays clashes with the Republican worship of unregulated markets. Conservatives, seconded by many economists, have long argued that minimum wage laws reduce jobs. By raising the cost of workers, minimum wages force industry to make fewer hires.

That makes intuitive sense. However, a new and comprehensive study by two Princeton University economists rebuts the conventional wisdom. Economists David Card and Alan Krueger had a laboratory case when New Jersey raised its state minimum wage and neighboring Pennsylvania did not.

Card and Krueger found that employment in New Jersey actually expanded after that state hiked its minimum wage from $4.25 to $5.05 an hour in April 1992. Comparable fast-food outlets across the river in eastern Pennsylvania, whose minimum wage remained at $4.25, experienced lower job growth. Nor was New Jersey's hike in wages offset by reduced fringe benefits. The economists found similar results in studying other states.

What explains these surprising findings? In their forthcoming book, ''Myth and Measurement'' Card and Krueger find that management has a degree of ''market power.'' They could have been paying higher wages all along. They simply chose not to, given that enough workers were available at the lower wage.

Contrary to the usual claim that higher minimum wages are inflationary, they also found that restaurants mostly did not respond to the higher labor costs by raising prices. Rather they offset the higher pay with improved output and lower turnover. In some cases, they simply absorbed the higher costs.

At some point, say $7 an hour, Card and Krueger agree that a higher minimum wage would likely reduce employment. But with the value of the minimum wage having eroded so badly, we are nowhere near that tipping point.

All of this suggests that the wisdom of legislating a decent social minimum is far from a cut-and-dried economic proposition. It is simply a political choice.

As a society, we can permit employers to recruit as many low-wage workers as they please, at the lowest going rate. But it turns out that the path of low productivity and low wages doesn't necessarily produce more jobs. Alternatively, we can insist that more company earnings be shared with employees—and we may well reap a more productive economy as well as a fairer one, at less cost to the taxpayers.

By embracing higher minimum wages, President Clinton has identified himself with the work ethic and with the occasional virtue of government regulation to correct imperfect markets and protect vulnerable people. In a speech that otherwise seemed heavily Republican, it was a good place to draw the line.

LINCOLN'S LASTING LEGACY

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1995

Mr. RADANOVICH. Mr. Speaker, many of us are about to return home, to the communities we represent and to the constituents we serve, to join in observing Lincoln Day. In the words of the man whose birth 186 years ago we celebrate on February 12 and whose memory we venerate, that commemoration is ''altogether fitting and proper.'' It also is, in my belief, remarkably timely when we pause to compare Mr. Lincoln's views on Government to what we understand is the mandate that brought us to Washington.

Recently, when our neighbors on Capitol Hill, the Library of Congress, put on public display the original manuscripts of the Gettysburg Address, I joined with tens of thousands of our fellow Americans who visited this exhibition. While there I talked with members of the Library staff in charge of rare documents and was given a brief tour of the stacks in which are held some of the papers of our past Presidents, including Abraham Lincoln.

I assure my colleagues and constituents, Mr. Speaker, that it was one of the more memorable moments of my life to hold in my hands correspondence and other materials actually written by Mr. Lincoln. And, of course, there was that simple signature we have seen reproduced so many times in so many places, ''A. Lincoln.''

The experience moved me to look anew at Lincoln works and words. At every turn it seems, Mr. Lincoln demonstrated a strict adherence to the ideals of our Founders. His proclamation in 1863 said:

> No service can be more praiseworthy and honorable than that which is rendered for the maintenance of the Constitution and the consequent preservation of free government.

The Lincoln basic belief in self-government is compellingly clear in an 1858 Chicago speech:

> I have said very many times . . . that no man believed more than I in the principle of self-government; that it lies at the bottom of all my ideas of just government from beginning to end.

Mr. Lincoln's definition of Government's purpose stands at the best I ever have encountered. Speaking in Springfield, IL in 1854, he said:

> The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all, or cannot do so well for themselves, in their separate and individual capacities. In all that people can individually do as well for themselves, government ought not to interfere.

The preeminent position of the people in public affairs was a Lincoln guiding light. As a Member of this House of Representatives, he spoke from the floor in 1848:

> In leaving the people's business in their own hands, we cannot be wrong.

In his First Inaugural Address, President Lincoln asked in 1861:

> Why should there not be a patient confidence in the ultimate justice of the people; Is there any better or equal hope in the world?

On Independence Day that year, the message to Congress from President Lincoln advised:

> The people themselves, and not their servants, can safely reverse their own deliberate decisions.

And, from perhaps one of the most-repeated of Lincoln quotations comes his counsel about the ultimate wisdom of the people:

> You can fool all the people some of the time and some of the people all of the time, but you can't fool all of the people all of the time.

Mr. Speaker, Abraham Lincoln also addressed the meaning of mandates from the people who elect us. His 1861 speech in Pittsburgh as President-elect referring to the balloting behind him should admonish us today as we reflect on our own elections:

> We should do neither more nor less than we gave the people reason to believe we would when they gave us their votes.

These are the Lincoln lessons. They are the Lincoln legacy.

As I prepare to commemorate Lincoln Day with friends and family in Fresco, Mariposa, and elsewhere in California's 19th District, I pledge that my service will remain faithful to Lincoln principles.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1995

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained during the vote on the Spratt-Moran amendment to expend the President's line-item veto authority to include tax loopholes. Had I been present for this vote, I would have voted ''Aye.''

HONORING DR. LAURA FLIEGNER

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1995

Mr. HINCHEY. Mr. Speaker, on February 25, my friends in Ulster County, NY, will gather to pay tribute to a woman who has dedicated years of service to our community. It is an honor and a privilege to ask that this body join me in tribute to Dr. Laura Fliegner, a woman of considerable talent and vision, who has served as district superintendent of the Ulster County board of cooperative extension since 1987.

It has been a personal pleasure to count Dr. Fliegner among my friends and advisors over the years. She is a woman dedicated not just to the education and training of our community's young people, but she is also committed to making the community more receptive and eager to particpate in the many good works that she has initiated. Laura has a rare gift for conveying to a wide constituency the importance of our young people and the vital contribution that they can and should make to our community. In her capacity as liaison and board member to a wide range of service and business organization throughout the Hudson