

as its chair and continues to be an active member. The foundation's purpose is to work with businesses to secure grants for both teachers and students. Under Marsha's leadership, the foundation has made a difference in Milpitas. Since Marsha was recently elected to the Milpitas Unified School District, she is no longer able to serve on its board of directors, but I am certain that she will continue to be even more dedicated—if that is possible—to our schools in her new capacity.

In 1990, Mayor McHugh appointed Marsha to the Parks, Recreation and Cultural Resources Commission for the city of Milpitas. She currently serves as the commission's chair. She has also been an active member of the Milpitas Volunteer Partners Program for many years where she has participated in such programs as the Fall Fest and Milpitas USA Parade and Festival. Marsha also recently cochaired the Great Mall of the Bay Area Evening Gala which raised over \$35,000. She has also been a member of several other organizations such as the Little League, Cub Scouts, Pal Soccer, the Milpitas Chamber of Commerce, and Trinity Episcopal Church.

Marsha is also a successful businesswoman who, while raising a family and managing her child care business, has always taken the time to give back to her community. That is why I am proud to recognize Ms. Marsha Grilli as the 1995 Milpitas Citizen of the Year.

TRIBUTE TO TERRANCE NELSON
HOSKINS MEDINA

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1995

Mr. LINDER. Mr. Speaker, I want to take this opportunity to recognize Terrance Nelson Hoskins Medina on his accomplishment of earning the rank of Eagle Scout. This is a substantial achievement demonstrating his abilities and perseverance, as only 2 percent of all Scouts ever achieve the Eagle rank.

Terrance began Scouting in 1988, as a member of the Emory Presbyterian Church-sponsored Troop 55. However, in just 2 years Terrance had moved from Troop 55 to Troop 455, where he was elected to the Order of the Arrow. On February 7, 1995, he completed his Eagle Scout requirements having reconstructed a 60-by-5-foot bridge for the Morningside Presbyterian Church.

Aside from Scouting, Terrance has maintained an "A" average, while still allowing enough time to devote himself to his music. For the past two summers, Terrance has participated in the highly competitive program at Interlochen, MI, where he specialized in the flute. He has also performed for the Atlanta Symphony Youth Orchestra and Olympic band and was also named to the All State band in 1994. After graduation, he plans to attend a conservatory where he can continue his study of music.

I extend my congratulations to Terrance, who should be justifiably proud of his accomplishments. I also congratulate his parents, Augusto and Norma Medina, and his adult Scout leaders whose support and encouragement helped make his goal a reality.

INTRODUCTION OF THE HAYES-
BAKER SMALL BUSINESS
AMENDMENT TO H.R. 5

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1995

Mr. HAYES. Mr. Speaker, as much as the debate surrounding unfunded Federal mandates is grounded in Federal irresponsibility toward State and local governments, unfunded mandates also undermine our respect for and commitment to the small entrepreneur. 97.6 percent of the nongovernmental, non-agricultural businesses in my home State of Louisiana employ 99 workers or less. We depend on the small businessman to provide jobs for our children and our grandchildren. With unfunded mandates already estimated to cost \$229 per capita in fiscal year 1995, Louisiana's small businessmen and their employees can ill-afford to shoulder any additional regulatory burdens.

It is for these reasons that my Louisiana colleague, RICHARD BAKER, and I proposed an amendment to H.R. 5 to ensure that the business community is adequately factored into the unfunded mandate equation. Our proposal is consistent with the substance and intent of our own regulatory and legislative review bill, the Small Business and Private Sector Economic Impact Act, H.R. 58.

This amendment would modify title III of H.R. 5 to require that the Director of the Congressional Budget Office [CBO], at the request of any standing committee of the House or Senate, consult with and assist those committees in analyzing, when practicable, whether legislation has a significant employment impact on the private sector. The CBO will continue to examine the significant budgetary impact on State, local, or tribal governments as well as the significant financial impact on the private sector. Given the enormous workload that CBO must shoulder to fulfill its current obligations under this bill, our amendment necessarily focuses the committees on unfunded mandates specifically impacting jobs. At the same time, our amendment allows the committees to appropriately prioritize to ensure that the legislative process is not bogged down and that the CBO does not study employment issues whenever such matters are nongermane or de minimis.

President Wilson once characterized our search for direction by saying that "there is much excitement and feverish activity, but little concert of thoughtful purpose." I believe that his insight paints an accurate picture particularly when, as is currently the case, the Federal bureaucracy fails to set priorities, places its needs ahead of those of the people it is supposed to serve, and when regulators, and Members of this body for that matter, propose inane, onerous laws and regulations without regard for who ultimately must pay for them. Clearly, the people should be made aware of the full effect, good and bad, that their Government's actions will have on them. This amendment would help prevent the Federal Government from shirking its responsibility.

INTRODUCTION OF THE RURAL
TELEMEDICINE ACT OF 1995

HON. BLANCHE LAMBERT LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1995

Mrs. LINCOLN. Mr. Speaker, I rise today along with my two colleagues, Congressman JAY DICKEY and Congressman BILL RICHARDSON to introduce a bill which will have far-reaching implications for rural citizens in our Nation. This legislation, the Rural Telemedicine Act of 1995, will finally provide rural health care providers with Medicare reimbursement for the telemedicine services they provide.

Telemedicine, while not all that new, has the potential to become the breakthrough technology for rural residents and their access to specialized and emergency health care. However, we have a role in making sure that rural residents have access to this possible innovation.

In the past, Congress has focused solely upon providing funding for the equipment to transmit telemedicine services. This bill will enhance our efforts by giving providers in rural areas appropriate Medicare reimbursement for the services they are already providing for free. I am concerned that if we do not begin to pay for utilization, this service will not meet its potential and rural constituents will be left out in the cold again.

The Rural Telemedicine Act of 1995 is very cost conscious. The Health Care Financing Administration [HCFA] will oversee the disbursement of the Medicare funds to determine that care givers are using telemedicine appropriately. In addition, HCFA must provide Congress with several reports, both during and after this project's 3-year lifetime. This provision alone removes the blank-check syndrome we have experienced through pilot programs being constantly reauthorized. In this instance, Congress will receive substantive data about the most viable uses of telemedicine.

I urge Members of this House to seriously consider cosponsoring the Rural Telemedicine Act of 1995. Please assist your rural constituencies in gaining access to viable health care options.

AMENDING THE CLEAN WATER
ACT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1995

Mr. CUNNINGHAM. Mr. Speaker, on February 2, 1995, I was pleased to join my colleagues from San Diego in introducing H.R. 794. Representative BILBRAY's bill, H.R. 794, is intended to amend the Clean Water Act to exempt San Diego from secondary sewage treatment requirements of its wastewater.

Current law requires every city, no matter its environmental conditions, to handle sewage at the secondary level. However, study after study has concluded that sewage treated at advanced primary levels and released into ocean depths greater than 300 feet does not harm the environment. With this in mind, it

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 BILBAY 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 clean-up 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 Arney 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