who practiced before him, and his many other friends and admirers. I would like to extend my deepest sympathy to his wife Charlene, and to his children, Julia Leahy, Karen Wiss, and Laurel Latimer. They can be very proud of his outstanding contribution to our Nation.

SUPERFUND REFORM

Mr. PRESSLER. Mr. President, I wanted to bring to my colleagues' attention the concerns of a prominent South Dakotan regarding the Superfund program.

Like many of my colleagues, during the August recess, I spent considerable time back home talking to my constituents. While in South Dakota, one issue came up on numerous occasions: Superfund reform. This issue is important to small business men and women throughout South Dakota.

Recently, an op-ed by Bill Huebner of Rapid City, SD, was published in the Wall Street Journal. This article details Mr. Huebner's own unfortunate experience with Superfund. I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRESSLER. We all agree that the current Superfund program does not work. It is one of the most expensive environmental programs on the books. Despite the vast amounts of taxpayer dollars that have poured into the Superfund, the program has a very low success rate. One of the prime causes of this low success rate is a confusing and costly liability system. This system is unfair to small businesses. It encourages excessive and costly litigation.

I am encouraged by the draft proposal drawn up by my esteemed colleague from New Hampshire, Senator SMITH. As chairman of the Superfund, Waste Control and Risk Management Subcommittee, he has assumed the daunting task of rewriting the existing Superfund law. I look forward to working with him to create a new Superfund law based on fairness and common sense. We should not insist on a system that calls on small businesses that have complied with past laws and regulations to continue shouldering the burden of cleaning up our hazardous waste sites.

Bill Huebner's article represents not only the concerns of South Dakota small business leaders, but of all small business men and women across the country. They are the innovators who collectively make our economic engine run. For that reason, we should take their concerns and experiences to heart in our reexamination of the Superfund program.

EXHIBIT 1

[From the Wall Street Journal, Oct. 26, 1995]

MY SUPERFUND NIGHTMARE

(By Bill Huebner)

I'm sitting here at my desk starting at a three-foot-high pile of letters, legal motions, and other documents. That pile of paper tells my Superfund story—a 3½-year nightmare that cost my company time, money and business.

For those who don't know, Superfund is the federal government's program to clean up America's worst hazardous waste sites. It was established by Congress in 1980 with $1.6 billion in funding. Today, 15 years later, more than $20 billion in government and private sector funds have been spent. More than 1,300 hazardous waste sites have been identified by the Environmental Protection Agency. But only a tiny fraction of these sites have actually been cleaned up.

Where did Superfund go wrong? Read on.

Back in November 1991, I received a letter addressed to Ace Steel & Metals, claiming I owed $47,000 as my share of the bill to clean up the Douglas County, Neb., Superfund site. Between 1940 and 1982, the letter said, the property had been owned by a series of battery recycling companies. Apparently, some battery lead and acid had seeped into the ground, creating a hazardous waste area.

There were only a few problems. First my company is Act Steel & Recycling, not Ace Steel & Metals. Second, we never sent any batteries to Douglas County. And third, we weren't even in business until 1989—a full seven years after they said the last battery was dumped.

A simple case of mistaken identity. I thought. In 1989, we bought about 20 % of the assets of a company called Ace Salvage, as well as the right to use the ''Ace'' name. That company was still in business, operating as Lipp Ventures. Lipp had sent the batteries to the Douglas County site, so they must be the one the EPA wanted. A letter from my lawyer explaining the situation should clear the whole thing up, right? Wrong.

Our first letter generated no response, so we sent another. This time, we documented everything. We sent copies of our original articles of incorporation from 1989, proving that we couldn't have been responsible for the problems at the Douglas County Superfund site.

Again, no response to speak of. Just a letter of acknowledgment saying thank you very much for the information, but you still owe $47,000. Needless to say, as a small business, we didn't have an extra $47,000 to spare—in fact, that was more than our profit for the entire year. We had to fight on or go out of business.

Finally, after 3½ years, Lipp's attorney settled with the lawyers from Douglas County. No one ever admitted there had been a mistake, but Ace Steel & Recycling was removed from the case ''with prejudice.'' That means the plaintiff reserves the right to bring us back into the lawsuit, so we might not be out of danger yet.

Don't think for a minute that my case was some kind of freak accident. More than 20,000 small and medium-sized businesses, community groups, and other organizations across America have been dragged into the Superfund mess.

The primary problem with Superfund is its unfair liability system known as ''retroactive, strict, joint and several liability.'' Retroactive liability gives the EPA the power to make companies pay to clean up problems that occurred before Superfund was passed, even if they followed every rule on the books at the time. And under joint and several liability, a single company can be forced to finance the entire cleanup cost, no matter now marginal its contribution to the site.

With marching orders like those, you can easily guess the EPA's standard operating procedure: Track down every company with even the most remote connection to a Superfund site, force them to pay, or drag them into court. Most companies fight the charges, rather than pay to clean up a problem they had little or no responsibility for creating. All the litigation caused by Superfund's notorious liability scheme is the main reason it now costs $30 million and takes 12 years to clean up the average Superfund site.

Congress will shortly begin debating Superfund reform legislation. Its top priority must be total repeal of retroactive liability. Superfund reform opponents claim that ending retroactive liability will let polluters off the hook and force taxpayers to pick up the bill. Not true. The program will still be financed by a tax on oil and chemical companies and other large corporations. Individual taxpayers won't have to pay a penny—unless Congress keeps Superfund on it failed course for another 15 years.

Repealing retroactive liability will put an end to wasteful litigation and force the EPA to focus on cleaning toxic waste sites instead of harassing innocent companies. Superfund cleanup could start immediately. And think of how many additional Superfund sites could be cleaned up if 50% of the money wasn't wasted on lawyers and bureaucrats.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:56 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1322. An act to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

H.R. 716. An act to amend the Fishermen's Protective Act.

H.R. 1026. An act to designate the United States Post Office building located at 201 East Pikes Peak Avenue in Colorado Springs, Colorado, as the ''Winfield Scott Stratton Post Office.''

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 26, 1995, he had presented to the President of the United States, the following enrolled bill:

S. 1322. An act to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1550. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Royalty Management Program, Department of the Interior,