

whose descendants today are ever vigilante in their reminding the world never to repeat crimes of this magnitude again.

For too long, people have ignored or forgotten this unimaginable atrocity. The time has come for the United States, and people everywhere, to remember and honor the victims of this brutal crime against humanity. It is imperative that we all remember the incredible inhumanity of which people are capable, for to remember is to be vigilant. And vigilance is the only way we can ever keep such atrocities from reoccurring. Through these efforts we can promote peace and goodwill among all nations and cultures. We must, for if not all that we consider humanity will be lost.

CUTS ENDANGER OUR ELDERLY

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 1995

Mr. COLEMAN. Mr. Speaker, the Republican party is certainly full of contradictions. Six months after signing a "Contract With America" that included a platform promising fairness for senior citizens, they propose a budget that will harm the poorest and the least healthy of our Nation's older population. The House Republican budget outlines cutting Medicare funding by \$270 billion over the next 7 years. In the same period of time, they propose that we abdicate responsibility for the Medicaid to the States, while decreasing the funding by \$184 billion. In order to justify their cuts, they are insisting that without reform, the Medicare Program will be bankrupt by the year 2002.

Frankly, their new position makes very little sense. After all, nothing is being done to actually reform the system. Capping Medicare spending is not reform. Last year, President Clinton and the Democratic leaders in Congress struggled to reform the whole health care system, and to prevent the very crisis in Medicare that the Republicans decry today. Republicans refused to assist in the health care debate, and preferred partisan sniping. They were hiding their heads in the sand. They were all too eager to criticize the Democratic reform that would have applied small Medicare savings to comprehensive health care reform.

This year, we hear nothing of comprehensive reform. We are moving no closer to universal and affordable coverage. There are no genuine efforts to make our health care system more effective and more affordable. But the Republicans are talking about Medicare and Medicaid cuts. The cuts that they are proposing will not go toward saving Medicare, or ensuring universal coverage, but toward tax breaks to the wealthy.

The Republican party, which proudly authored a bill entitled the "Senior Citizens Fairness Act" now proposes to take a hit and the poor and the sick elderly, without putting one penny back into their health care. They are offering us all the pain of cuts, without the benefits of reform. Cuts like these are misguided, and should not be tolerated. Many people who have made tremendous contributions to this Nation, people in the twilight of their life, will suffer as a result of this budget.

SUPERFUND LIABILITY ALLOCATION ACT OF 1995, H.R. 1616

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 1995

Mr. UPTON. Mr. Speaker, if ever a Federal program needed reform, it is the Superfund Program. It was first created in 1980 under the Comprehensive Environmental Response, Compensation & Liability Act [CERCLA]. It was changed and reauthorized in 1986 under the Superfund Amendments and Reauthorization Act [SARA]. It was supposed to be reauthorized in the last Congress and committees in the House and in the other body reported comprehensive reform bills, but this effort fell short in the final days of the session.

At the center of the Superfund Program are liability provisions arguably more draconian than found in any other Federal statute. Superfund liability is retroactive, meaning that potentially responsible parties can be held liable for lawful actions taken before enactment of CERCLA or SARA. Superfund liability is also strict, meaning that there is no need to prove negligence to establish liability. It is also joint and several, meaning that a party or parties that contributed small amounts of contamination to a contaminated site can be held liable for all cleanup expenses.

With Superfund site cleanups now averaging \$30 million, the incentive to avoid any liability at any cost is strong. Small wonder that Superfund has launched a tidal wave of litigation. At least \$1 in \$4 spent on Superfund cleanups is spent on lawyers and the consultants needed to support lawyers in litigation to avoid Superfund liability or to transfer liability to other parties via so-called contribution suits.

In my district, one of these contribution suits eventually involved more than 700 firms and organizations. More recently, a firm that had negotiated a cleanup plan costing nearly \$20 million with EPA turned around and filed contribution suits against three dozen local firms. More important than the moneys involved, these Superfund-driven suits have divided whole communities and created resentment that will last for years. This can't be what Congress wanted to happen when the program was created.

In response to these unpleasant realities, I am today joining the gentleman from Virginia [Mr. BOUCHER], in introducing the Liability Allocation Act of 1995. Mr. BOUCHER and I first addressed these issues in November 1993 in the Superfund Liability Reform Act (H.R. 3624). After negotiations with the administration and other Superfund stakeholders, we introduced a revised version of H.R. 3624 as H.R. 4351, also entitled the Superfund Liability Allocation Act. This latter measure became section 412 of H.R. 3800, as reported by the then Committee on Energy and Commerce, and section 413 of the same bill as reported by the then Committee on Public Works and Transportation. As I mentioned earlier, H.R. 3800 was not considered by the House prior to adjournment in 1994.

This legislation would create an entirely new system of liability under Superfund, one based upon proportionality and the allocation of liability shares among potentially responsible parties. It places a moratorium on the commencement of cost recovery and contribution suits

for cleanup costs until the allocation process is concluded and a stay on all existing cost recovery and contribution litigation. Each party's liability would be calculated in expedited manner; parties will pay only their equitable share of the cleanup costs, those clearly related to their respective roles at the site and to the amount of waste they actually contribute; finally, the expedited process for assigning liability and the limited court review of that process should significantly decrease transaction costs for all parties at Superfund sites.

The new system established under this bill would operate as follows:

First, after a site is listed on Superfund's National Priority List, EPA notifies all parties at the site that they are required to participate in the liability allocation process.

Second, the parties choose from an EPA-approved list of private allocators to conduct the allocation.

Third, EPA and any of the parties may nominate additional parties to be included in the process or may excuse parties from the process.

Fourth, EPA is able to provide expedited settlements to "de minimis" and "de micromis" parties to enable such parties to avoid having to participate in the 18-month allocation process, satisfying small business' major concern.

Fifth, the allocator is armed with the necessary information-gathering powers, including subpoena power, and is able to enforce such powers with the backing of the Justice Department. Parties who do not cooperate in providing information are subject to stiff civil and criminal penalties.

Sixth, each party is given the opportunity to be heard, including submitting an initial statement and commenting on the draft allocation report before the final report is issued.

Seventh, after considering the "Gore Factors"—including the party's role at the site and the toxicity and volume of material—the allocator issues a report identifying each party's share of liability for the cleanup costs at the site.

Eighth, each party may settle with the EPA based on its allocated share. As consideration, the party is shielded from joint and several liability and from actions for contribution from other parties. Any party who rejects its allocated share will be exposed to joint and several liability and remains unprotected from contribution suits. Although the allocation is nonbinding as to the parties, the exposure to joint and several liability serves as a disincentive to reject the allocated share.

Ninth, the Government is bound by the allocation unless there is proof of bias, fraud or unlawful conduct on the allocator's part or if "no rational interpretation of the facts before the allocator, in light of the factors he is required to consider, would form a reasonable basis" for the allocation. The Government only has 180 days during which such review can occur, after which the right to reject the allocation is waived.

Tenth, the orphan share—for defunct and insolvent parties—is paid out of the Superfund.

Eleventh, the Government reimburses parties who pay for the cleanup for amounts spent beyond their allocated shares. The Government also pursues recalcitrant parties who fail to pay their allocated shares.

Mr. Speaker, many interests worked together in developing this legislation. If the

adage that success has many fathers while failure is an orphan is accurate, than the father of this excellent proposal is my cosponsor and learned friend from Virginia, Mr. BOUCHER. We have cosponsored several bills in the past and each of these bills has done well in the legislative process. It is a pleasure to join him again in offering this legislation.

We urge every member of this House to join us in cosponsoring H.R. 1616, the Superfund Liability Allocation Act of 1995, and ask that they call David Luken of my staff (ext. 53761) or Andrew Wright of Mr. Boucher's staff (ext. 53861) to do so.

RABBI AND REBBETZEN RYBAK
HONORED

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 1995

Mr. MARTINI. Mr. Speaker, on Sunday night, May 14, 1995, Rabbi Dr. Solomon Rybak and Rebbetzen Dr. Shoshana Rybak will observe the completion of 10 years affiliation with the congregation and service to the Passaic and Clifton communities at Congregation Adas Israel in Passaic, New Jersey. I congratulate them and wish them all the best as they celebrate this truly special occasion.

Rabbi and Rebbetzen Rybak have been recognized as exceptional personalities in the Passaic-Clifton area as well as in the larger metropolitan New York-New Jersey educational community. Both have attained significant achievements in furthering Jewish education and values. Upon completing his studies at Yeshiva University and receiving rabbinical ordination from the late, renowned Torah giant Rabbi Dr. Joseph Soloveitchik, Rabbi Rybak served as Rabbi Soloveitchik's research assistant in the Rogosin Institute of Ethics. Rabbi Rybak was appointed by Dr. Samuel Belkin, President of Yeshiva University, to the position of Rosh Yeshiva at the Yeshiva University High School and held that position for 27 years. Rabbi Rybak earned his Ph.D. in Semitic languages from the Bernard Revel Graduate School of Yeshiva University and has lectured and published on educational and Halachic topics. In addition to his duties as spiritual leader of Congregation Adas Israel, Rabbi Rybak is a Professor of Jewish Studies at Touro college, serves as the editor of CHAVRUSA, the professional publication of the Yeshiva University Rabbinical Alumni and is a member of the executive board of the Rabbinical Council of America.

Equally accomplished, Rebbetzen Rybak has balanced the dual role of a Rebbetzin and a professional in her daily routine. Rebbetzen Rybak was educated in both Israel and in New York and holds a Jewish Teacher's Diploma from Beth Jacob Seminary and a Doctorate in school and clinical psychology from Pace University. Rebbetzen Rybak has been involved in many of the congregation's programs, concentrating on the youth Yom Tov celebrations and the congregation's Simchat Torah, Purim, and Yom Haatzmaut festivals. As a therapist and licensed psychologist, Dr. Rybak has been involved with several groups of exceptional children including the handicapped, the developmentally disabled and the gifted. She is currently the clinical coordinator at the He-

brew Academy for Special Children [HASC] in Brooklyn and is a member of several professional organizations including the American Psychological Association, the National Association of School Psychologists, and the Council for Exceptional Children.

Upon their arrival in Passaic in 1984, Rabbi and Rebbetzen Rybak found a diversified community representing the full spectrum of modern Jewish society. In a quiet and unassuming manner Rabbi and Rebbetzen Rybak began actively participating in the ongoing revitalization of the Passaic-Clifton community. The contributions of Rabbi and Rebbetzen Rybak over the past 10 years have been instrumental in continuing to make Passaic and Clifton attractive to young Jewish couples looking for a vibrant area in which to establish their home. Their dedication to community service and education serves as a role model and inspiration to all. I salute these two fine individuals, and can only say that I am proud to call them members of the Eighth Congressional District of New Jersey.

COAST GUARD AUTHORIZATION
ACT FOR FISCAL YEAR 1996

SPEECH OF

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1361) to authorize appropriations for fiscal year 1996 for the Coast Guard, and for other purposes:

Mr. YOUNG of Florida. Mr. Chairman, I rise in strong support of H.R. 1361, the Coast Guard Authorization Act.

The men and women of the Coast Guard are life savers, they protect our national security, they fight crime, and they protect our environment.

The people of Florida have a special appreciation for the work of the Coast Guard. As the chairman of the Florida congressional delegation, I in particular pay tribute to the 7th District which serves Florida, the busiest Coast Guard district in our Nation.

It is a privilege for me to represent Pinellas County, FL, which is home to three Coast Guard stations including Group St. Petersburg, which is responsible for protecting Florida's west coast down through the Carribbean, the Clearwater Air Station, the largest Coast Guard Air Station in the United States, and the Sand Key Station, which responds regularly to emergencies at sea and in our inland waters.

Because the Coast Guard has consistently responded to untraditional challenges to our Nation with determination, creativity, and effectiveness, the Congress has seen fit year after year to add to its long list of multifaceted responsibilities. In the early 1980's, when the flow of illegal narcotics through the Carribbean threatened the nationality security of the United States, the U.S. Coast Guard was charged with slamming the door on this drug trade. The vigilance with which the Coast Guard undertook this mission forced drug smugglers to abandon Florida as a primary point of entry into the United States. Those who persist in trying to bring drugs into our Nation through Florida have been met with the firm response,

such as last year when the St. Petersburg based Coast Guard Cutter *Point Countess* intercepted the freighter *Inge Frank* near the Sunshine Skyway bridge at the entrance to Tampa Bay, escorted it to its mooring, and joined the DEA and Customs Service in a raid that seized more than 6,000 pounds of cocaine, preventing \$272 million in illegal drugs from reaching our streets.

Most recently, when our Nation was faced with an exodus of tens of thousands of Cuban and Haitian refugees, the Coast Guard responded. The 7th District rescued more than 23,000 Haitians at sea in unsafe vessels last Spring, and expanded its operations last Summer, pulling more than 35,000 Cubans from the waters of the Florida Straits. Aircraft from the Clearwater Air Station flew 3,200 flying hours in support of these missions, and delivered over 600 tons of cargo to the U.S. forces implementing our immigration policies on shore.

It is the Coast Guard which is responsible for enforcing all United States laws at sea, whether they be immigration, narcotics, environmental, fishery, or safety-related.

It is the Coast Guard which is responsible for its well known search and rescue missions at sea. This mission not only saves lives just about every day of the year, but also saves significant amount of public and private property. Recently the Florida pilot of a small plane learned this lesson the hard way, when, far from land, he radioed a mayday, saying he had only 15 minutes of fuel left. His plane hit the water 70 miles west of Tampa Bay, and sank within 60 seconds. A nearby Coast Guard Falcon Fanjet used direction-finding equipment to locate the plane, witnessed it hit the water, and dropped a life-raft and emergency locating transmitter which enabled the pilot to be rescued later. Similar air rescues have saved 188 lives off the coasts of Florida alone since last April, and will continue to provide Americans with a level of safety at sea.

It is also the Coast Guard which is responsible for the less glamorous, but vitally important responsibility of maintaining vital aids to navigation that keep ships and boats out of jeopardy. Though some take channel markers, ocean buoys, loran stations, and other necessary navigational aids for granted, they are the critical signposts that allow for the safe passage of boaters on our waterways.

The Coast Guard receives invaluable help in fulfilling many of these diverse responsibilities from the volunteers of the Coast Guard Auxiliary. The 572 active members of Auxiliary Division 8, who provide support to Group St. Petersburg, make up the largest auxiliary unit in the Nation. Auxiliary members are very active in educating the public about boating safety issues, providing free boating safety classes and dockside courtesy marine examinations. Last year alone, in addition to training 1,330 students and conducting 8,104 courtesy marine examinations, Division 8 also conducted 1,364 support missions, logged over 14,607 underway hours, saved five lives, assisted 393 boaters, and saved more than \$2.6 million in property.

Mr. Speaker, perhaps the least known and understood of the Coast Guard's mission is one for which I have funding and oversight responsibility: defense readiness. When activated by the President, the Coast Guard assists the U.S. Navy in time of conflict, guarding the foreign and domestic ports we use to