

Pay-as-you-go Considerations: The bill contains several provisions that affect direct spending and revenues; however, the net impact is estimated to be less than \$500,000 a year.

Intergovernmental and Private-Sector Impact: Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any provisions that are necessary for the national security or the ratification or implementation of international treaty obligations. CBO has determined that the provisions in title VI of S. 886 either fall within that exclusion or contain no intergovernmental or private-sector mandates. All other titles of the bill contain no private-sector or intergovernmental mandates and would have no significant effects on the budgets of state, local, or tribal governments.

Estimate Prepared by: Federal Costs: Sunita D'Monte and Joseph C. Whitehill (226-2840) for the Department of State; Gary Brown (226-2860) for the International Boundary and Water Commission; Eric Rollins (226-2820) for retirement benefits; and Jennifer Winkler (226-2880) for employee compensation.

Impact on State, Local, and Tribal Governments: Leo Lex (225-3220).

Impact on the Private Sector: Keith Mattrick (226-2940).

Estimate Approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Mr. HELMS. Mr. President, I have ascertained that none of the Senators on the other side will be available this afternoon to offer their amendments or to discuss them. Since there is no Member here, or no amendment pending by anybody on this side, I think it would be an exercise in futility to continue to suggest quorum calls.

MORNING BUSINESS

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, June 17, 1999, the federal debt stood at \$5,585,233,665,272.21 (Five trillion, five hundred eighty-five billion, two hundred thirty-three million, six hundred sixty-five thousand, two hundred seventy-two dollars and twenty-one cents).

One year ago, June 17, 1998, the federal debt stood at \$5,491,718,000,000 (Five trillion, four hundred ninety-one billion, seven hundred eighteen million dollars).

Five years ago, June 17, 1994, the federal debt stood at \$4,491,908,000,000 (Four trillion, four hundred ninety-one billion, nine hundred eight million dollars) which reflects a debt increase of 1,093,325,665,272.21 (One trillion, ninety-three billion, three hundred twenty-five million, six hundred sixty-five thousand, two hundred seventy dollars and twenty-one cents) during the past 5 years.

RECYCLING PROVISION OF SUPERFUND

Mr. LOTT. Mr. President, 1 year ago the distinguished minority leader, Mr. DASCHLE, and I introduced S. 2180, the Superfund Recycling Equity Act, to overcome the unintended consequences of Superfund which continue to have major negative impacts on recycling. There is widespread recognition of the need for relief in this area, as evidenced by the number of Superfund bills that have been introduced since the 103d Congress, as well as the measures being considered in this Congress, all of which include nearly identical recycling relief provisions.

I am grateful for the decision by Senators CHAFEE and SMITH to include a strong recycling provision in their Superfund reform bill currently pending before the Environment and Public Works Committee. This inclusion was an important contributing reason to my decision to be an original cosponsor of the Superfund Program Completion Act of 1999 (S. 1090). As the committee approaches a markup of its legislation, I understand that the committee chairman and subcommittee chairman are negotiating with their minority counterparts and the Environmental Protection Agency in an effort to reach a bipartisan consensus. In the spirit of the last year's Superfund Recycling Equity Act, which collected 63 cosponsors from both sides of the aisle, I endorse such an approach and look forward to debating the bill on the Senate floor.

Today, I am pleased to join the minority leader in bringing to the attention of the Senate the need to move expeditiously in this regard, recognizing that another year has passed without needed relief for recyclers.

Mr. DASCHLE. The distinguished majority leader is correct in noting the attention of many bills directed at Superfund relief for recyclers in this session, the bipartisan interest in this subject, and the broad based, bicameral commitment directed to correcting these unintended consequences. The Superfund Litigation Reduction and Brownfields Cleanup Act of 1999 (S. 1105), introduced by Senators BAUCUS, LAUTENBERG, LINCOLN, and me, contains a provision similar to the distinguished majority leader's and my bill, S. 2180, introduced in this body 1 year ago.

Mr. LOTT. I have worked for years with my colleagues to reform Superfund. We must put this important program back on track to get the environment cleaned up effectively and efficiently, with polluters paying the bills, not innocent parties. There was clear tangible evidence of how Superfund is off track in a recent GAO report which was requested by House Commerce Committee Chairman BLILEY. The GAO report revealed that a majority of the funds go for activities other than clean up, and this is clearly wrong. I hope the Senate will act soon because America deserves a viable Superfund program.

While there are different bills being considered in the Senate at this time, both the minority leader and I stand committed to Superfund relief for recyclables and we assure all Senators that the differences between the bills in their recycling language will be addressed in the interest of moving forward with this needed legislation. With the bipartisan support of this needed relief in place, Mr. President, it is essential to stress that relief for recycling, an issue of fundamental fairness, must be accomplished in this session.

Mr. DASCHLE. Along with my Senate colleagues, I have worked for years to reform Superfund, and by all accounts the program has been vastly improved over the past 6 years. Today, I reaffirm my commitment to work with the majority leader to ensure passage of needed Superfund relief for recyclables in this session and urge passage of a recycling bill.

Mr. LOTT. In this regard, I applaud the efforts of Chairman SHUSTER and BOEHLERT, who have worked tirelessly with their very competent staffs to help resolve the one significant remaining issue in contention.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a recently negotiated and signed agreement dealing with paper scrap by all the affected parties.

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

INSTITUTE OF SCRAP
RECYCLING INDUSTRIES, INC.,
Washington, DC, June 15, 1999.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate.
Hon. TOM DASCHLE,
Minority Leader, U.S. Senate.
Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works.
Hon. MAX S. BAUCUS,
Ranking Minority Member, Committee on Environment and Public Works.
Hon. ROBERT C. SMITH,
Chairman, Superfund, Waste Control, and Risk Assessment Subcommittee.
Hon. FRANK R. LAUTENBERG,
Ranking Minority Member, Superfund, Waste Control, and Risk Assessment Subcommittee.
Hon. TED STEVENS.
Hon. BLANCHE LINCOLN.

DEAR SENATORS LOTT, DASCHLE, CHAFEE, BAUCUS, SMITH, LAUTENBERG, STEVENS, AND LINCOLN: We, the undersigned representatives of our respective entities, are writing to express our agreement with the attached consensus recycling amendment to the "Superfund Program Completion Act of 1999" (S. 1090), and the "Superfund Litigation Reduction and Brownfield Cleanup Act of 1999" (S. 1105). This amendment has been negotiated over the last two months and reflects a compromise that we find to be both reasonable and functional. None of us will seek, or encourage others to seek, amendments that would undermine the compromise we have reached. We are satisfied with the legislative language we have labored so long to craft and intend that this language be used in any legislative vehicle that addresses recycling issues in either House of Congress.

In closing, we would like to thank you for your patience as we worked to remove one of the longstanding obstacles to meaningful

Superfund reform. We are committed to working with you to make Superfund reform a reality in the 106th Congress.

Sincerely yours,

Institute of Scrap Recycling Industries; Fort James Corporation; P.H. Glatfelter Company; Wisconsin Tissue Mills, Inc.; NCR Corporation; AT&T; Appleton Papers Inc.; Printing Industries of America; Lucent Technologies.

AMENDMENT TO S. 1090

On page 52, strike line 12 and all that follows down through line 6 on Page 53 and insert in lieu thereof the following:

“(1) LIABILITY CLARIFICATION.—As provided in paragraphs (2), (3), (4), and (5) of this subsection, a person who arranged for the recycling of recyclable material or transported such material shall not be liable under paragraphs (3) or (4) of subsection (a) with respect to such material. A determination whether or not any person shall be liable under paragraph (3) or (4) of subsection (a) for any transaction not covered by paragraphs (2) and (3), (4), or (5) of this subsection shall be made, without regard to paragraphs (2), (3), (4), and (5) of this subsection, on a case-by-case basis, based on the individual facts and circumstances of such transaction.

“(2) RECYCLABLE MATERIAL DEFINED.—For purposes of this subsection, the term ‘recyclable material’ means—

“(A) scrap paper, scrap plastic, scrap glass, scrap textiles, scrap rubber (other than whole tires), scrap metal, or spent lead-acid, spent nickel-cadmium, and other spent batteries, as well as minor amounts of material incident to or adhering to the scrap materials as a result of its normal and customary use prior to becoming scrap; except that such term shall not include—

“(i) shipping containers with a capacity from 30 liters to 3,000 liters, whether intact or not, having any hazardous substance (but not metal bits and pieces or hazardous substance that form an integral part of the container contained in or adhering thereto; or

“(ii) any item of material containing polychlorinated biphenyls (PCBs) in excess of 50 parts per million (ppm) or any new standard promulgated pursuant to applicable Federal laws.

On page 61, line 9, strike “; or” and insert in lieu thereof, a period (“.”).

On Page 61, strike lines 10 down through line 15.

On page 62, after line 11, insert the following new sub-paragraph:

“(7) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to—

“(A) affect any rights, defenses, or liabilities under section 107(a) of any person with respect to any transaction involving any material other than a recyclable material subject to paragraph (1) of this subsection; or

“(B) relieve a plaintiff of the burden of proof that the elements of liability under section 107(a) are met under the particular circumstances of any transaction for which liability is alleged.”

AMENDMENT TO S. 1105

On Page 51, strike line 2 and all that follows down through line 21 and insert in lieu thereof the following:

“(a) LIABILITY CLARIFICATION.—As provided in subsection (b), (c), (d), and (e), a person who arranged for the recycling of recyclable material or transported such material shall not be liable under sections 107(a)(3) and 107(a)(4) with respect to such material. A determination whether or not any person shall be liable under section 107(a)(3) or section 107(a)(4) for any transaction not covered by subsections (b) and (c), (d) or (e) of this section shall be made, without regard to sub-

sections (b), (c), (d), and (e) of this section, on a case-by-case basis, based on the individual facts and circumstances of such transaction.

“(b) RECYCLABLE MATERIAL DEFINED.—For purposes of this section, the term ‘recyclable material’ means—

“(1) scrap paper, scrap plastic, scrap glass, scrap textiles, scrap rubber (other than whole tires), scrap metal, or spent lead-acid, spent nickel-cadmium, and other spent batteries, as well as minor amounts of material incident to or adhering to the scrap material as a result of its normal and customary use prior to becoming scrap; except that such term shall not include—

“(A) shipping containers with a capacity from 30 liters to 3,000 liters, whether intact or not, having any hazardous substance (but not metal bits and pieces or hazardous substance that form an integral part of the container) contained in or adhering thereto; or

“(B) any item of material containing polychlorinated biphenyls (PCBs) in excess of 50 parts per million (ppm) or any new standard promulgated pursuant to applicable Federal laws.

On Page 58, line 10, delete (“or”) and insert in lieu thereof a period (“.”), and strike lines 11 through 15.

On Page 59, delete lines 15 through 18 and insert in lieu thereof the following:

“(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to—

“(1) affect any rights, defenses, or liabilities under section 107(a) of any person with respect to any transaction involving any material other than a recyclable material subject to subsection (a) of this section; or

“(2) relieve a plaintiff of the burden of proof that the elements of liability under section 107(a) are met under the particular circumstances of any transaction for which liability is alleged.”

Mr. LOTT. The successful efforts of Congressmen SHUSTER and BOEHLERT demonstrate again that the recycling issue can proceed on a bipartisan basis and that no serious opposition to its adoption exists.

Mr. DASCHLE. I am pleased to join majority leader in documenting that a compromise has been reached on the paper scrap issue. This compromise is especially important in light of the fact that during her recent testimony before the House Water Resources and Environment Subcommittee, the EPA Administrator repeated her support for the recycling provision, a version of which collected 310 House cosponsors. The Administrator stated that should identical language to S. 2180 show up again this year, the administration “would continue to support it.”

And, in answer to a question, Administrator Browner stated at the hearing that EPA would oppose an exemption for PCB-contaminated paper or materials in excess of 50 parts per million. This issue is important not only to EPA, but also the Department of Justice and the environmental community. For that reason, I am delighted that a compromise was found.

Mr. LOTT. Finally, I would like to thank Mr. Phil Morris of New Albany, MS, a long time friend and fellow Mississippian, who, as a traditional recycler, has struggled with the negative aspects of Superfund. Phil first brought this subject to my attention and,

though our inability to pass Superfund reform last year led to sharp increases in his unintended Superfund liability, I commit to him and his fellow recyclers that Congress will act this year to ensure that such unreasonable, unfair and unintended actions under Superfund will cease. I again thank all supporters of this provision, especially the distinguished minority leader for supporting this attempt to restore equity and fairness where it has long been missing.

Mr. DASCHLE. As is the case with Senator LOTT, my constituents have suffered because Superfund has been inappropriately directed at them. On this first anniversary of the introduction of S. 2180, it is an appropriate time for all Senators to commit to act on this issue.

Mr. WARNER. As the original Senate sponsor of legislation designated to remove unintended Superfund hindrances to recycling, which I proposed for correction in the 103rd Congress, I applaud the majority and minority leaders for their continuing joint efforts. There is no more telling statement of need than to see partisan politics put aside in the greater public interest. Both Senators LOTT and DASCHLE have demonstrated outstanding leadership in helping to assure increased recycling that will occur when the Superfund burden, so inappropriately assessed, will finally be removed.

Mrs. LINCOLN. It was my privilege as a Member of the other body to introduce a bill in the 103rd Congress that would have eliminated much of the unintended Superfund hindrance that is limiting legitimate recycling.

Now as a Senator, I am proud to stand with the majority and minority leaders and the distinguished senior Senator from Virginia on this first anniversary of the introduction of S. 2180 to ensure Superfund relief for recycling will be addressed in this session of the 106th Congress.

THE FEDERAL ERRONEOUS RETIREMENT COVERAGE CORRECTIONS ACT

Mr. AKAKA. Mr. President, I am pleased to join the Senator from Mississippi, Mr. COCHRAN, in introducing S. 1232, the Federal Erroneous Retirement Coverage Corrections Act. This legislation provides relief to those federal employees who were placed in an incorrect retirement system during the transition to the Federal Employees Retirement System from the Civil Service Retirement System in the mid-1980s.

As the ranking Democrat on the International Security, Proliferation, and Federal Services Subcommittee, I am committed to correcting the erroneous pension problems facing anywhere from 10,000 to 20,000 individuals. S. 1232 provides a reasonable solution in affording misclassified federal workers, former employees, retirees, and survivors with equitable relief from