

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

these retirement coverage errors. Moreover, the measure gives those affected a choice between corrected retirement coverage and the coverage the employee expected to receive, without disturbing Social Security coverage law.

Similar legislation was offered in 1998, and my colleague, the chairman of the Subcommittee on International Security, Proliferation, and Federal Services, held a hearing on the measure at which officials from the Office of Personnel Management and the Federal Retirement Thrift Investment Board testified in support of the bill.

I believe this measure addresses the concerns of federal workers who have been placed in the wrong retirement system. It offers a workable and reasonable solution, and I ask my colleagues to support this legislation. I also wish to note that S. 1232 enjoys the support of the Office of Personnel Management and the two largest federal employee unions, the American Federation of Government Employees and the National Treasury Employees Union, that are encouraged by the bipartisan effort that went into crafting this bill.

GUN CRIME COMMITTED BY 18 TO 20 YEAR OLDS

Mr. LEVIN. Mr. President, this week, Vice President GORE released a new study focusing on the connection between young adults and gun crimes. This report, jointly prepared by the Departments of Treasury and Justice, documents an alarmingly high rate of gun violence among 18 to 20 year olds.

The report shows that while 18, 19, and 20 year olds make up only 4 percent of the U.S. population, they commit an astounding 24 percent of gun murders in our country. In addition, the report shows that 18 year olds commit 35 percent more gun murders than 21 year olds; double the gun murders of 24 year olds; triple the gun murders of 28 year olds; and four times the gun murders of 30 year olds.

There are several loopholes in our current firearms laws that permit young people access to handguns and other deadly weapons. We must close those loopholes, especially for the 18 to 20 year olds, who contribute to such a high percentage of gun crimes. One of those loopholes allows 18 to 20 year olds, minors, to purchase handguns from unlicensed dealers, private collectors or friends, even though it would be illegal for them to purchase the same handgun from a federally licensed dealer.

There are also additional loopholes in federal law that permit 18 to 20 year olds to purchase semiautomatic weapons and large capacity ammunition feeding devices from anyone willing to sell them. These weapons, such as AK-47s and Uzis, and the 50 rounds per minute clips that accompany them, are not the type of weapons needed for hunting, they are the type needed for

killing, and that is what they are too often used for.

There is strong precedent for imposing minimum age requirements for engaging in dangerous activities. Congress and the states worked together in the past to minimize public safety concerns by ensuring that states raised their legal drinking ages to 21. This was in response to evidence that young adults were involved in proportionately far more driving accidents while intoxicated. Increasing the age requirement for drinking alcohol, reduced automobile accidents dramatically. And, in the first year after Michigan raised its drinking age from 18 to 21, there was a 21 percent decline in alcohol related deaths among drivers age 18 to 20.

Most recently, a report to be released today by a national commission studying the impact of gambling will apparently recommend that the minimum age for all forms of gambling be raised to 21. Although currently most casinos require gamblers to be 21, other forms of gambling, such as state lotteries have an age requirement of 18. The National Gambling Impact Study Commission contends that there should be tighter restrictions on state lotteries and other forms of betting because of the dangers and risks of excessive gambling.

Surely if there are clear and compelling reasons to prevent young people from drinking and gambling, there are even better reasons, as documented by the Gore report, to prevent 18, 19 and 20 year olds from owning an assault weapon or a handgun. I am a cosponsor of legislation introduced by Senator SCHUMER, S. 891, that would prohibit the sale or transfer of these weapons to young adults as well as prohibit possession of these weapons by those under 21, while maintaining exemptions under current law. In my judgment, it is critical that Congress act quickly to close these loopholes.

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-3781. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Matching Credit Card and Debit Card Contributions in Presidential Campaigns", received June 11, 1999; to the Committee on Rules and Administration.

EC-3782. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Part 10 Rules of Practice"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3783. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "1999 Amendment to Cotton Board Rules and Regulations Adjusting Supplemental Assessment on Imports—Final Rule"

(Docket Number: CN-99-002), received June 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3784. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 1998-99 Zante Currant Raisins" (Docket Number: FV-99-989-3 FIR), received June 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3785. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Revision of the Sampling Techniques for Whole Block and Partial Block Diversions and Increasing the Number of Partial Block Diversions Per Season for Tart Cherries" (Docket Number: FV-99-930-2 FIR), received June 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3786. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Horses from Australia and New Zealand; Quarantine Requirements" (Docket Number: 98-069-2), received June 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3787. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Schedule for Rating Disabilities; Fibromyalgia" (RIN2900-AH05), received June 16, 1999; to the Committee on Veterans' Affairs.

EC-3788. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Education: Increase in Educational Assistance Rates" (RIN2900-AJ37), received June 16, 1999; to the Committee on Veterans' Affairs.

EC-3789. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Single Family Mortgage Insurance; Informed Consumer Choice Disclosure Notice" (FR-4411) (RIN2502-AH30), received June 15, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3790. A communication from the Executive Director, Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled "Amendment of Equal Access to Justice Act Attorney Fees Regulations", received June 16, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3791. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Effective Date of Application for Supplemental Security Income (SSI) Benefits" (RIN0960-AE71), received June 16, 1999; to the Committee on Finance.

EC-3792. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99-36, Charitable Split-Dollar Transactions" (Notice 99-36), received June 14, 1999; to the Committee on Finance.

EC-3793. A communication from the Rules Administrator, Federal Bureau of Prisons,