

Holding the recyclers hostage to a comprehensive bill has not helped reform Superfund, and continuing to hold them hostage will not ensure action in the future. What it does ensure is that recycling continues to be impeded and fails to attain our nation's goals.

Mr. President, this recycling fix is minuscule compared to the overwhelming stakeholder needs regarding Superfund in general, but so significant for the recycling industry itself. It is easy to see why this bill has achieved such widespread bi-partisan support among our colleagues.

S. 2180 address only one Superfund issue—the unintended consequence of law that holds recyclers responsible for the actions of those who purchase their goods.

Therefore, S. 2180 does not address the very contentious and important issues of cleanup standards or natural resource damages.

It does not deal with orphan shares or municipal liability. The goal of this bill is to remove the liability facing recyclers, not to establish who should be responsible for those shares if the unintended liability is removed.

It does not deal with municipal liability specifically, but if municipalities ship materials for recycling, they would be treated the same as any other recycler. Thus, municipalities are provided some relief under S. 2180 for recycling transactions.

It does not deal with owner/operator liability because such liability was intended by Superfund. Any changes in owner/operator liability should be considered within the context of comprehensive Superfund reform.

Likewise, issues of relief for generators who ship for disposal, rather than for recycling, are not addressed by S. 2180. Waste disposal—indeed proper, environmentally sound waste disposal—is a basic tenet of Superfund. Reforms should be considered within the context of comprehensive Superfund revisions.

Senator DASCHLE and I have heard from various parties who want to add minor provisions outside the scope of the bill. Although many have presented interesting and often compelling arguments, I find that none of these parties has been able to demonstrate the broad base of support that has made the Superfund Recycling Equity Act so unique. No group has been able to demonstrate the support of the broad-based, truly non-partisan group that has long recognized the need for recycling reform. I will continue to ask that any party wishing to enlarge the narrow focus of S. 2180 show support on both sides of the aisle, as well as from the Administration and the environmental community.

Mr. President, much time, energy and expertise went into crafting an agreement where few thought it was possible. That agreement has been maintained through three separate Congresses where all sorts of attempts to modify it have failed. Congress

should accept this delicately crafted product.

S. 2180 shows Congress' commitment to protect and increase recycling.

S. 2180 repeats what we all know and support—that continued and expanded recycling is a national goal.

S. 2180 removes impediments to achieving this goal, impediments Congress never intended to occur.

Mr. President, the 40+ Senators who have already co-sponsored this bill recognize the need to amend Superfund for the very important purpose of increasing recycling in the public interest. Let's act this year.

TRIBUTE TO VIVIAN DUBREUIL

Mr. LOTT. Mr. President, a constituent of mine, Vivian Dubreuil from Jackson, MS, passed away this morning. Vivian worked for Senator Jim Eastland for more than 22 years. She also worked for the Secretary for the Majority's Office and the Secretary of the Senate. After a long and successful career in the Senate, she retired to care for her mother in Jackson. She was very much a lady who performed many kindnesses for all who came in contact with her. She will be missed by her friends here in Washington and her family and friends in Jackson.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I join baseball fans everywhere in congratulating Mark McGwire of the Cardinals and Sammy Sosa of the Cubs on already breaking the single season home run record this year. I hope that the House will soon pass the bill that we named for another extraordinary man, who once wore number 21 for the Cardinals. Coincidentally, Curt Flood wore number 21, which is Sosa's uniform number, and played for the Cardinals, which is the team for which McGwire now plays. The Curt Flood Act, to end what is left of baseball's antitrust exemption has passed the Senate and is awaiting action by the House. Baseball's resurgence is being fueled by the outstanding efforts of a number of players should be aided by enactment of our legislation.

I came to the Senate floor in early July to note the possibility that the single-season record for home runs might be broken this year. I noted that at this year's All-Star break, Mark McGwire had 37 homers, Ken Griffey, Jr. 35 and Sammy Sosa 33, as they headed toward Roger Maris' record 61. I urged the Senate to find inspiration in the outstanding seasons that these and other players and teams were having and to improve the Senate's effort in meeting its responsibilities with respect to judicial vacancies.

I went on to compare the Senate's pace in confirming much-needed federal judges to Mark McGwire's home run pace. It is time for an update. Today, McGwire's season total stands at 63. Over the weekend Sammy Sosa

thrilled Chicago and baseball fans everywhere by passing the marks set by Babe Ruth and Roger Maris and totaling 62. Ken Griffey, Jr., now leads the American League with 52 homers, making this first season in major league baseball history in which three players have hit as many as 50 home runs.

Unfortunately, the Senate confirmation total is stalled at 39. As recently as 1994, the last year in which the Senate majority was Democratic, the Senate confirmed 101 judges. It has taken the Republican Senate three years to reach the century mark for judicial confirmations—to accomplish what we did in one session. As Chief Justice Rehnquist correctly observed in his year-end report last year: "The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed in 1994."

The Senate has not even kept up with normal attrition over the past two years, let alone made a real difference in filling longstanding judicial vacancies. Both the Second Circuit and the Ninth Circuit have had to cancel hearings due to judicial vacancies. Chief Judge Winter of the Second Circuit has had to declare a circuit emergency and to proceed with only one circuit judge on their 3-judge panels. Recently, he has had to extend that certification of emergency.

Yet in spite of that emergency, the Senate continues to stall the nomination of Judge Sonia Sotomayor to the Second Circuit. Her nomination has been stalled on the Senate calendar for over six months. Chief Judge Winter's most recent annual report noted that the Circuit now has the greatest backlog it has ever had, due to the multiple vacancies that have plagued that court.

For a time Judge Sotomayor's nomination was being delayed because some feared that she might be considered as a possible replacement for Justice Stevens, should he choose to resign from the Supreme Court. Perhaps now that the Supreme Court term has ended and Justice Stevens has not resigned, the Senate will proceed to consider her nomination to the Second Circuit on its merits and confirm her without additional, unnecessary delay.

When confirmed she will be only the second woman and second judge of Puerto Rican descent to serve on the Second Circuit. Just as Sammy Sosa is a source of great pride to the Dominican Republic and to Latin players and fans everywhere, Judge Sotomayor is a source of pride to Puerto Rican and other Hispanic supporters and to women everywhere.

Judge Sonia Sotomayor is a qualified nominee who was confirmed to the United States District Court for the Southern District of New York in 1992 after being nominated by President Bush. She attended Princeton University and Yale Law School. She worked for over four years in the New York District Attorney's Office as an Assistant District Attorney and was in private practice with Pavia & Harcourt in