

status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 302

At the request of Mrs. HUTCHISON, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 302, a bill to make a technical correction to section 11501(h)(2) of title 49, United States Code.

S. 383

At the request of Mr. WARNER, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 383, a bill to provide for the establishment of policy on the deployment by the United States of an antiballistic missile system and of advanced theater missile defense systems.

S. 440

At the request of Mr. WARNER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 440, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 641

At the request of Mrs. KASSEBAUM, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 768

At the request of Mr. GORTON, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 768, a bill to amend the Endangered Species Act of 1973 to reauthorize the Act, and for other purposes.

S. 770

At the request of Mr. GORTON, his name was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

At the request of Mr. DOLE, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 770, supra.

AMENDMENTS SUBMITTED

THE INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT OF 1995

THOMPSON AMENDMENT NO. 756

(Ordered to lie on the table.)

Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill (S. 534) to amend the Solid Waste Disposal Act to provide authority for States to limit the inter-

state transportation of municipal solid waste, and for other purposes; as follows:

On page 56, line 18, strike after "delivered," through "provision" on line 21.

BAUCUS AMENDMENT NO. 757

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, S. 534, supra; as follows:

On page 50, strike line 18 and insert the following: "in which the generator of the waste has an ownership interest."

DODD (AND LIEBERMAN) AMENDMENT NO. 758

Mr. CHAFEE (for Mr. DODD, for himself and Mr. LIEBERMAN) proposed an amendment to the bill, S. 534, supra; as follows:

On page 62, line 4, after the words public service authority, add "or its operator".

ROTH (AND BIDEN) AMENDMENT NO. 759

(Ordered to lie on the table.)

Mr. ROTH (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by them to the bill, S. 534, supra; as follows:

On page 53, line 3, strike "or political subdivision" and insert "political subdivision, or public service authority".

On page 53, line 4, strike "or political subdivision" and insert "political subdivision, or public service authority".

On page 53, lines 7 and 8, strike "or political subdivision" and insert "political subdivision, or public service authority".

On page 53, line 10, strike "or political subdivision" and insert "political subdivision, or public service authority".

On page 56, lines 1 and 2 strike "and each political subdivision of a State" and insert "political subdivision of a State, and public service authority".

On page 56, line 12, strike "or political subdivision" and insert "political subdivision, or public service authority".

On page 56, line 22, strike "operation" and insert "existence".

On page 57, line 4, strike "or political subdivision" and insert "political subdivision, or public service authority".

On page 57, line 7, strike "or political subdivision" and insert "political subdivision, or public service authority".

On page 57, line 21, strike "or political subdivision" and insert "political subdivision, or public service authority".

CAMPBELL (AND OTHERS) AMENDMENT NO. 760

(Ordered to lie on the table.)

Mr. CAMPBELL (for himself, Mr. BROWN, and Mr. KEMPTHORNE) submitted an amendment intended to be proposed by them to the bill S. 534, supra; as follows:

On page 69, strike the quotation mark and period at the end of line 22.

On page 69, between lines 22 and 23, insert the following:

"(5) NO-MIGRATION EXEMPTIONS.—

"(A) IN GENERAL.—Ground water monitoring requirements may be suspended by the Director of an approved State for a landfill operator if the operator demonstrates that there is no potential for migration of

hazardous constituents from the unit to the uppermost aquifer during the active life of the unit and the post-closure care period.

"(B) CERTIFICATION.—A demonstration under subparagraph (A) shall—

"(i) be certified by a qualified groundwater scientist and approved by the Director of an approved State.

"(C) GUIDANCE.—

"(i) IN GENERAL.—Not later than 6 months after the date of enactment of this paragraph, the Administrator shall issue a guidance document to facilitate and streamline small community use of the no migration exemption under this paragraph.

"(ii) CLARITY.—The guidance document described in clause (i) shall be written in clear terms designed to be understandable by officials of small communities without expert assistance."

BINGAMAN AMENDMENT NO. 761

Mr. BINGAMAN proposed an amendment to the bill, S. 534, supra; as follows:

At the appropriate place insert the following:

SEC. . BORDER STUDIES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) MAQUILADORA.—The term "maquiladora" means an industry located in Mexico along the border between the United States and Mexico.

(3) SOLID WASTE.—The term "solid waste" has the meaning provided the term under section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).

(b) IN GENERAL.—

(1) STUDY OF SOLID WASTE MANAGEMENT ISSUES ASSOCIATED WITH NORTH AMERICAN FREE-TRADE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator is authorized to conduct a study of solid waste management issues associated with increased border use resulting from the implementation of the North American Free Trade Agreement.

(2) STUDY OF SOLID WASTE MANAGEMENT ISSUES ASSOCIATED WITH UNITED STATES-CANADA FREE-TRADE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator may conduct a similar study focused on border traffic of solid waste resulting from the implementation of the United States-Canada Free-Trade Agreement, with respect to the border region between the United States and Canada.

(c) CONTENTS OF STUDY.—A study conducted under this section shall provide for the following:

(1) A study of planning for solid waste treatment, storage, and disposal capacity (including additional landfill capacity) that would be necessary to accommodate the generation of additional household, commercial, and industrial wastes by an increased population along the border involved.

(2) A study of the relative impact on border communities of a regional siting of solid waste storage and disposal facilities.

(3) In the case of the study described in subsection (b)(1), research concerning methods of tracking of the transportation of—

(A) materials from the United States to maquiladoras; and

(B) waste from maquiladoras to a final destination.

(4) In the case of the study described in subsection (b)(1), a determination of the need for solid waste materials safety training for workers in Mexico and the United States within the 100-mile zone specified in the First Stage Implementation Plan Report for

1992-1994 of the Integrated Environmental Plan for the Mexico-United States Border, issued by the Administrator in February 1992.

(5) A review of the adequacy of existing emergency response networks in the border region involved, including the adequacy of training, equipment, and personnel.

(6) An analysis of solid waste management practices in the border region involved, including an examination of methods for promoting source reduction, recycling, and other alternatives to landfills.

(d) SOURCES OF INFORMATION.—In conducting a study under this section, the Administrator shall, to the extent allowable by law, solicit, collect, and use the following information:

(1) A demographic profile of border lands based on census data prepared by the Bureau of the Census of the Department of Commerce and, in the case of the study described in subsection (b)(1), census data prepared by the Government of Mexico.

(2) In the case of the study described in subsection (b)(1), information from the United States Customs Service of the Department of the Treasury concerning solid waste transported across the border between the United States and Mexico, and the method of transportation of the waste.

(3) In the case of the study described in subsection (b)(1), information concerning the type and volume of materials used in maquiladoras.

(4)(A) Immigration data prepared by the Immigration and Naturalization Service of the Department of Justice.

(B) In the case of the study described in subsection (b)(1), immigration data prepared by the Government of Mexico.

(5) Information relating to the infrastructure of border land, including an accounting of the number of landfills, wastewater treatment systems, and solid waste treatment, storage, and disposal facilities.

(6) A listing of each site in the border region involved where solid waste is treated, stored, or disposed of.

(7) In the case of the study described in subsection (b)(1), a profile of the industries in the region of the border between the United States and Mexico.

(e) CONSULTATION AND COOPERATION.—In carrying out this section, the Administrator shall consult with the following entities in reviewing study activities:

(1) With respect to reviewing the study described in subsection (b)(1), States and political subdivisions of States (including municipalities and counties) in the region of the border between the United States and Mexico.

(2) The heads of other Federal agencies (including the Secretary of the Interior, the Secretary of Housing, the Secretary of Health and Human Services, the Secretary of Transportation, and the Secretary of Commerce) and with respect to reviewing the study described in subsection (b)(1), equivalent officials of the Government of Mexico.

(f) REPORTS TO CONGRESS.—On completion of the studies under this section, the Administrator shall, not later than 2 years after the date of enactment of this Act, submit to the appropriate committees of Congress reports that summarize the findings of the studies and propose methods by which solid waste border traffic may be tracked, from source to destination, on an annual basis.

(g) BORDER STUDY DELAY.—The conduct of the study described in subsection (b)(2) shall not delay or otherwise affect completion of the study described in subsection (b)(1).

(h) FUNDING.—If any funding needed to conduct the studies required by this section is not otherwise available, the President may transfer to the Administrator, for use in con-

ducting the studies, any funds that have been appropriated to the President under section 533 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3473) that are in excess of the amount needed to carry out that section. States that wish to participate in study will be asked to contribute to the costs of the study. The terms of the cost share shall be negotiated between the Environmental Protection Agency and the State.”

COATS AMENDMENTS NOS. 762-765

(Ordered to lie on the table.)

Mr. COATS submitted four amendments intended to be proposed by him to the bill, S. 534, supra; as follows:

AMENDMENT NO. 762

On page 52, line 6, after “State.” insert “A general reference to the receipt of waste outside the jurisdiction of the affected local government does not meet the requirement of the preceding sentence.”

AMENDMENT NO. 763

On page 34, line 4, after “1993” insert “or calendar year 1994, whichever is less”.

AMENDMENT NO. 764

On page 48, strike lines 15 through 24 and insert the following:

“(2) HOST COMMUNITY AGREEMENT.—

“(A) ON OR AFTER DATE THAT IS 90 DAYS AFTER DATE OF ENACTMENT.—The term ‘host community agreement’, with respect to an agreement entered into on or after the date that is 90 days after the date of enactment of this section, means a written, legally binding document or documents executed by duly authorized officials of the affected local government that specifically authorizes a landfill or incinerator to receive specified amounts of municipal solid waste generated out of State.

“(B) BEFORE DATE THAT IS 90 DAYS AFTER DATE OF ENACTMENT.—

“(i) IN GENERAL.—The term ‘host community agreement’, with respect to an agreement entered into before the date that is 90 days after the date of enactment of this section—

“(I) means a written, legally binding document or documents executed by duly authorized officials of the affected local government specifically authorizing a landfill or incinerator to receive municipal solid waste generated out of State; but

“(II) does not include an agreement to pay host community fees for receipt of waste unless additional express authorization to receive out-of-State municipal solid waste is also included.

“(ii) TERMINOLOGY.—An agreement under clause (i) may use a term other than ‘out-of-State’, provided that any alternative term or terms evidence the approval or consent of the affected local government for receipt of municipal solid waste from sources or locations outside the State in which the landfill or incinerator is located or is proposed to be located.

AMENDMENT NO. 765

On page 35, strike line 3 and all that follows through page 36, line 12, and insert the following:

“(B) ADDITIONAL LIMIT FOR MUNICIPAL WASTE.—

“(i) IN GENERAL.—A State (referred to in this subparagraph as an ‘importing State’) may impose a limit under (in addition to or in lieu of any other limit imposed under this paragraph) on the amount of out-of-State municipal solid waste received at landfills and incinerators in the importing State.

“(ii) REQUIREMENTS.—A limit under clause (i) may be imposed only if each of the following requirements is met:

“(I) The limit does not conflict (within the meaning of clause (iii)) with any permit or host community agreement authorizing the receipt of out-of-State municipal solid waste.

“(II) The importing State has notified the Governor of the exporting State or States of the proposed limit at least 12 months before imposition of the limit.

“(III) The importing State has notified the Governor of the exporting State or States of the proposed limit at least 90 days before enforcement of the limit.

“(IV) The percentage reduction in the amount of out-of-State municipal solid waste that is received at each facility in the importing State at which a limit is established under clause (i) is uniform for all such facilities.

“(iii) CONFLICT.—A limit referred to in clause (ii)(I) shall be treated as conflicting with a permit or host community agreement if—

“(I) the permit or host community agreement establishes a higher limit; or

“(II) the permit or host community agreement does not establish any limit,

on the amount of out-of-State municipal solid waste that may be received annually at a landfill or incinerator that is the subject of the permit or host community agreement.

“(iv) LIMIT STATED AS PERCENTAGE.—

“(I) IN GENERAL.—A limit under clause (i) shall be stated as a percentage of the amount of out-of-State municipal solid waste generated in the exporting State and received at landfills and facilities in the importing State during calendar year 1993.

“(II) AMOUNT.—For any calendar year, the percentage amount of a limit under clause (i) shall be as specified in the following table:

Calendar year:	Applicable Percentage:
1996	85
1997	75
1998	65
1999	55
after 1999	50.

HUTCHISON AMENDMENT NO. 766

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 534, supra, as follows:

On page 64, line 6, strike the word “may” and insert the word “shall.”

ROTH (AND BIDEN) AMENDMENTS NOS. 767-768

(Ordered to lie on the table.)

Mr. ROTH (for himself and Mr. BIDEN) submitted two amendments intended to be proposed by them to the bill, S. 534, supra; as follows:

AMENDMENT NO. 767

On page 66, between lines 17 and 18 insert the following:

“(j) PUBLIC SERVICE AUTHORITIES.—For all purposes of this title, a reference to a political subdivision shall include reference to a public service authority.

AMENDMENT NO. 768

On page 56, line 22, strike “operation” and insert “existence”.

KYL AMENDMENT NO. 769

Mr. KYL proposed an amendment to the bill, S. 534, supra; as follows:

On page 57, strike line 16 and all that follows through page 58, line 22, and insert the following:

“(4) CONTINUED EFFECTIVENESS OF AUTHORITY DURING AMORTIZATION OF FINANCING.—

“(A) IN GENERAL.—With respect to each designated waste management facility or facilities, or Public Service Authority, authority may be exercised under this section only—

“(i) until the date on which payments under the schedule for payment of the capital costs of the facility concerned, as in effect on May 15, 1994, are completed; and

“(ii) so long as all revenues (except for revenues used for operation and maintenance of the designated waste management facility or facilities, or Public Service Authority) derived from tipping fees and other fees charged for the disposal of waste at the facility concerned are used to make such payments.

“(B) REFINANCING.—Subparagraph (A) shall not be construed to preclude refinancing of the capital costs of a facility, but if, under the terms of a refinancing, completion of the schedule for payment of capital costs will occur after the date on which completion would have occurred in accordance with the schedule for payment in effect on May 15, 1994, the authority under this section shall expire on the earlier of—

“(i) the date specified in subparagraph (A)(i); or

“(ii) the date on which payments under the schedule for payment, as in effect after the refinancing, are completed.

“(C) Any political subdivision of a State exercising flow control authority pursuant to subsection (c) may exercise such authority under this section only until completion of the original schedule for payment of the capital costs of the facility for which permits and contracts were in effect, obtained or submitted prior to May 15, 1994.”

SNOWE (AND COHEN) AMENDMENT NO. 770

(Ordered to lie on the table.)

Ms. SNOWE (for herself and Mr. COHEN) submitted an amendment intended to be proposed by them to the bill, S. 534, supra; as follows:

On page 58, line 5, strike “original facility” and insert “facility (as in existence on the date of enactment of this section)”.

SNOWE (AND COHEN) AMENDMENT NO. 771

(Ordered to lie on the table.)

Ms. SNOWE (for herself and Mr. COHEN) submitted an amendment intended to be proposed by them to the bill, S. 534, supra; as follows:

On page 56, lines 18 through 21, strike “the substantial construction of which facilities was performed after the effective date of that law, ordinance, regulation, or other legally binding provision and”.

SPECTER AMENDMENT NO. 772

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill, S. 534, supra; as follows:

On line 23 on page 56, after “1994” insert the following: “; or

“(C) is imposed to direct the flow of municipal solid waste to existing publicly-financed resource recovery facilities (as defined in section 1004(24) of this Act) which were constructed prior to January 1, 1975 and were in operation as of May 15, 1994”.

FAIRCLOTH AMENDMENT NO. 773

Mr. CHAFEE (for Mr. FAIRCLOTH) proposed an amendment to the bill, S. 534, supra; as follows:

On page 59, after line 20, insert the following:

“(6) FLOW CONTROL ORDINANCE.—Notwithstanding anything to the contrary in this section, but subject to subsection (j), any political subdivision which adopted a flow control ordinance in November 1991, and designated facilities to receive municipal solid waste prior to April 1, 1992, may exercise flow control authority until the end of the remaining life of all contracts between the political subdivision and any other persons regarding the movement or delivery of municipal solid waste or voluntarily relinquished recyclable material to a designated facility (as in effect May 15, 1994). Such authority shall extend only to the specific classes or categories of municipal solid waste to which flow control authority was actually applied on or before May 15, 1994. The authority under this subsection shall be exercised in accordance with section 4012(b)(4).

JEFFORDS AMENDMENT NO. 774

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill, S. 534, supra; as follows:

On page 64, between lines 2 and 3, insert the following:

“(f) STATE SOLID WASTE DISTRICT AUTHORITY.—A solid waste district of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if—

“(1) the solid waste district is currently required to initiate a recyclable materials recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent by the year 2000, and uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste, other than development of incineration; and

“(2) prior to May 15, 1994, the solid waste district—

“(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid wastes within its jurisdiction;

“(B) was authorized by State statute (enacted prior to January 1, 1990) to exercise flow control authority, and subsequently adopted the authority through a law, ordinance, regulation, contract, franchise, or other legally binding provision; and

“(C) was required by State statute (enacted prior to January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the district solid waste management plan was approved by the appropriate State agency prior to September 15, 1994.

LAUTENBERG AMENDMENT NO. 775

Mr. LAUTENBERG proposed an amendment to the bill S. 534, supra; as follows:

On page 58, strike line 23 and all that follows through page 59, line 20, and insert the following:

“(5) ADDITIONAL AUTHORITY.—

“(A) APPLICATION OF PARAGRAPH.—This paragraph applies to a State or political subdivision of a State that, on or before January 1, 1984—

“(i) adopted regulations under State law that required the transportation to, and management or disposal at, waste management facilities in the State, of—

“(I) all solid waste from residential, commercial, institutional, or industrial sources (as defined under State law); and

“(II) recyclable material voluntarily relinquished by the owner or generator of the recyclable material; and

“(ii) as of January 1, 1984, had implemented those regulations in the case of every political subdivision of the State.

“(B) AUTHORITY.—Notwithstanding anything to the contrary in this section (including subsection (j)), a State or political subdivision of a State described in subparagraph (A) may continue to exercise flow control authority (including designation of waste management facilities in the State that meet the requirements of subsection (c)) for all classes and categories of solid waste that were subject to flow control on January 1, 1984.

DORGAN AMENDMENT NO. 776

(Ordered to lie on the table.)

Dr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

On page 50, strike line 22 and all that follows through page 51, line 2.

WARNER AMENDMENTS NOS. 777–779

(Ordered to lie on the table.)

Mr. WARNER submitted three amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT No. 777

On page 53, line 10, insert “or operated” after “identified”.

AMENDMENT No. 778

On page 58, line 20, strike “and” and insert “or”.

AMENDMENT No. 779

On page 65, line 6, insert “or related land-fill restoration” after “services”.

MCCONNELL AMENDMENT NO. 780

(Ordered to lie on the table.)

Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

At the end of the amendment add the following:

TITLE III—STATE OR REGIONAL SOLID WASTE PLANS

SEC. 301. FINDING.

Section 1002(a) of the Solid Waste Disposal Act (42 U.S.C. 6901(a)) is amended—

(1) by striking the period at the end of paragraph (4) and inserting “; and”; and

(2) by adding at the end the following:

“(5) that the Nation’s improved standard of living has resulted in an increase in the amount of solid waste generated per capita, and the Nation has not given adequate consideration to solid waste reduction strategies.”.

SEC. 302. OBJECTIVE OF SOLID WASTE DISPOSAL ACT

Section 1003(a) of the Solid Waste Disposal Act (42 U.S.C. 6902(a)) is amended—

(1) by striking the period at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting “; and”; and

(3) by adding at the end the following:

“(12) promoting local and regional planning for—

“(A) effective solid waste collection and disposal; and

“(B) reducing the amount of solid waste generated per capita through the use of solid waste reduction strategies.”.

SEC. 303. NATIONAL POLICY.

Section 1003(b) of the Solid Waste Disposal Act (42 U.S.C. 6902(b)) is amended by inserting “solid waste and” after “generation of”.

SEC. 304. OBJECTIVE OF SUBTITLE D OF SOLID WASTE DISPOSAL ACT.

Section 4001 of the Solid Waste Disposal Act (42 U.S.C. 6941) is amended by inserting “promote local and regional planning for effective solid waste collection and disposal and for reducing the amount of solid waste generated per capita through the use of solid waste reduction strategies, and” after “objectives of this subtitle are to”.

SEC. 305. GUIDELINES FOR STATE PLANS.

Section 4002(b) of the Solid Waste Disposal Act (42 U.S.C. 6942(b)) is amended by striking “eighteen months after the date of enactment of this section” and inserting “18 months after the date of enactment of the Interstate Transportation of Municipal Solid Waste Act of 1995”.

SEC. 306. DISCRETIONARY STATE PLAN PROVISIONS.

Section 4003 of the Solid Waste Disposal Act (42 U.S.C. 6943) is amended by adding at the end the following:

“(e) DISCRETIONARY PLAN PROVISIONS RELATING TO SOLID WASTE REDUCTION GOALS, LOCAL AND REGIONAL PLANS, AND ISSUANCE OF SOLID WASTE MANAGEMENT PERMITS.—A State plan submitted under this subtitle may include, at the option of the State, provisions for—

“(1) establishment of a State per capita solid waste reduction goal, consistent with the goals and objectives of this subtitle, under which the State may disapprove a local or regional plan or deny a solid waste management permit that is inconsistent with those goals and objectives; and

“(2) establishment of a program relating solid waste management permits issued by the State in accordance with sections 4004 and 4005 to local and regional plans developed in accordance with section 4006 and approved by the State, under which the State may—

“(A) deny a permit for the reason that the permit is inconsistent with a local or regional plan;

“(B) issue a permit despite inconsistency with a local plan if—

“(i) the plan does not adequately provide for the current and projected solid waste management needs of the persons within the planning area; or

“(ii) issuance of the permit is necessary to meet the solid waste management needs of persons outside the planning area but within the State’s jurisdiction;

“(C) deny a permit despite consistency with a local plan if the plan is inconsistent with a State per capita solid waste reduction goal established under paragraph (1); and

“(D) allow local and regional plans to ban or restrict the importation of solid waste (except hazardous waste, and except solid waste imported in accordance with a host community agreement for which the State issued a permit prior to January 1, 1994) from outside the planning area if the current and projected solid waste management needs of the persons within the planning area have been met by solid waste management facilities identified in the plan, whether within or outside the planning area.”.

SEC. 307. PROCEDURE FOR DEVELOPMENT AND IMPLEMENTATION OF STATE PLANS.

Section 4006(b) of the Solid Waste Disposal Act (42 U.S.C. 6946(b)) is amended “and dis-

cretionary plan provisions” after “minimum requirements”.

COATS AMENDMENT NO. 781

(Ordered to lie on the table.)

Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

On page 43, between lines 14 and 15 insert the following:

“(d) DENIAL OF PERMIT BASED ON A NEEDS DETERMINATION.—The Governor of a State may deny a permit for a solid waste management facility on the basis of a needs determination in the permitting process if State law enacted or regulation adopted prior to May 15, 1994, specifically authorizes a denial on that basis.

MOYNIHAN AMENDMENT NO. 782

(Ordered to lie on the table.)

Mr. MOYNIHAN submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

On page 60 strike lines 6 through 12 and insert the following:

“(B) prior to May 15, 1994, the political subdivision committed to the designation of the particular waste management facilities or public service authority to which municipal solid waste is to be transported or at which municipal solid waste is to be disposed of under that law, ordinance, regulation, plan, or legally binding provision.

**COHEN (AND SNOWE)
AMENDMENTS NOS. 783-84**

(Ordered to lie on the table.)

Mr. COHEN (for himself and Ms. SNOWE) submitted two amendments intended to be proposed by them to the bill S. 534, supra; as follows:

AMENDMENT NO. 783

On page 55, between lines 10 and 11 insert the following:

“(5) PUT OR PAY AGREEMENT.—(1) The term ‘put or pay agreement’ means an agreement that obligates or otherwise requires a State or political subdivision to—

“(A) deliver a minimum quantity of municipal solid waste to a waste management facility; and

“(B) pay for that minimum quantity of municipal solid waste even if the stated minimum quantity of municipal solid waste is not delivered within a required period of time.

“(2) For purposes of the authority conferred by subsections (b) and (c), the term ‘legally binding provision of the State or political subdivision’ includes a put or pay agreement that designates waste to a waste management facility that was in operation on or before December 31, 1988.

“(3) The entering into of a put or pay agreement shall be considered to be a designation (as defined in subsection (a)(1)) for all purposes of this title.

AMENDMENT NO. 784

On page 55, between lines 10 and 11, insert the following:

“(5) PUT OR PAY AGREEMENT.—(1) The term ‘put or pay agreement’ means an agreement that obligates or otherwise requires a State or political subdivision to—

“(A) deliver a minimum quantity of municipal solid waste to a waste management facility; and

“(B) pay for that minimum quantity of municipal solid waste even if the stated minimum quantity of municipal solid waste is

not delivered within a required period of time.

“(2) For purposes of the authority conferred by subsections (b) and (c), the term ‘legally binding provision of the State or political subdivision’ includes a put or pay agreement that designates waste to a waste management facility that was in operation on or before December 31, 1988 and that requires an aggregate tonnage to be delivered to the facility during each operating year by the political subdivisions which have entered put or pay agreements designating that waste management facility.

“(3) The entering into of a put or pay agreement shall be considered to be a designation (as defined in subsection (a)(1)) for all purposes of this title.

**ROTH (AND BIDEN) AMENDMENT
NO. 785**

(Ordered to lie on the table.)

Mr. ROTH (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by them to the bill S. 534, supra; as follows:

On page 56, line 23, strike “1994.” and insert “1994, or were in operation prior to May 15, 1994, and were temporarily inoperative on May 15, 1994.”

MURRAY AMENDMENT NO. 786

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 534, supra; as follows:

On page 64, between lines 2 and 3, insert the following:

“(f) STATE-MANDATED SOLID WASTE MANAGEMENT PLANNING.—A political subdivision of a State may exercise flow control authority for municipal solid waste, construction and demolition debris, and for voluntarily relinquished recyclable material that is generated within its jurisdiction if State legislation enacted prior to January 1, 1990 mandated the political subdivision to plan for the management of solid waste generated within its jurisdiction, and if prior to January 1, 1990 the State delegated to its political subdivisions the authority to establish a system of solid waste handling, and if prior to May 15, 1994:

(1) the political subdivision has, in accordance with the plan adopted pursuant to such State mandate, obligated itself through contract (including a contract to repay a debt) to utilize existing solid waste facilities or an existing system of solid waste facilities; and

(2) the political subdivision has undertaken a recycling program in accordance with its adopted waste management plan to meet the State’s solid waste reduction goal of fifty percent; and

(3) significant financial commitments have been made to implement the plan cited above.

DEWINE AMENDMENT NO. 787

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

At the appropriate place insert the following:

“() AUTHORITY TO RESTRICT OUT-OF-STATE CONSTRUCTION AND DEMOLITION DEBRIS.—

“(1) LIST.—On or before June 1, 1997, the Administrator shall publish a list disclosing

the amount of construction and demolition debris exported by each State in calendar year 1996.

“(2) AUTHORITY.—A State (referred to in this subsection as an ‘importing State’) may impose a limit on the amount of out-of-State construction and demolition debris received at landfills and incinerators in the importing State.

“(3) LIMIT STATED AS PERCENTAGE.—

“(A) IN GENERAL.—A limit under paragraph (1) shall be stated as a percentage of the amount of out-of-State construction and demolition debris generated in the exporting State and received at landfills and facilities in the importing State during calendar year 1996.

“(B) AMOUNT.—For any calendar year, the percentage amount of a limit under subparagraph (A) shall be as specified in the following table:

Calendar year:	Applicable Percentage:
1998	100
1999	100
2000	100
2001	95
2002	90
2003	85
2004	80
2005	75
2006	70
2007	65
2008	60
2009	55
after 2009	50.

“(4) CONSTRUCTION AND DEMOLITION DEBRIS.—In this subsection, the term ‘construction and demolition debris’ means debris resulting from construction, remodeling, repair, or demolition of structures, other than such debris that—

“(A) is commingled with municipal solid waste (which such commingled debris is included within the meaning of ‘municipal solid waste’); or

“(B) the generator of the debris has determined to be contained in accordance with paragraph (6).

“(5) OUT-OF-STATE CONSTRUCTION AND DEMOLITION DEBRIS.—In this subsection, the term ‘out-of-State construction and demolition debris’ means, with respect to any State, construction and demolition debris generated outside the State. Nothing in this paragraph shall be construed to interfere with a treaty to which the United States is a party.

“(6) CONTAMINATED DEBRIS.—

“(A) DETERMINATION.—For the purpose of determining whether debris is contaminated for the purpose of paragraph (4), the generator of the waste shall conduct representative sampling and analysis of the debris, the result of which shall be submitted to the affected local government for recordkeeping purposes only, unless not required by the affected local government.

“(B) DISPOSAL.—Debris that has been determined to be contaminated under paragraph (1) shall be disposed of in a landfill that meets, at a minimum, the requirements of this subtitle.”

“(7) ANNUAL REPORTS.—Submissions and annual reports under subsection (a)(6) shall include the amount of construction and demolition debris received.

HATFIELD AMENDMENT NO. 788

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

At the end of the amendment, insert the following new title:

TITLE ____—

SEC. ____01. SHORT TITLE.

This title may be cited as the “National Beverage Container Reuse and Recycling Act of 1995”.

SEC. ____02. FINDINGS.

Congress finds the following:

(1) The failure to reuse and recycle empty beverage containers represents a significant and unnecessary waste of important national energy and material resources.

(2) The littering of empty beverage containers constitutes a public nuisance, safety hazard, and aesthetic blight and imposes upon public agencies, private businesses, farmers, and landowners unnecessary costs for the collection and removal of the containers.

(3) Solid waste resulting from the empty beverage containers constitutes a significant and rapidly growing proportion of municipal solid waste and increases the cost and problems of effectively managing the disposal of the waste.

(4) It is difficult for local communities to raise the necessary capital to initiate comprehensive recycling programs.

(5) The reuse and recycling of empty beverage containers would help eliminate unnecessary burdens on individuals, local governments, and the environment.

(6) Several States have previously enacted and implemented State laws designed to protect the environment, conserve energy and material resources, and promote resource recovery of waste by requiring a refund value on the sale of all beverage containers.

(7) The laws referred to in paragraph (6) have proven inexpensive to administer and effective at reducing financial burdens on communities by internalizing the cost of recycling and litter control to the producers and consumers of beverages.

(8) A national system for requiring a refund value on the sale of all beverage containers would act as a positive incentive to individuals to clean up the environment and would—

(A) result in a high level of reuse and recycling of the containers; and

(B) help reduce the costs associated with solid waste management.

(9) A national system for requiring a refund value on the sale of all beverage containers would result in significant energy conservation and resource recovery.

(10) The reuse and recycling of empty beverage containers would eliminate unnecessary burdens on the Federal Government, local and State governments, and the environment.

(11) The collection of unclaimed refunds from a national system of beverage container recycling would provide the resources necessary to assist comprehensive reuse and recycling programs throughout the United States.

(12) A national system of beverage container recycling is consistent with the intent of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.).

(13) The provisions of this title are consistent with the goals established by the Administrator of the Environmental Protection Agency in January 1988. The goals include a national goal of 25 percent source reduction and recycling by 1992, coupled with a substantial slowing of the projected rate of increase in waste generation by the year 2000.

SEC. ____03. AMENDMENT OF SOLID WASTE DISPOSAL ACT.

(a) IN GENERAL.—The Solid Waste Disposal Act is amended by adding at the end thereof the following new subtitle:

“Subtitle K—Beverage Container Recycling

“SEC. 12001. DEFINITIONS.

As used in this subtitle:

“(1) BEVERAGE.—The term ‘beverage’ means beer or other malt beverage, mineral water, soda water, wine cooler, or a carbonated soft drink of any variety in liquid form intended for human consumption.

“(2) BEVERAGE CONTAINER.—The term ‘beverage container’ means a container—

“(A) constructed of metal, glass, or plastic (or a combination of the materials);

“(B) having a capacity of up to one gallon of liquid; and

“(C) that is or has been sealed and used to contain a beverage for sale in interstate commerce.

“(3) BEVERAGE DISTRIBUTOR.—The term ‘beverage distributor’ means a person who sells or offers for sale in interstate commerce to beverage retailers beverages in beverage containers for resale.

“(4) BEVERAGE RETAILER.—The term ‘beverage retailer’ means a person who purchases from a beverage distributor beverages in beverage containers for sale to a consumer or who sells or offers to sell in commerce beverages in beverage containers to a consumer.

“(5) CONSUMER.—The term ‘consumer’ means a person who purchases a beverage container for any use other than resale.

“(6) REFUND VALUE.—The term ‘refund value’ means the amount specified as the refund value of a beverage container under section 12002.

“(7) UNBROKEN BEVERAGE CONTAINER.—The term ‘unbroken beverage container’ shall include a beverage container opened in a manner in which the container was designed to be opened. A beverage container made of metal or plastic that is compressed shall constitute an unbroken beverage container if the statement of the amount of the refund value of the container is still readable.

“(8) WINE COOLER.—The term ‘wine cooler’ means a drink containing less than 7 percent alcohol (by volume)—

“(A) consisting of wine and plain, sparkling, or carbonated water; and

“(B) containing a non-alcoholic beverage, flavoring, coloring material, fruit juice, fruit adjunct, sugar, carbon dioxide, or preservatives (or any combination thereof).

“SEC. 12002. REQUIRED BEVERAGE CONTAINER LABELING.

“Except as otherwise provided in section 12007, no beverage distributor or beverage retailer may sell or offer for sale in interstate commerce a beverage in a beverage container unless there is clearly, prominently, and securely affixed to, or printed on, the container a statement of the refund value of the container in the amount of 10 cents. The Administrator shall promulgate regulations establishing uniform standards for the size and location of the refund value statement on beverage containers. The 10 cent amount specified in this section shall be subject to adjustment by the Administrator, as provided in section 12008.

“SEC. 12003. ORIGINATION OF REFUND VALUE.

“For each beverage in a beverage container sold in interstate commerce to a beverage retailer by a beverage distributor, the distributor shall collect from the retailer the amount of the refund value shown on the container. With respect to each beverage in a beverage container sold in interstate commerce to a consumer by a beverage retailer, the retailer shall collect from the consumer the amount of the refund value shown on the container. No person other than a person described in this section may collect a deposit on a beverage container.

“SEC. 12004. RETURN OF REFUND VALUE.

“(a) PAYMENT BY RETAILER.—If a person tenders for refund an empty and unbroken beverage container to a beverage retailer who sells (or has sold at any time during the 3-month period ending on the date of tender)

the same brand of beverage in the same kind and size of container, the retailer shall promptly pay the person the amount of the refund value stated on the container.

“(b) PAYMENT BY DISTRIBUTOR.—

“(1) IN GENERAL.—If a person tenders for refund an empty and unbroken beverage container to a beverage distributor who sells (or has sold at any time during the 3-month period ending on the date of tender) the same brand of beverage in the same kind and size of container, the distributor shall promptly pay the person—

“(A) the amount of the refund value stated on the container, plus

“(B) an amount equal to at least 2 cents per container to help defray the cost of handling.

“(2) TENDERING BEVERAGE CONTAINERS TO OTHER PERSONS.—This subsection shall not preclude any person from tendering beverage containers to persons other than beverage distributors.

“(c) AGREEMENTS.—

“(1) IN GENERAL.—Nothing in this subtitle shall preclude agreements between distributors, retailers, or other persons to establish centralized beverage collection centers, including centers that act as agents of the retailers.

“(2) AGREEMENT FOR CRUSHING OR BUNDLING.—Nothing in this subtitle shall preclude agreements between beverage retailers, beverage distributors, or other persons for the crushing or bundling (or both) of beverage containers.

“SEC. 12005. ACCOUNTING FOR UNCLAIMED REFUNDS AND PROVISIONS FOR STATE RECYCLING FUNDS.

“(a) UNCLAIMED REFUNDS.—At the end of each calendar year, each beverage distributor shall pay to each State an amount equal to the sum by which the total refund value of all containers sold by the distributor for resale in that State during the year exceeds the total sum paid during that year by the distributor under section 12004(b) to persons in the State. The total amount of unclaimed refunds received by any State under this section shall be available to carry out pollution prevention and recycling programs in the State.

“(b) REFUNDS IN EXCESS OF COLLECTIONS.—If the total amount of payments made by a beverage distributor in any calendar year under section 12004(b) for any State exceeds the total amount of the refund values of all containers sold by the distributor for resale in the State, the excess shall be credited against the amount otherwise required to be paid by the distributor to that State under subsection (a) for a subsequent calendar year, designated by the beverage distributor.

“SEC. 12006. PROHIBITIONS ON DETACHABLE OPENINGS AND POST-REDEMPTION DISPOSAL.

“(a) DETACHABLE OPENINGS.—No beverage distributor or beverage retailer may sell, or offer for sale, in interstate commerce a beverage in a metal beverage container a part of which is designed to be detached in order to open the container.

“(b) POST-REDEMPTION DISPOSAL.—No retailer or distributor or agent of a retailer or distributor may dispose of any beverage container labeled pursuant to section 12002 or any metal, glass, or plastic from the beverage container (other than the top or other seal thereof) in any landfill or other solid waste disposal facility.

“SEC. 12007. EXEMPTED STATES.

“(a) IN GENERAL.—

“(1) EXEMPTION.—Sections 12002 through 12005 and sections 12008 and 12009 shall not apply in any State that—

“(A) has adopted and implemented requirements applicable to all beverage containers

sold in the State if the Administrator determines the requirements to be substantially similar to the provisions of sections 12002 through 12005 and sections 12008 and 12009 of this subtitle; or

“(B) demonstrates to the Administrator that, for any period of 12 consecutive months following the date of enactment of this subtitle, the State achieved a recycling or reuse rate for beverage containers of at least 70 percent.

“(2) TERMINATION OF EXEMPTION.—If at any time following a determination by the Administrator under paragraph (1)(B) that a State has achieved a 70 percent recycling or reuse rate, the Administrator determines that the State has failed, for any 12-consecutive month period, to maintain at least a 70 percent recycling or reuse rate of beverage containers, the Administrator shall notify the State that, on the expiration of the 90-day period following the notification, sections 12002 through 12005 and sections 12008 and 12009 shall apply with respect to the State until a subsequent determination is made under paragraph (1)(A) or a demonstration is made under paragraph (1)(B).

“(b) DETERMINATION OF TAX.—No State or political subdivision thereof that imposes a tax on the sale of any beverage container may impose a tax on any amount attributable to the refund value of the container.

“(c) EFFECT ON OTHER LAWS.—Nothing in this subtitle is intended to affect the authority of any State or political subdivision thereof—

“(1) to enact or enforce (or continue in effect) any law concerning a refund value on containers other than beverage containers; or

“(2) to regulate redemption and other centers that purchase empty beverage containers from beverage retailers, consumers, or other persons.

“SEC. 12008. REGULATIONS.

“(a) IN GENERAL.—Not later than 12 months after the date of enactment of this subtitle, the Administrator shall prescribe regulations to carry out this subtitle.

“(b) BEVERAGE RETAILER.—The regulations shall include a definition of the term ‘beverage retailer’ for any case in which beverages in beverage containers are sold to consumers through beverage vending machines.

“(c) ADJUSTMENT FOR INFLATION.—The regulations shall adjust the 10 cent amount specified in section 12002 to account for inflation. The initial adjustment shall become effective on the date that is 10 years after the date of enactment of this subtitle, and additional adjustments shall become effective every 10 years thereafter.

“SEC. 12009. PENALTIES.

“Any person who violates any provision of section 12002, 12003, 12004, or 12006 shall be subject to a civil penalty of not more than \$1,000 for each violation. Any person who violates any provision of section 12005 shall be subject to a civil penalty of not more than \$10,000 for each violation.

“SEC. 12010. EFFECTIVE DATE.

“Except as provided in section 12008, this subtitle shall take effect on the date that is 2 years after the date of enactment of this subtitle.”

(b) TABLE OF CONTENTS.—The table of contents for the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end thereof the following new items:

“SUBTITLE K—BEVERAGE CONTAINER RECYCLING

“Sec. 12001. Definitions.

“Sec. 12002. Required beverage container labeling.

“Sec. 12003. Origination of refund value.

“Sec. 12004. Return of refund value.

“Sec. 12005. Accounting for unclaimed refunds and provisions for State recycling funds.

“Sec. 12006. Prohibitions on detachable openings and post-redemption disposal.

“Sec. 12007. Exempted States.

“Sec. 12008. Regulations.

“Sec. 12009. Penalties.

“Sec. 12010. Effective date.”

SMITH (AND OTHERS)
AMENDMENT NO. 789

Mr. SMITH (for himself, Mr. CHAFEE, and Mr. BAUCUS) proposed an amendment to the bill S. 534, supra; as follows:

On page 38, line 18, strike the phrase “the Administrator has determined”.

On page 39, after line 8, insert the following: “For purposes of developing the list required in this Section, the Administrator shall be responsible for collating and publishing only that information provided to the Administrator by States pursuant to this Section. The Administrator shall not be required to gather additional data over and above that provided by the States pursuant to this Section, nor to verify data provided by the States pursuant to this Section, nor to arbitrate or otherwise entertain or resolve disputes between States or other parties concerning interstate movements of municipal solid waste. Any actions by the Administrator under this Section shall be final and not subject to judicial review.”

On page 38, after the “.” on line 16 insert the following: “States making submissions referred to in this Section to the Administrator shall notice these submissions for public review and comment at the State level before submitting them to the Administrator.”

On page 33, line 20, strike “(6)(D)” and insert “(6)(C)”.

On page 34, line 13, strike “determined” and insert “listed”.

On page 34, line 13, strike “(6)(E)” and insert “(6)(C)”.

On page 36, line 16, strike “(6)(E)” and insert “(6)(C)”.

On page 50, strike line 18 and insert the following: “in which the generator of the waste has an ownership interest.”

D'AMATO AMENDMENTS NOS. 790–
814

(Ordered to lie on the table.)

Mr. D'AMATO submitted 25 amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT NO. 790

At the appropriate place insert the following:

() SEVERABILITY.—

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

AMENDMENT NO. 791

On page 35, line 5, insert the phrase “or permits authorizing receipt of out-of-State municipal solid waste” after the word “agreements”.

On page 37, line 22, insert the phrase “not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste” before the word “shall”.

On page 38, line 3, delete "July 1" and insert "May 1".

On page 38, line 8, insert the phrase "at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste" after the word "State".

On page 38, line 19, insert the phrase "to landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste" before the word "in".

AMENDMENT NO. 792

On page 64, at line 3, insert the following and reletter all subsequent paragraphs:

(f) STATE-AUTHORIZED SERVICES AND LOCAL PLAN ADOPTION.—A political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if, prior to May 15, 1994, the political subdivision—

(1) has been authorized by State statute to exercise flow control authority and had implemented the authority through a law, ordinance, regulation, contract, or other legally binding provision; and

(2) had adopted a local solid waste management plan pursuant to State statute; and

(3) had incurred significant financial expenditures for the planning, site selection, design, permitting, construction or acquisition of the facilities proposed in its local solid waste management plan.

AMENDMENT NO. 793

On page 60, delete from line 23 to page 61, line 2, and replace with the following:

(C) REVENUE BONDS.—Prior to May 15, 1994, revenue bonds were presented for sale to specifically provide revenue for the site selection, permitting or acquisition for construction of the facility.

On page 61, after line 8, add the following:

(E) FINANCIAL EXPENDITURES.—Prior to May 15, 1994, the State or political subdivision had executed revenue or general obligation bonds or other financial instruments (such as lines of credit and bond anticipation notes) to provide for the site selection, permitting, or acquisition for construction of the facility.

AMENDMENT NO. 794

On page 64, after line (2), add a new subdivision (4) as follows and reletter the remaining subdivisions accordingly:

(f) STATE-AUTHORIZED FLOW CONTROL.—A political subdivision of a State may exercise flow control for municipal solid waste and recyclable material that is generated within its jurisdiction if, prior to May 15, 1994 the political subdivision had been authorized by State statute to exercise flow control authority.

AMENDMENT NO. 795

Page 64, line 3, insert the following as letter (f) and reletter subsequent paragraphs accordingly:

(f) STATE-AUTHORIZED SERVICES AND LOCAL PLAN ADOPTION.—A political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if, prior to May 15, 1994, the political subdivision—

(1) had been authorized by State statute which specifically named the political subdivision to exercise flow control authority and had implemented the authority through a law, ordinance, regulation, contract, or other legally binding provision; and

(2) had adopted a local solid waste management plan pursuant to State statute and was

required by State statute to adopt such plan in order to submit a complete permit application to construct a new solid waste management facility proposed in such plan; and

(3) had presented for sale a revenue or general obligation bond to provide for the site selection, permitting, or acquisition for construction of new facilities identified and proposed in its local solid waste management plan; and

(4) includes a municipality or municipalities required by State law to adopt a local law or ordinance to require that solid waste which has been left for collection shall be separated into recyclable, reusable or other components for which economic markets exist; and

(5) is in a State that has aggressively pursued closure of substandard municipal landfills, both by regulatory action and under statute designed to protect deep flow recharge areas in counties where potable water supplies are derived from sole source aquifers.

AMENDMENT NO. 796

On page 61, after line 8, insert the following:

(E) SIGNIFICANT EXPENDITURE.—The political subdivision had, prior to May 15, 1994, expended or committed to expending at least 50 percent of the cost of a comprehensive solid waste management system, and had relied on flow control authority for the completion of the system and payment of obligations incurred for the establishment of the system.

AMENDMENT NO. 797

On page 61, after line 8, insert the following:

(E) SIGNIFICANT EXPENDITURE.—The political subdivision had, prior to May 15, 1994, expended or committed to expending at least 75 percent of the cost of a comprehensive solid waste management system, and had relied on flow control authority for the completion of the system and payment of obligations incurred for the establishment of the system.

AMENDMENT NO. 798

On page 35, line 9, replace "1993" with "1994".

AMENDMENT NO. 799

On page 46, line 19, before "or" add ", to authorize, require, or result in the violation or failure to perform the terms of a written, legally binding contract entered into before enactment of this section."

AMENDMENT NO. 800

On page 39, line 8, replace "June 1" with "September 1".

AMENDMENT NO. 801

On page 38, lines 14 and 15, delete "the identity of the generator".

AMENDMENT NO. 802

On page 36, line 21, after "waste", add "A limit or prohibition shall be treated as violating and inconsistent with a host community agreement or permit if the agreement or permit establishes a higher limit or does not establish any limit."

AMENDMENT NO. 803

On page 33, line 1, delete immediately upon date of enactment of this section" and insert "beginning January 1, 1996".

AMENDMENT NO. 804

Starting on page 34, delete line 5 through page 35, line 2, and renumber the remainder of the paragraphs accordingly.

AMENDMENT NO. 805

Delete from page 34, line 5 through page 35, line 22 and replace with the following:

"(3)(i) Except as provided in paragraph (4), no State may export to landfills or incinerators in any 1 State, more than the following amounts of municipal solid waste:

"(I) In calendar year 1996, 95 percent of the amount exported to the State in calendar year 1993.

"(II) In calendar years 1997 through 2002, 95 percent of the amount exported to the State in the previous year.

"(III) In calendar year 2003, and each succeeding year, the limit shall be 50% of the amount exported in 1993."

On page 36, line 14, delete "and (B)".

On page 37, line 22, insert the phrase "not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste" before the word "shall".

On page 38, line 3, delete "July 1" and insert "May 1".

On page 38, line 8, insert the phrase "at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste" after the word "State".

Delete page 38, line 17 through page 39, line 6 and replace with the following:

"(C) LIST.—The Administrator shall publish a list of importing States and the out-of-State municipal solid waste received from each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste."

AMENDMENT NO. 806

Delete from page 34, line 5 through page 35, line 22 and replace with the following:

"(3)(i) Except as provided in paragraph (4), no State may export to landfills or incinerators in any 1 State, more than the following amounts of municipal solid waste:

"(I) In calendar year 1996, 92 percent of the amount exported to the State in calendar year 1993.

"(II) In calendar years 1997 through 2002, 92 percent of the amount exported to the State in the previous year.

"(III) In calendar year 2003, and each succeeding year, the limit shall be 50% of the amount exported in 1993."

On page 36, line 14, delete "and (B)".

On page 37, line 22, insert the phrase "not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste" before the word "shall".

On page 38, line 3, delete "July 1" and insert "May 1".

On page 38, line 8, insert the phrase "at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste" after the word "State".

Delete page 38, line 17 through page 39, line 6 and replace with the following:

"(C) LIST.—The Administrator shall publish a list of importing States and the out-of-State municipal solid waste received from each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste."

AMENDMENT NO. 807

Delete from page 34, line 5, through page 35, line 22 and replace with the following:

"(3)(i) Except as provided in paragraph (4), no State may export to landfills or incinerators in any 1 State, more than the following amounts of municipal solid waste.

(I) In calendar year 1996, 91 percent of the amount exported to the State in calendar year 1993;

(II) In calendar years 1997 through 2002, 91 percent of the amount exported to the state in the previous year;

(III) In calendar year 2003, and each succeeding year, the limit shall be 50% of the amount exported in 1993.

On page 36, line 14, delete "and (B)"

On page 37, line 22, insert the phrase "not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste" before the word "shall".

On page 38, line 3, delete "July 1" and insert "May 1".

On page 38, line 8, insert the phrase "at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste" after the word "State".

Delete page 38, line 17, through page 39, line 6 and replace with the following:

"(C) LIST.—The Administrator shall publish a list of importing states and the out-of-state municipal solid waste received from each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste."

AMENDMENT NO. 808

Delete from page 34, line 5, through page 35, line 22 and replace with the following:

"(3)(i) Except as provided in paragraph (4), no State may export to landfills or incinerators in any 1 State, more than the following amounts of municipal solid waste.

(I) In calendar year 1996, 93 percent of the amount exported to the State in calendar year 1993;

(II) In calendar years 1997 through 2002, 93 percent of the amount exported to the state in the previous year;

(III) In calendar year 2003, and each succeeding year, the limit shall be 50% of the amount exported in 1993.

On page 36, line 14, delete "and (B)".

On page 37, line 22, insert the phrase "not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste" before the word "shall".

On page 38, line 3, delete "July 1" and insert "May 1".

On page 38, line 8, insert the phrase "at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste" after the word "State".

Delete page 38, line 17 through page 39, line 6 and replace with the following:

"(C) LIST.—The Administrator shall publish a list of importing states and the out-of-state municipal solid waste received from each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste."

AMENDMENT NO. 809

Delete from page 34, line 5, through page 35, line 22 and replace with the following:

"(3)(i) Except as provided in paragraph (4), no State may export to landfills or incinerators in any 1 State, more than the following amounts of municipal solid waste.

(I) In calendar year 1996, 94 percent of the amount exported to the State in calendar year 1993,

(II) In calendar years 1997 through 2002, 94 percent of the amount exported to the state in the previous year;

(III) In calendar year 2003, and each succeeding year, the limit shall be 50% of the amount exported in 1993.

On page 36, line 14, delete "and (B)"

On page 37, line 22, insert the phrase "not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste" before the word "shall".

On page 38, line 3, delete "July 1" and insert "May 1".

On page 38, line 8, insert the phrase "at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste" after the word "State".

Delete page 38, line 17, through page 39, line 6 and replace with the following:

"(C) LIST.—The Administrator shall publish a list of importing states and the out-of-state municipal solid waste received from each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste."

AMENDMENT NO. 810

Delete from page 34, line 5, through page 35, line 22 and replace with the following:

"(3)(i) Except as provided in paragraph (4), no State may export to landfills or incinerators in any 1 State, more than the following amounts of municipal solid waste.

(I) In calendar year 1996, 94 percent of the amount exported to the State in calendar year 1993;

(II) In calendar years 1997 through 2002, 90 percent of the amount exported to the state in the previous year;

(III) In calendar year 2003, and each succeeding year, the limit shall be 50% of the amount exported in 1993.

On page 36, line 14, delete "and (B)"

On page 37, line 22, insert the phrase "not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste" before the word "shall".

On page 38, line 3, delete "July 1" and insert "May 1".

On page 38, line 8, insert the phrase "at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste" after the word "State".

Delete page 38, line 17, through page 39, line 6 and replace with the following:

"(C) LIST.—The Administrator shall publish a list of importing states and the out-of-state municipal solid waste received from each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste."

AMENDMENT NO. 811

Replace from page 34, line 18, through page 35, line 2, with the following:

(i) 3,500,000 tons of municipal solid waste in each of calendar years 1996 and 1997

(ii) 3,000,000 tons of municipal solid waste in each of calendar years 1998 and 1999

(iii) 2,500,000 tons of municipal solid waste in each of calendar years 2000 and 2001

(iv) 2,000,000 tons of municipal solid waste in each of calendar years 2002 and each year thereafter.

On page 38, delete from line 22 to page 39, line 6, and replace with the following:

(i) 3,500,000 tons in 1996;
 (ii) 3,500,000 tons in 1997;
 (iii) 3,000,000 tons in 1998;
 (iv) 3,000,000 tons in 1999;
 (v) 2,500,000 tons in 2000;
 (vi) 2,500,000 tons in 2001;
 (vii) 2,000,000 tons in 2002 and each year thereafter.

AMENDMENT NO. 812

On page 34, line 9, delete "prohibit or".

AMENDMENT NO. 813

On page 34, lines 9 and 10, delete "prohibit or limit the amount" and insert "restrict levels of imports to reflect the appropriate level as specified in (i) through (v)".

AMENDMENT NO. 814

Insert the following at the appropriate place:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Iran Sanctions Act of 1995".

SEC. 2. CONGRESSIONAL FINDINGS.

(a) IRAN'S VIOLATIONS OF HUMAN RIGHTS.—The Congress makes the following findings with respect to Iran's violations of human rights:

(1) As cited by the 1991 United Nations Special Representative on Human Rights, Amnesty International, and the United States Department of State, the Government of Iran has conducted assassinations outside of Iran, such as that of former Prime Minister Shahpour Bakhtiar for which the Government of France issued arrest warrants for several Iranian governmental officials.

(2) As cited by the 1991 United Nations Special Representative on Human Rights and by Amnesty International, the Government of Iran has conducted revolutionary trials which do not meet internationally recognized standards of fairness or justice. These trials have included such violations as a lack of procedural safeguards, trial times of 5 minutes or less, limited access to defense counsel, forced confessions, and summary executions.

(3) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran systematically represses its Baha'i population. Persecutions of this small religious community include assassinations, arbitrary arrests, electoral prohibitions, and denial of applications for documents such as passports.

(4) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran suppresses opposition to its government. Political organizations such as the Freedom Movement are banned from parliamentary elections, have their telephones tapped and their mail opened, and are systematically harassed and intimidated.

(5) As cited by the 1991 United Nations Special Representative on Human Rights and Amnesty International, the Government of Iran has failed to recognize the importance of international human rights. This includes suppression of Iranian human rights movements such as the Freedom Movement, lack of cooperation with international human rights organizations such as the International Red Cross, and an overall apathy toward human rights in general. This lack of concern prompted the Special Representative to state in his report that Iran had made "no appreciable progress towards improved compliance with human rights in accordance with the current international instruments".

(6) As cited by Amnesty International, the Government of Iran continues to torture its political prisoners. Torture methods include burns, arbitrary blows, severe beatings, and positions inducing pain.

(b) IRAN'S ACTS OF INTERNATIONAL TERRORISM.—The Congress makes the following findings, based on the records of the Department of State, with respect to Iran's acts of international terrorism:

(1) As cited by the Department of State, the Government of Iran was the greatest supporter of state terrorism in 1992, supporting over 20 terrorist acts, including the bombing of the Israeli Embassy in Buenos Aires that killed 29 people.

(2) As cited by the Department of State, the Government of Iran is a sponsor of radical religious groups that have used terrorism as a tool. These include such groups as Hezbollah, HAMAS, the Turkish Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC).

(3) As cited by the Department of State, the Government of Iran has resorted to international terrorism as a means of obtaining political gain. These actions have included not only the assassination of former Prime Minister Bakhtiar, but the death sentence imposed on Salman Rushdie, and the assassination of the leader of the Kurdish Democratic Party of Iran.

(4) As cited by the Department of State and the Vice President's Task Force on Combatting Terrorism, the Government of Iran has long been a proponent of terrorist actions against the United States, beginning with the takeover of the United States Embassy in Tehran in 1979. Iranian support of extremist groups have led to the following attacks upon the United States as well:

(A) The car bomb attack on the United States Embassy in Beirut killing 49 in 1983 by the Hezbollah.

(B) The car bomb attack on the United States Marine Barracks in Beirut killing 241 in 1983 by the Hezbollah.

(C) The assassination of the president of American University in 1984 by the Hezbollah.

(D) The kidnapping of all American hostages in Lebanon from 1984-1986 by the Hezbollah.

SEC. 3. TRADE EMBARGO.

(a) IN GENERAL.—Except as provided in subsection (d), effective on the date of enactment of this Act, a total embargo shall be in force on trade between the United States and Iran.

(b) COVERED TRANSACTIONS.—As part of such embargo the following transactions are prohibited:

(1) CURRENCY TRANSACTIONS.—Any transaction in the currency exchange of Iran.

(2) CREDIT TRANSACTIONS.—The transfer of credit or payments between, by, through, or to any banking institution, to the extent that such transfers or payments involve any interest of Iran or a national thereof.

(3) IMPORTATION OF CURRENCY OR SECURITIES.—The importing from, or exporting to, Iran of currency or securities.

(4) TRANSACTIONS IN PROPERTY.—Any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or any transaction involving, any property in which Iran or any national thereof has any interest; by any person, or with respect to any property, subject to the jurisdiction of the United States.

(5) EXPORTS.—The licensing for export to Iran, or for export to any other country for reexport to Iran, by any person subject to the jurisdiction of the United States of any item or technology controlled under the Export Administration Act of 1979, the Arms Export Control Act, or the Atomic Energy Act of 1954.

(c) EXTRATERRITORIAL APPLICATION.—In addition to the transactions described in subsection (b), the trade embargo imposed by this Act prohibits any transaction described in paragraphs (1) through (4) of that subsection when engaged in by a United States national abroad.

(d) EXCEPTIONS.—The authority granted to the President by this section does not include the authority to regulate or prohibit, directly or indirectly, the following:

(1) COMMUNICATIONS.—Any postal, telegraphic, telephonic, or other personal com-

munication, which does not involve a transfer of anything of value.

(2) HUMANITARIAN ASSISTANCE.—Donations, by persons subject to the jurisdiction of the United States, of articles, such as food, clothing, medicine, medical supplies, instruments, or equipment intended to be used to relieve human suffering, except to the extent that the President determines that such donations are in response to coercion against the proposed recipient or donor.

(3) INFORMATION AND INFORMATIONAL MATERIALS.—The importation from Iran, or the exportation to Iran, whether commercial or otherwise, regardless of format or medium of transmission, of any information or informational materials, including but not limited to, publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact discs, CD ROMs, artworks, and news wire feeds. The exports exempted from regulation or prohibition by this paragraph do not include those which are otherwise controlled for export under section 5 of the Export Administration Act of 1979, or under section 6 of such Act to the extent that such controls promote the non-proliferation or antiterrorism policies of the United States, or with respect to which acts are prohibited by chapter 37 of title 18, United States Code.

(e) PENALTIES.—Any person who violates this section or any license, order, or regulation issued under this section shall be subject to the same penalties as are applicable under section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to violations of licenses, orders, or regulations under that Act.

(f) APPLICATION TO EXISTING LAW.—This section shall apply notwithstanding any other provision of law or international agreement.

SEC. 4. IMPOSITION OF SANCTIONS ON PERSONS ENGAGING IN TRADE WITH IRAN.

(a) DETERMINATION BY THE PRESIDENT.—

(1) IN GENERAL.—The President shall impose the sanctions described in subsection (b) if the President determines in writing that, on or after the date of enactment of this Act, a foreign person has, with requisite knowledge, engaged in trade with Iran in any goods or technology (as defined in section 16 of the Export Administration Act of 1979).

(2) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—The sanctions shall be imposed pursuant to paragraph (1) on—

(A) the foreign person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person;

(C) any foreign person that is a parent or subsidiary of that person if that parent or subsidiary with requisite knowledge engaged in the activities which were the basis of that determination; and

(D) any foreign person that is an affiliate of that person if that affiliate with requisite knowledge engaged in the activities which were the basis of that determination and if that affiliate is controlled in fact by that person.

(b) SANCTIONS.—

(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, as follows:

(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(2).

(B) EXPORT SANCTION.—The United States Government shall not issue any license for any export by or to any person described in subsection (a)(2).

(2) EXCEPTIONS.—The President shall not be required to apply or maintain the sanctions under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(ii) if the President determines in writing that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines in writing that such articles or services are essential to the national security under defense co-production agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

(C) to—

(i) spare parts which are essential to United States products or production;

(ii) component parts, but not finished products, essential to United States products or production; or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(c) SUPERSEDES EXISTING LAW.—The provisions of this section supersede the provisions of section 1604 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (as contained in Public Law 102-484) as such section applies to Iran.

SEC. 5. OPPOSITION TO MULTILATERAL ASSISTANCE.

(a) INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution described in paragraph (2) to oppose and vote against any extension of credit or other financial assistance by that institution to Iran.

(2) The international financial institutions referred to in paragraph (1) are the International Bank for Reconstruction and Development, the International Development Association, the Asian Development Bank, and the International Monetary Fund.

(b) UNITED NATIONS.—It is the sense of the Congress that the United States Permanent Representative to the United Nations should oppose and vote against the provision of any assistance by the United Nations or any of its specialized agencies to Iran.

SEC. 6. WAIVER AUTHORITY.

The provisions of sections 3, 4, and 5 shall not apply if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has substantially improved its adherence to internationally recognized standards of human rights;

(2) has ceased its efforts to acquire a nuclear explosive device; and

(3) has ceased support for acts of international terrorism.

SEC. 7. REPORT REQUIRED.

Beginning 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall transmit to the appropriate congressional committees a report describing—

(1) the nuclear and other military capabilities of Iran; and

(2) the support, if any, provided by Iran for acts of international terrorism.

SEC. 8. DEFINITIONS.

As used in this Act:

(1) ACT OF INTERNATIONAL TERRORISM.—The term “act of international terrorism” means an act—

(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) which appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committees on Banking, Housing and Urban Affairs and Foreign Relations of the Senate and the Committees on Banking and Financial Services and International Relations of the House of Representatives.

(3) FOREIGN PERSON.—The term “foreign person” means—

(A) an individual who is not a United States national or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other nongovernment entity which is not a United States national.

(4) IRAN.—The term “Iran” includes any agency or instrumentality of Iran.

(5) NUCLEAR EXPLOSIVE DEVICE.—The term “nuclear explosive device” means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

(6) DEFINITION.—For purposes of this subsection, the term “requisite knowledge” means situations in which a person “knows”, as “knowing” is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2).

(7) UNITED STATES.—The term “United States” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(8) UNITED STATES NATIONAL.—The term “United States national” means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States;

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(C) any foreign subsidiary of a corporation or other legal entity described in subparagraph (B).

BREAUX AMENDMENTS NOS. 815-818

(Ordered to lie on the table.)

Mr. BREAUX submitted five amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT NO. 815

At the appropriate place, insert the following:

SEC. . STUDY OF INTERSTATE WASTE TRANSPORT.

(a) DEFINITIONS.—In this section:

(1) HAZARDOUS WASTE.—The term “hazardous waste” has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(2) SEWAGE SLUDGE.—The term “sewage sludge”—

(A) means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works; and

(B) includes—

(i) domestic septage;

(ii) scum or a solid removed in a primary, secondary, or advanced wastewater treatment process; and

(iii) material derived from sewage sludge (as otherwise defined in this paragraph); but

(C) does not include—

(i) ash generated during the firing of sewage sludge (as otherwise defined in this paragraph) in a sewage sludge incinerator; or

(ii) grit or screening generated during preliminary treatment of domestic sewage in a treatment works.

(3) SLUDGE.—The term “sludge” has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) STUDY.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct a study, and report to Congress on the results of the study, to determine—

(1) the quantity of sludge (including sewage sludge) and hazardous waste that is being transported across State lines; and

(2) the ultimate disposition of the transported sludge and waste.

AMENDMENT NO. 816

Beginning on page 49, strike line 14 and all that follows through page 51, line 17, and insert the following:

tics, leather, rubber, hazardous waste, sewage sludge, or other combustible or non-combustible materials such as metal or glass (or any combination thereof). The term ‘municipal solid waste’ does not include—

“(A) any solid waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act;

“(B) any metal, pipe, glass, plastic, paper, textile, or other material that has been separated or diverted from municipal solid waste (as otherwise defined in this paragraph) and has been transported into a State for the purpose of recycling or reclamation;

“(C) any solid waste that is—

“(i) generated by an industrial facility; and

“(ii) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator of the waste, or is located on property owned by a company with which the generator is affiliated;

“(D) any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation;

“(E) any industrial waste that is not identical to municipal solid waste (as otherwise defined in this paragraph) with respect to the physical and chemical state of the industrial waste, and composition, including construction and demolition debris;

“(F) any medical waste that is segregated from or not mixed with municipal solid waste (as otherwise defined in this paragraph); or

“(G) any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, or possible reuse.

“(5) The term ‘compliance’ means a pattern or practice of adhering to and satisfying standards and requirements promulgated by the Federal or a State government for the purpose of preventing significant harm to human health and the environment. Actions undertaken in accordance with compliance schedules for remediation established by Federal or State enforcement authorities shall be considered compliance for purposes of this section.

“(6) SEWAGE SLUDGE.—The term ‘sewage sludge’—

“(A) means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works; and

“(B) includes—

“(i) domestic septage;

“(ii) scum or a solid removed in a primary, secondary, or advanced wastewater treatment process; and

“(iii) material derived from sewage sludge (as otherwise defined in this paragraph); but

“(C) does not include—

“(i) ash generated during the firing of sewage sludge (as otherwise defined in this paragraph) in a sewage sludge incinerator; or

“(ii) grit or screenings generated during preliminary treatment of domestic sewage in a treatment works.”

AMENDMENT NO. 817

On page 49, line 14, after “rubber,” insert “hazardous waste,”.

AMENDMENT NO. 818

Beginning on page 49, strike line 14 and all that follows through page 51, line 17, and insert the following: tics, leather, rubber, sewage sludge, or other combustible or non-combustible materials such as metal or glass (or any combination thereof). The term ‘municipal old waste’ does not include—

“(A) any solid waste identified or listed as a hazardous waste under section 3001;

“(B) any solid waste, including contaminated solid and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 OR 9606) or a corrective action taken under this Act;

“(C) any metal, pipe, glass, plastic, paper, textile, or other material that has been separated or diverted from municipal solid waste (as otherwise defined in this paragraph) and has been transported into a State for the purpose of recycling or reclamation;

“(D) any solid waste that is—

“(i) generated by an industrial facility; and

“(ii) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator of the waste, or is located on property owned by a company with which the generator is affiliated;

“(E) any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation;

“(F) any industrial waste that is not identical to municipal solid waste (as otherwise defined in this paragraph) with respect to the physical and chemical state of the industrial waste, and composition, including construction and demolition debris;

“(G) any medical waste that is segregated from or not mixed with municipal solid waste (as otherwise defined in this paragraph); or

“(H) any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, or possible reuse.

“(5) The term ‘compliance’ means a pattern or practice of adhering to and satisfying standards and requirements promulgated by the Federal or a State government for the purpose of preventing significant harm to human health and the environment. Actions undertaken in accordance with compliance schedules for remediation established by Federal or State enforcement authorities shall be considered compliance for purposes of this section.

“(6) SEWAGE SLUDGE.—The term ‘sewage sludge’—

“(A) means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works; and

“(B) includes—

“(i) domestic septage;

“(ii) scum or a solid removed in a primary, secondary, or advanced wastewater treatment process; and

“(iii) material derived from sewage sludge (as otherwise defined in this paragraph); but

“(C) does not include—

“(i) ash generated during the firing of sewage sludge (as otherwise defined in this paragraph) in a sewage sludge incinerator; or

“(ii) grit or screenings generated during preliminary treatment of domestic sewage in a treatment works.

LIEBERMAN AMENDMENT NO. 819

(Ordered to lie on the table.)

Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

On pages 62–63, strike lines 24–25, and lines 1–3.

BIDEN AMENDMENT NO. 820

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

On page 56, line 23, strike “1994.” and insert “1994, or were in operation prior to May 15, 1994 and were temporarily inoperative on May 15, 1994.”.

BAUCUS AMENDMENT NO. 821

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

Beginning on page 33, line 9, strike all through page 46, line 19, and insert the following:

“(a) RESTRICTION ON RECEIPT OF OUT-OF-STATE WASTE.—(1) IN GENERAL.—(A) Except as provided in subsections (b) and (e), effective January 1, 1996, a landfill or incinerator in a State may not receive for disposal or incineration any out-of-State municipal solid waste unless the owner or operator of such landfill or incinerator has entered into a host community agreement or obtained a permit authorizing receipt of out-of-State municipal solid waste prior to enactment of this section, or obtains a host community agreement pursuant to this subsection.

“(2) Except as provided in paragraph (4), immediately upon the date of publication of the list required in paragraph (6)(D) and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (5), may limit the quantity of out-of-State mu-

nicipal solid waste received for disposal at each landfill or incinerator covered by the exceptions provided in subsection (b) that is subject to the jurisdiction of the Governor, to an annual amount equal to or greater than the quantity of out-of-State municipal solid waste received for disposal at such landfill or incinerator during calendar year 1993.

“(3)(A) Except as provided in paragraph (4), immediately upon the date of publication of the list required in paragraph (6)(E), and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (5), may prohibit or limit the amount of out-of-State municipal solid waste disposed of at any landfill or incinerator covered by the exceptions in subsection (b) that is subject to the jurisdiction of the Governor, generated in any State that is determined by the Administrator under paragraph (6)(E) as having exported, to landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste, more than—

“(i) 3,500,000 tons of municipal solid waste in calendar year 1996;

“(ii) 3,000,000 tons of municipal solid waste in each of calendar years 1997 and 1998;

“(iii) 2,500,000 tons of municipal solid waste in each of calendar years 1999 and 2000;

“(iv) 1,500,000 tons of municipal solid waste in each of calendar years 2001 and 2002; and

“(v) 1,000,000 tons of municipal solid waste in calendar year 2003 and each year thereafter.

“(B)(i) No State may export to landfills or incinerators in any 1 State that are not covered by host community agreements more than the following amounts of municipal solid waste:

“(I) In calendar year 1996, the greater of 1,400,000 tons or 90 percent of the amount exported to the State in calendar year 1993.

“(II) In calendar year 1997, the greater of 1,300,000 tons or 90 percent of the amount exported to the State in calendar year 1996.

“(III) In calendar year 1998, the greater of 1,200,000 tons or 90 percent of the amount exported to the State in calendar year 1997.

“(IV) In calendar year 1999, the greater of 1,100,000 tons or 90 percent of the amount exported to the State in calendar year 1998.

“(V) In calendar year 2000, 1,000,000 tons.

“(VI) In calendar year 2001, 800,000 tons.

“(VII) In calendar year 2002 or any calendar year thereafter, 600,000 tons.

“(ii) The Governor of an importing State may take action to restrict levels of imports to reflect the appropriate level of out-of-State municipal solid waste imports if—

“(I) the Governor of the importing State has notified the Governor of the exporting State and the Administrator, 12 months prior to taking any such action, of the importing State’s intention to impose the requirements of this section;

“(II) the Governor of the importing State has notified the Governor of the exporting State and the Administrator of the violation by the exporting State of this section at least 90 days prior to taking any such action; and

“(III) the restrictions imposed by the Governor of the importing State are uniform at all facilities.

“(C) The authority provided by subparagraphs (A) and (B) shall apply for as long as a State exceeds the permissible levels as determined by the Administrator under paragraph (6)(E).

“(4)(A) A Governor may not exercise the authority granted under this section if such action would result in the violation of, or would otherwise be inconsistent with, the terms of a host community agreement or a permit issued from the State to receive out-of-State municipal solid waste.

“(B) Except as provided in paragraph (3), a Governor may not exercise the authority granted under this section in a manner that would require any owner or operator of a landfill or incinerator covered by the exceptions provided in subsection (b) to reduce the amount of out-of-State municipal solid waste received from any State for disposal at such landfill or incinerator to an annual quantity less than the amount received from such State for disposal at such landfill or incinerator during calendar year 1993.

“(5) Any limitation imposed by a Governor under paragraph (2) or (3)—

“(A) shall be applicable throughout the State;

“(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

“(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of place of origin and all such limitations shall be applied to all States in violation of paragraph (3).

“(6) ANNUAL STATE REPORT.—

“(A) IN GENERAL.—Within 90 days after enactment of this section and on April 1 of each year thereafter the owner or operator of each landfill or incinerator receiving out-of-State municipal solid waste shall submit to the affected local government and to the Governor of the State in which the landfill or incinerator is located, information specifying the amount and State of origin of out-of-State municipal solid waste received for disposal during the preceding calendar year. Within 120 days after enactment of this section and on July 1 of each year thereafter each State shall publish and make available to the Administrator, the Governor of the State of origin and the public, a report containing information on the amount of out-of-State municipal solid waste received for disposal in the State during the preceding calendar year.

“(B) CONTENTS.—Each submission referred to in this section shall be such as would result in criminal penalties in case of false or misleading information. Such information shall include the amount of waste received, the State of origin, the identity of the generator, the date of the shipment, and the type of out-of-State municipal solid waste.

“(C) LIST.—The Administrator shall publish a list of States that the Administrator has determined have exported out-of-State in any of the following calendar years an amount of municipal solid waste in excess of—

“(i) 3,500,000 tons in 1996;

“(ii) 3,000,000 tons in 1997;

“(iii) 3,000,000 tons in 1998;

“(iv) 2,500,000 tons in 1999;

“(v) 2,500,000 tons in 2000;

“(vi) 1,500,000 tons in 2001;

“(vii) 1,500,000 tons in 2002;

“(viii) 1,000,000 tons in 2003; and

“(ix) 1,000,000 tons in each calendar year after 2003.

The list for any calendar year shall be published by June 1 of the following calendar year.

“(D) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preempt any State requirement that requires more frequent reporting of information.

“(7) Any affected local government that intends to enter into a host community agreement after the date of enactment of this section, shall prior to taking such action—

“(A) notify the Governor, contiguous local governments, and any contiguous Indian tribes;

“(B) publish notice of the action in a newspaper of general circulation at least 30 days before taking such action;

“(C) provide an opportunity for public comment in accordance with State law, including at least 1 public hearing; and

“(D) following notice and comment, take formal action on any proposed request or action at a public meeting.

“(8) Any owner or operator seeking a host community agreement after the date of enactment of this subsection shall provide to the affected local government the following information, which shall be made available to the public from the affected local government:

“(A) A brief description of the planned facility, including a description of the facility size, ultimate waste capacity, and anticipated monthly and yearly waste quantities to be handled.

“(B) A map of the facility site that indicates the location of the facility in relation to the local road system and topographical and hydrological features and any buffer zones and facility units to be acquired by the owner or operator of the facility.

“(C) A description of the existing environmental conditions at the site, and any violations of applicable laws or regulations.

“(D) A description of environmental controls to be utilized at the facility.

“(E) A description of the site access controls to be employed, and roadway improvements to be made, by the owner or operator, and an estimate of the timing and extent of increased local truck traffic.

“(F) A list of all required Federal, State, and local permits.

“(G) Any information that is required by State or Federal law to be provided with respect to any violations of environmental laws (including regulations) by the owner and operator, the disposition of enforcement proceedings taken with respect to the violations, and corrective measures taken as a result of the proceedings.

“(H) Any information that is required by State or Federal law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

“(b) EXCEPTIONS TO AUTHORITY TO PROHIBIT OUT-OF-STATE MUNICIPAL SOLID WASTE.—(1) The prohibition on the disposal of out-of-State municipal solid waste in subsection (a)(1) shall not apply to landfills and incinerators in operation on the date of enactment of this section that—

“(A) received during calendar year 1993 documented shipments of out-of-State municipal solid waste; and

“(B)(i) in the case of landfills, are in compliance with all applicable Federal and State laws and regulations relating to operation, design and location standards, leachate collection, ground water monitoring, and financial assurance for closure and post-closure and corrective action; or

“(ii) in the case of incinerators, are in compliance with the applicable requirements of section 129 of the Clean Air Act (42 U.S.C. 7429) and applicable State laws and regulations relating to facility design and operations.

“(C) before the date of enactment of this section, the owner or operator entered into a host community agreement or received a permit specifically authorizing the owner or operator to accept at the landfill or incinerator municipal solid waste generated outside the State in which it is or will be located.”

“(2) A Governor may not prohibit the disposal of out-of-State municipal solid waste pursuant to subsection (a)(1) facilities described in this subsection that are not in compliance with applicable Federal and State laws and regulations unless disposal of municipal solid waste generated within the State at such facilities is also prohibited.

“(3) The owner or operator of a landfill or incinerator that is exempt under this subsection from the prohibition in subsection (a)(1) shall provide to the State and affected local government, and make available for inspection by the public in the affected local community, a copy of the host community agreement or permit referenced in subparagraph (C). The owner or operator may omit from such copy or other documentation any proprietary information, but shall ensure that at least the following information is apparent; the volume of out-of-State municipal solid waste received; the place of origin of the waste, and the duration of any relevant contract.

“(c) ADDITIONAL AUTHORITY TO LIMIT OUT-OF-STATE MUNICIPAL SOLID WASTE.—(1) In any case in which an affected local government is considering entering into, or has entered into, a host community agreement and the disposal or incineration of out-of-State municipal solid waste under such agreement would preclude the use of municipal solid waste management capacity described in paragraph (2), the Governor of the State in which the affected local government is located may prohibit the execution of such host community agreement with respect to that capacity.

“(2) The municipal solid waste management capacity referred to in paragraph (1) is that capacity—

“(A) that is permitted under Federal or State law;

“(B) that is identified under the State plan; and

“(C) for which a legally binding commitment between the owner or operator and another party has been made for its use for disposal or incineration of municipal solid waste generated within the region (identified under section 4006(a)) in which the local government is located.

“(d) COST RECOVERY SURCHARGE.—

“(1) AUTHORITY.—A State described in paragraph (2) may adopt a law and impose and collect a cost recovery charge on the processing or disposal of out-of-State municipal solid waste in the State in accordance with this subsection.

“(2) APPLICABILITY.—The authority to impose a cost recovery surcharge under this subsection applies to any State that on or before April 3, 1994, imposed and collected a special fee on the processing or disposal of out-of-State municipal solid waste pursuant to a State law.

“(3) LIMITATION.—No such State may impose or collect a cost recovery surcharge from a facility on any out-of-State municipal solid waste that is being received at the facility under 1 or more contracts entered into after April 3, 1994, and before the date of enactment of this section.

“(4) AMOUNT OF SURCHARGE.—The amount of the cost recovery surcharge may be no greater than the amount necessary to recover those costs determined in conformance with paragraph (6) and in no event may exceed \$1.00 per ton of waste.

“(5) USE OF SURCHARGE COLLECTED.—All cost recovery surcharges collected by a State covered by this subsection shall be used to fund those solid waste management programs administered by the State or its political subdivision that incur costs for which the surcharge is collected.

“(6) CONDITIONS.—(A) Subject to subparagraphs (B) and (C), a State covered by this subsection may impose and collect a cost recovery surcharge on the processing or disposal within the State of out-of-State municipal solid waste if—

“(i) the State demonstrates a cost to the State arising from the processing or disposal within the State of a volume of municipal solid waste from a source outside the State;

“(ii) the surcharge is based on those costs that the State demonstrated under clause (i) that, if not paid for through the surcharge, would otherwise have to be paid or subsidized by the State; and

“(iii) the surcharge is compensatory and is not discriminatory.

“(B) In no event shall a cost recovery surcharge be imposed by a State to the extent that the cost for which recovery is sought is otherwise paid, recovered, or offset by any other fee or tax assessed against or voluntarily paid to the State or its political subdivision in connection with the generation, transportation, treatment, processing, or disposal of solid waste.

“(C) The grant of a subsidy by a State with respect to entities disposing of waste generated within the State does not constitute discrimination for purposes of subparagraph (A)(iii).

“(7) DEFINITIONS.—As used in this subsection:

“(A) The term ‘costs’ means the costs incurred by the State for the implementation of its laws governing the processing or disposal of municipal solid waste, limited to the issuance of new permits and renewal of or modification of permits, inspection and compliance monitoring, enforcement, and costs associated with technical assistance, data management, and collection of fees.

“(B) The term ‘processing’ means any activity to reduce the volume of solid waste or alter its chemical, biological or physical state, through processes such as thermal treatment, bailing, composting, crushing, shredding, separation, or compaction.

“(e) SAVINGS CLAUSE.—Nothing in this section shall be interpreted or construed—

“(1) to have any effect on State law relating to contracts to authorize, require, or result in the violation or failure to perform the terms of a written, legally binding contract entered into before enactment of this section during the life of the contract as determined under State law; or

DODD AMENDMENT NO. 822

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

In the committee substitute on page 62, line 14, strike “and”, and all that follows through line 3 on page 63, and insert the following:

“or

“(iii) entered into contracts with the operator of a solid waste facility selected by an operating committee composed of local political subdivisions created pursuant to State law to deliver or cause to be delivered to the facility substantially all of the disposable municipal solid waste that is generated or collected by or within the control of the political subdivision, which imposed flow control pursuant to a law, ordinance, regulation, or other legally binding provision and where outstanding revenue bonds were issued on behalf of the operating committee for waste management facilities;

“(B) prior to May 15, 1994, the public service authority or operating committee composed of local political subdivisions created pursuant to State law—

“(i) issued or had issued on its behalf, the revenue bonds for the construction of municipal solid waste facilities to which the political subdivision's municipal solid waste is transferred or disposed; and

“(ii) commenced operation of the facilities.”

SMITH AMENDMENTS NOS. 823-824

(Ordered to lie on the table.)

Mr. SMITH submitted two amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT No. 823

On page 56, lines 18 through 21, strike "the substantial construction of which facilities was performed after the effective date of that law, ordinance, regulation, or other legally binding provision and".

AMENDMENT No. 824

On page 56, strike lines 10 through 13 and insert the following:

"(A)(i) had been exercised prior to May 15, 1994, and was being implemented on May 15, 1994, pursuant to a law, ordinance, regulation, or other legally binding provision of the State or political subdivision; or

"(ii) had been exercised prior to May 15, 1994, but implementation of such law, ordinance, regulation, or other legally binding provision."

WELLSTONE AMENDMENTS NOS. 825-826

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT No. 825

On page 56, strike lines 18 through 21 and insert in lieu thereof the following: "material is to be delivered, or the substantial construction of which facilities was performed after the effective date of that law, ordinance, regulation, or other legally binding provision, and

(c)".

AMENDMENT No. 826

On page 59, between lines 20 and 21, insert the following:

"(6) For the purposes of (1), "was being implemented on May 15, 1994" includes provisions that would have been in implementation on such date but for any court decision finding that such provisions unconstitutionally interfere with interstate commerce or but for the voluntary decision of a State or its political subdivision to suspend implementation because of the existence of such court decision or decisions."

SMITH AMENDMENTS NOS. 827-828

(Ordered to lie on the table.)

Mr. SMITH submitted two amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT No. 827

On page 67, strike the period and quotation mark at the end of line 2.

On page 67, between lines 2 and 3, insert the following:

"(k) TITLE NOT APPLICABLE TO LISTED FACILITIES.—Notwithstanding any other provision of this title, the authority to exercise flow control shall not apply to any facility that—

"(1) on the date of enactment of this Act, is listed on the National Priorities List under the comprehensive Environmental, Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.); or

"(2) as of May 15, 1994, was the subject of a pending proposal by the Administrator of the Environmental Protection Agency to be listed on the National Priorities List."

AMENDMENT No. 828

On page 60, strike lines 1 through 5 and insert the following:

"(A)(i) the law, ordinance, regulation, or other legally binding provision specifically provides for flow control authority for municipal solid waste generated within its boundaries; and

"(ii) such authority was exercised prior to May 15, 1995, and was being implemented on May 15, 1994."

DOMENICI AMENDMENT NO. 829

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

On page 69, line 22, strike " ".

On page 69, between lines 22 and 23, insert the following new provision:

"(5) FURTHER REVISIONS OF GUIDELINES AND CRITERIA.—Not later than April 9, 1997, the Administrator shall promulgate revisions to the guidelines and criteria promulgated under this title to allow states to promulgate alternate design, operating, landfill gas and groundwater monitoring, financial assurance, and closure requirements for landfills which receive 20 tons or less of solid waste per day based on an annual average and are located in areas receiving 20 inches or less of annual precipitation, provided that such alternate requirements are sufficient to protect human health and the environment."

DEWINE AMENDMENTS NOS. 830-834

(Ordered to lie on the table.)

Mr. DEWINE submitted five amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT No. 830

On page 43, between lines 14 and 15, insert the following:

"(d) ADDITIONAL AUTHORITY TO LIMIT OUT-OF-STATE MUNICIPAL SOLID WASTE BY IMPOSING A PERCENTAGE LIMITATION.—

"(1) STATE LAW.—A State may by law provide that a State permit for a new landfill or incinerator shall include a percentage limitation on the total quantity of out-of-State municipal solid waste that may be received at the landfill or incinerator.

"(2) REQUIREMENTS.—A percentage limitation imposed under paragraph (1)—

"(A) shall be uniform for all landfills or incinerators for which a permit is required under State law; and

"(B) shall not discriminate against out-of-State municipal solid waste based on the State of origin unless the waste is received under an agreement entered into under section 1005(b) pursuant to which the State and 1 or more other States (referred to in this subsection as an 'exporting State') have agreed on a different percentage limitation for specific facilities for municipal solid waste from any such exporting State.

"(3) MAJOR MODIFICATIONS.—This subsection shall apply to a permit (or permit amendment) for a major modification of a landfill or incinerator in the same manner as it applies to a permit for a new landfill or incinerator if the landfill or incinerator was not authorized to receive out-of-State municipal waste pursuant to a host community agreement prior to the date of enactment of this section.

AMENDMENT No. 831

On page 42, line 19, after "Waste," insert the following: "by requiring use of municipal solid waste management capacity under a host community agreement."

AMENDMENT No. 832

On page 43, line 15, strike "(d)" and insert "(e)".

AMENDMENT No. 833

On page 46, line 16, strike "(e)" and insert "(f)".

AMENDMENT No. 834

On page 47, line 5, strike "(f)" and insert "(g)".

KEMPTHORNE AMENDMENTS NOS. 835-848

(Ordered to lie on the table.)

Mr. KEMPTHORNE submitted 14 amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT No. 835

On page 40, lines 19 and 20, after the word, "site", strike the following: "and any violations of applicable laws or regulations".

AMENDMENT No. 836

On page 39, line 8, strike the word, "June", and in lieu thereof insert the word, "September".

AMENDMENT No. 837

On page 38, line 14, after the word, "received," strike everything through the end of the sentence and in lieu thereof insert the following: "the State of origin and the date of shipment."

AMENDMENT No. 838

On page 33, line 11, strike the words, "immediately upon the date of enactment of this section," and in lieu thereof insert the words, "beginning January 1, 1996."

AMENDMENT No. 839

On page 52, line 6, add the following new subsection:

() APPLICATION.—The provisions of this section shall not apply to prohibit or limit receipt of out-of-State municipal solid waste at any landfill or incinerator that meets both of the following conditions:

(A) The facility has been granted a permit under State law to receive municipal solid waste for combustion or disposal; and

(B) The State or its political subdivision within which the facility is located has exercised any flow control authority provided under other provisions of this subtitle to prohibit or limit the receipt by the facility of municipal solid waste that is generated within the State or its political subdivision.

AMENDMENT No. 840

On page 45, lines 15 and 16, after the word, "tax", strike the words, "assessed against or voluntarily"; on lines 16 and 17, after the word, "subdivision", insert the following: " , or to the extent that the amount of the surcharge is offset by voluntarily agreed payments to a State or its political subdivision".

AMENDMENT No. 841

On page 52, line 3, after the word, "it", strike the words, "clearly and affirmatively states", and in lieu thereof insert the words, "reasonably evidences".

AMENDMENT No. 842

On page 45, line 19, after the number, "3001", add the following words, "or waste regulated under the Toxic Substances and Control Act (15 U.S.C. 2601 et seq.)".

AMENDMENT NO. 843

On page 48, lines 22 and 23, after the word, "additional", strike the word, "express" and in lieu thereof insert the word, "specific".

AMENDMENT NO. 844

On page 46, line 19, after the word, "contracts", insert the following: ", or to authorize, require, or result in the violation or failure to perform the terms of a written, legally binding contract entered into before enactment of this section".

AMENDMENT NO. 845

On page 44, line 44, line 8, strike the words, "enactment of this section" and in lieu thereof insert the words, "adoption of a State law authorized by this subsection".

AMENDMENT NO. 846

On page 43, line 23, after the word, "on", strike the words, "or before".

AMENDMENT NO. 847

On page 36, line 21, add the following new sentence: "A limit or prohibition shall be treated as a violation of and inconsistent with a host community agreement or permit if the agreement or permit establishes a higher limit or does not establish any limit."

AMENDMENT NO. 848

On page 35, line 5, after the word "agreements", insert the words, "or permits authorizing receipt of out-of-State municipal solid waste".

LEVIN AMENDMENTS NOS. 849-858

(Ordered to lie on the table.)

Mr. LEVIN submitted 10 amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT NO. 849

On page 49, line 3, after "of the State." strike all that follows through line 8.

AMENDMENT NO. 850

On page 56, line 23, after "1994" insert ", or, (C) was used by the political subdivision to finance resource recovery or waste reduction programs."

AMENDMENT NO. 851

On page 60, lines 7 and 8, strike "a waste management facility" and insert "1 or more waste management facilities".

AMENDMENT NO. 852

On page 53, lines 17 and 18 and insert "to 1 or more designated waste management facilities or facilities for recyclable material".

AMENDMENT NO. 853

On page 63, line 24, strike "and" and insert "or".

AMENDMENT NO. 854

On page 63, line 22, strike "significant".

AMENDMENT NO. 855

On page 63, line 11, strike "operation of solid waste facilities to serve the".

AMENDMENT NO. 856

On page 63, line 16, strike "30" and insert "25".

AMENDMENT NO. 857

On page 56, line 18, after "delivered," insert "or".

AMENDMENT NO. 858

On page 59, line 1, strike "1984" and insert "1989".

FEINSTEIN AMENDMENT NO. 859

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 534, supra; as follows:

On page 64, line 3, insert the following as subsection (f) and reletter subsequent subsections accordingly:

(f) Notwithstanding the provisions of this section, a political subdivision which, upon date of enactment of this section, is mandated by state law to divert 25 percent, by January 1, 1995, and 50 percent, by January 1, 2000, of all solid waste generated within its jurisdiction from landfill and resource recovery facilities through source reduction, recycling, and composting activities, may enter into a contract, franchise or agreement with, or issue a license or permit to, a public or private entity by which the public or private entity is exclusively or nonexclusively authorized to provide a solid waste management activity. Such state or political subdivision may as a condition in such contract, agreement, license or permit, require the public or private entity to deliver the solid waste or voluntarily relinquished recyclable material to a waste management facility identified by the state or political subdivision in such contract, agreement, license or permit. Any such contract, franchise or agreement, regardless of its effective date, and any such license or permit, regardless of when issued, shall be considered to be a reasonable regulation of commerce and shall not be considered to be an undue burden on or to otherwise impair, restrain, or discriminate against interstate commerce. For purposes of this subsection, the term "solid waste" shall mean solid waste as defined under the law, in existence on the date of enactment of this subsection, of the state.

DODD AMENDMENT NO. 860

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

In the Committee substitute, on page 62, line 14, strike "and", and all that follows through line 3 on page 63, and insert the following:

"or

"(ii) entered into contracts with the operator of a solid waste facility selected by an operating committee composed of local political subdivisions created pursuant to state law to deliver or cause to be delivered to the facility substantially all of the disposable municipal solid waste that is generated or collected by or within the control of the political subdivision, which imposed flow control pursuant to a law, ordinance, regulation, or other legally binding provision and where outstanding revenue bonds were issued on behalf of the operating committee for waste management facilities;

"(B) prior to May 15, 1994, the public service authority or operating committee composed of local political subdivisions created pursuant to state law—

"(i) issued or had issued on its behalf, the revenue bonds for the construction of municipal solid waste facilities to which the political subdivision's municipal solid waste is transferred or disposed; and

"(ii) commenced operation of the facilities.

"(2) DURATION OF AUTHORITY.—Authority under this subsection may be exercised by a political subdivision qualifying under paragraph (1)(A)(ii) or paragraph (1)(A)(iii) only until the expiration of the contract or the life of the bond, whichever is earlier.

MURKOWSKI AMENDMENTS NO. 861 AND 862

Mr. CHAFEE (for Mr. MURKOWSKI) proposed two amendments to the bill S. 534, supra; as follows:

AMENDMENT NO. 861

On page 19, line 19, before "would be infeasible" insert "or unit that is located in or near a small, remote Alaska village".

AMENDMENT NO. 862

On page , line , before "would be infeasible" insert "or unit that is located in or near a small, remote Alaska village".

PRYOR AMENDMENT NO. 863

(Order to lie on the table.)

Mr. PRYOR submitted an amendment intended to be proposed by him to an amendment intended to be proposed by Mr. KEMPTHORNE to bill S. 534, supra; as follows:

On page 64, between lines 2 and 3, insert the following:

"(f) INCLUSION OF CERTAIN ADDITIONAL STATES AND POLITICAL SUBDIVISIONS.—Notwithstanding any other provision of this title, flow control authority granted under this title may be exercised by a State or political subdivision that, prior to May 15, 1994, adopted a flow control measure or measures, individually or collectively, that required the delivery of flow-controllable solid waste to a proposed or existing waste management facility.

LEVIN (AND ABRAHAM) AMENDMENT NO. 864

(Ordered to lie on the table.)

Mr. LEVIN (for himself and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the bill S. 534, supra; as follows:

On page 33, strike line 9 and all that follows through line 17, and insert the following:

"(a) RESTRICTION ON RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE.—

"(1) IN GENERAL.—

"(A) AUTHORIZATION.—Effective 90 days after enactment, a landfill or incinerator in a State may not receive for disposal or incineration any out-of-State municipal solid waste unless the owner or operator of the landfill or incinerator obtains explicit authorization (as part of a host community agreement) from the affected local government to receive the waste.

"(B) REQUIREMENTS FOR AUTHORIZATION.—An authorization under subparagraph (A) shall—

"(i) be granted by formal action at a meeting;

"(ii) be recorded in writing in the official record of the meeting; and

"(iii) remain in effect according to its terms.

"(C) DISCRETIONARY TERMS AND CONDITIONS.—An authorization under subparagraph (A) may specify terms and conditions, including an amount of out-of-State waste that an owner or operator may receive and the duration of the authorization.

"(D) NOTIFICATION.—Promptly, but not later than 90 days after an authorization is granted, the affected local government shall notify the Governor, contiguous local governments, and any contiguous Indian tribes of an authorization under subparagraph (A).

“(2) INFORMATION.—Prior to seeking an authorization to receive out-of-State municipal solid waste under paragraph (1), the owner or operator of the facility seeking the authorization shall provide (and make readily available to the Governor, each contiguous local government and Indian tribe, and any other interested person for inspection and copying) the following information:

“(A) A brief description of the facility, including, with respect to both the facility and any planned expansion of the facility, the size, ultimate waste capacity, and the anticipated monthly and yearly quantities of (expressed in terms of volume) waste to be handled.

“(B) A map of the facility site disclosing—

“(i) the location of the site in relation to the local road system and topography and hydrogeological features; and

“(ii) any buffer zones or facility units to be acquired by the owner or operator.

“(C)(i) A description of the then-current environmental characteristics of the site and of ground water use in the area (including identification of private wells and public drinking water sources).

“(ii) A discussion of alterations that may be necessitated by, or occur as a result of, the facility.

“(D) A description of—

“(i) environmental controls typically required to be used on the site (pursuant to permit requirements), including run-on and runoff management, air pollution control devices, source separation procedures (if any), methane monitoring and control, landfill covers, liners or leachate collection systems, and monitoring programs; and

“(ii) any waste residuals generated by the facility, including leachate or ash, and the planned management of the residuals.

“(E) A description of site access controls to be employed, and roadway improvements to be made, by the owner or operator, and an estimate of the timing and extent of increased local truck traffic.

“(F) A list of all required Federal, State, and local permits.

“(G) Estimates of the personnel requirements of the facility, including information regarding the probable skill and education levels required for jobs at the facility, which, to the extent practicable, distinguishes between employment statistics for preoperational levels and those for postoperational levels.

“(H) Any information that is required by Federal or State law to be provided with respect to—

“(i) any violations of environmental laws (including regulations) by the owner, the operator, or any subsidiary of the owner or operator;

“(ii) the disposition of enforcement proceedings taken with respect to the violations; and

“(iii) corrective action and rehabilitation measures taken as a result of the proceedings.

“(I) Any information that is required by Federal or State law to be provided with respect to gifts and contributions made by the owner or operator.

“(J) Any information that is required by Federal or State law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

“(3) NOTIFICATION.—Prior to taking formal action with respect to granting authorization to receive out-of-State municipal solid waste pursuant to this subsection, an affected local government shall—

“(A) notify the Governor, contiguous local governments, and any contiguous Indian tribes;

“(B) publish notice of the action in a newspaper of general circulation at least 30 days

before holding a hearing and again at least 15 days before holding the hearing, unless State law provides for an alternate form of public notification; and

“(C) provide an opportunity for public comment in accordance with State law, including at least 1 public hearing.

BREAUX AMENDMENTS NOS. 865-866

(Ordered to lie on the table.)

Mr. BREAUX submitted two amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT NO. 865

At the appropriate place, insert the following:

SEC. . STUDY OF INTERSTATE SLUDGE TRANSPORT.

(a) DEFINITIONS.—In this section:

(1) SEWAGE SLUDGE.—The term “sewage sludge”—

(A) means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works; and

(B) includes—

(i) domestic septage;

(ii) scum or a solid removed in a primary, secondary, or advanced wastewater treatment process; and

(iii) material derived from sewage sludge (as otherwise defined in this paragraph); but

(C) does not include—

(i) ash generated during the firing of sewage sludge (as otherwise defined in this paragraph) in a sewage sludge incinerator; or

(ii) grit or screenings generated during preliminary treatment of domestic sewage in a treatment works.

(2) SLUDGE.—The term “sludge” has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) STUDY.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct a study, and report to Congress on the results of the study, to determine—

(1) the quantity of sludge (including sewage sludge) that is being transported across State lines; and

(2) the ultimate disposition of the transported sludge.

AMENDMENT NO. 866

At the appropriate place, insert the following:

SEC. . STUDY OF INTERSTATE HAZARDOUS WASTE TRANSPORT.

(a) DEFINITION OF HAZARDOUS WASTE.—In this section, the term “hazardous waste” has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) STUDY.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct a study, and report to Congress on the results of the study, to determine—

(1) the quantity of hazardous waste that is being transported across State lines; and

(2) the ultimate disposition of the transported waste.

JEFFORDS (AND LEAHY)

AMENDMENT NO. 867

Mr. JEFFORDS proposed an amendment to the bill S. 534, supra; as follows:

On page 64, between lines 2 and 3, insert the following:

“(f) STATE SOLID WASTE DISTRICT AUTHORITY.—A solid waste district of a State may exercise flow control authority for municipal solid waste and for recyclable material vol-

untarily relinquished by the owner or generator of the material that is generated within its jurisdiction if—

“(1) the solid waste district is currently required to initiate a recyclable materials recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent by the year 2000, and uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste, other than development of incineration; and

“(2) prior to May 15, 1994, the solid waste district—

“(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid wastes within its jurisdiction;

“(B) was authorized by State statute (enacted prior to January 1, 1990) to exercise flow control authority, and subsequently adopted the authority through a law, ordinance, regulation, contract, franchise, or other legally binding provision; and

“(C) was required by State statute (enacted prior to January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the district solid waste management plan was approved by the appropriate State agency prior to September 15, 1994.

MOYNIHAN AMENDMENT NO. 868

Mr. CHAFEE (for Mr. MOYNIHAN) proposed an amendment to the bill S. 534, supra; as follows:

On page 60, line 7, strike the word “a” and insert “the particular”.

On page 60, line 8, strike the word “facility” and insert in its place “facilities or public service authority”.

On page 60, line 15, strike the word “facility” and insert in its place “facilities or public service authority”.

CAMPBELL (AND OTHERS)

AMENDMENT NO. 869

Mr. CHAFEE (for Mr. CAMPBELL for himself, Mr. BROWN, and Mr. KEMPTHORNE) proposed an amendment to the bill S. 534, supra; as follows:

On page 69, strike the quotation mark and period at the end of line 22.

On page 69, between lines 22 and 23, insert the following:

“(5) NO-MIGRATION EXEMPTION.—

“(A) IN GENERAL.—Ground water monitoring requirements may be suspended by the Director of an approved State for a landfill operator if the operator demonstrates that there is no potential for migration of hazardous constituents from the unit to the uppermost aquifer during the active life of the unit and the post-closure care period.

“(B) CERTIFICATION.—A demonstration under subparagraph (A) shall—

“(i) be certified by a qualified groundwater scientists and approved by the Director of an approved State.

“(C) GUIDANCE.—

“(i) IN GENERAL.—Not later than 6 months after the date of enactment of this paragraph, the Administrator shall issue a guidance document to facilitate small community use of the no migration exemption under this paragraph.

DODD (AND LIEBERMAN)

AMENDMENT NO. 870

Mr. CHAFEE (for Mr. DODD, for himself and Mr. LIEBERMAN) proposed an

amendment to the bill S. 534, supra; as follows:

On page 55, line 8, add
“(B) other body created pursuant to State law or”.

Redesignate “(B)” as “(C)”.

On page 62 line 1 insert after “authority”,
“or on its behalf by a State entity”.

On page 62 line 17 insert after “bonds”, “or
had issued on its behalf by a State entity”.

On page 62 line 24 strike all through page
63 line 3, and insert the following, “the authority
under this subsection shall be exercised
in accordance with section 4012(b)(4).”.

ROTH (AND BIDEN) AMENDMENT NO. 871

Mr. CHAFEE (for Mr. ROTH, for himself
and Mr. BIDEN) proposed an amendment
to the bill S. 534, supra; as follows:

On page 53, line 3, strike “or political sub-
division” and insert “, political subdivision,
or public service authority”.

On page 53, line 4, strike “or political sub-
division” and insert “, political subdivision,
or public service authority”.

On page 53, lines 7 and 8, strike “or polit-
ical subdivision” and insert “, political sub-
division, or public service authority”.

On page 53, line 10, strike “or political sub-
division” and insert “, political subdivision,
or public service authority”.

On page 56, lines 1 and 2, strike “and each
political subdivision of a State” and insert “,
political subdivision of a State, and public
Service authority”.

On page 56, line 12, strike “or political sub-
division” and insert “, political subdivision,
or public service authority”.

On page 57, line 4, strike “or political sub-
division” and insert “, political subdivision,
or public service authority”.

On page 57, line 7, strike “or political sub-
division” and insert “, political subdivision,
or public service authority”.

On page 57, line 21, strike “or political sub-
division” and insert “, political subdivision,
or public service authority”.

BIDEN (AND ROTH) AMENDMENT NO. 872

Mr. CHAFEE (for Mr. BIDEN for him-
self and Mr. ROTH) proposed an amend-
ment to the bill S. 534, supra; as fol-
lows:

On page 56, line 23, strike “1994.” and in-
sert “1994, or were in operation prior to May
15, 1994 and were temporarily inoperative on
May 15, 1994.”.

SMITH (AND OTHERS) AMENDMENT NO. 873

Mr. CHAFEE (for Mr. SMITH for him-
self, Mr. THOMAS, Mr. COHEN, Mrs.
HUTCHISON, and Ms. SNOWE) proposed
an amendment to the bill S. 534, supra;
as follows:

On page 56, lines 18 through 21, strike “the
substantial construction of which facilities
was performed after the effective date of
that law, ordinance, regulation, or other leg-
ally binding provision and”.

On page 67, strike the period and quotation
mark at the end of line 2.

On page 67, between lines 2 and 3, insert
the following:

“(k) TITLE NOT APPLICABLE TO LISTED FA-
CILITIES.—Notwithstanding any other pro-
vision of this title, the authority to exercise
flow control shall not apply to any facility
that—

“(1) on the date of enactment of this Act,
is listed on the National Priorities List
under the Comprehensive Environmental, Re-
sponse, Compensation and Liability Act (42
U.S.C. 9601 et seq.); or

“(2) as of May 15, 1994, was the subject of a
pending proposal by the Administrator of the
Environmental Protection Agency to be list-
ed on the National Priorities List.”.

SMITH (AND WELLSTONE) AMENDMENT NO. 874

Mr. CHAFEE (for Mr. SMITH for him-
self and Mr. WELLSTONE) proposed an
amendment to the bill S. 534, supra; as
follows:

On page 56, strike lines 10 through 13 and
insert the following:

“(A)(i) had been exercised prior to May 15,
1994, and was being implemented on May 15,
1994, pursuant to a law, ordinance, regula-
tion, or other legally binding provision of
the State or political subdivision; or

“(ii) had been exercised prior to May 15,
1994, but implementation of such law, ordi-
nance, regulation, or other legally binding
provision of the State or political subdivi-
sion was prevented by an injunction, tem-
porary restraining order, or other court ac-
tion, or was suspended by the voluntary deci-
sion of the State or political subdivision be-
cause of the existence of such court action.

On page 60, strike lines 1 through 5 and in-
sert the following:

“(A)(i) the law, ordinance, regulation, or
other legally binding provision specifically
provides for flow control authority for mun-
icipal solid waste generated within its
boundaries; and

“(ii) such authority was exercised prior to
May 15, 1995, and was being implemented on
May 15, 1994.

SNOWE (AND COHEN) AMENDMENT NO. 875

Mr. CHAFEE (for Ms. SNOWE for her-
self and Mr. COHEN) proposed an
amendment to the bill S. 534, supra; as
follows:

On page 58, line 5, strike “original facility”
and insert “facility (as in existence on the
date of enactment of this section)”.

PRYOR AMENDMENT NO. 876

Mr. CHAFEE (for Mr. PRYOR) pro-
posed an amendment to the bill S. 534,
supra; as follows:

On page 61, between lines 7 and 8, insert
the following:

“(d) FORMATION OF SOLID WASTE MANAGE-
MENT DISTRICT TO PURCHASE AND OPERATE
EXISTING FACILITY.—Notwithstanding sub-
section (b)(1) (A) and (B), a solid waste man-
agement district that was formed by a num-
ber of political subdivisions for the purpose
of purchasing and operating a facility owned
by 1 of the political subdivisions may exer-
cise flow control authority under subsection
(b) if—

“(1) the facility was fully licensed and in
operation prior to May 15, 1994;

“(2) prior to April 1, 1994, substantial nego-
tiations and preparation of documents for
the formation of the district and purchase of
the facility were completed;

“(3) prior to May 15, 1994, at least 80 per-
cent of the political subdivisions that were
to participate in the solid waste manage-
ment district had adopted ordinances com-
mitting the political subdivisions to partici-
pation and the remaining political subdivi-
sions adopted such ordinances within 2
months after that date; and

“(3) the financing was completed, the ac-
quisition was made, and the facility was
placed under operation by the solid waste
management district by September 21, 1994.

COHEN (AND SNOWE) AMENDMENT NO. 877

Mr. CHAFEE (for Mr. COHEN for him-
self and Ms. SNOWE) proposed an
amendment to the bill S. 534, supra; as
follows:

On page 55, between lines 10 and 11 insert
the following:

“(5) PUT OR PAY AGREEMENT.—(1) The term
‘put or pay agreement’ means an agreement
that obligates or otherwise requires a State
or political subdivision to—

“(A) deliver a minimum quantity of mun-
icipal solid waste to a waste management
facility; and

“(B) pay for that minimum quantity of
municipal solid waste even if the stated min-
imum quantity of municipal solid waste is
not delivered within a required period of
time.

“(2) For purposes of the authority con-
ferred by subsections (b) and (c), the term
‘legally binding provision of the State or po-
litical subdivision’ includes a put or pay
agreement that designates waste to a waste
management facility that was in operation
on or before December 31, 1988 and that re-
quires an aggregate tonnage to be delivered
to the facility during each operating year by
the political subdivisions which have entered
put or pay agreements designating that
waste management facility.

“(3) The entering into of a put or pay
agreement shall be considered to be a des-
ignation (as defined in subsection (a)(1)) for
all purposes of this title.”

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CHAFEE. Mr. President, I ask
unanimous consent that the Commit-
tee on Armed Services be author-
ized to meet on Thursday, May 11, 1995,
at 9:30 a.m. in open session to receive
testimony on the national security im-
plications of lowered export controls
on dual-use technologies and U.S. de-
fense capabilities.

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

COMMITTEE ON FINANCE

Mr. CHAFEE. Mr. President, I ask
unanimous consent that the Finance
Committee be permitted to meet
Thursday, May 11, 1995, beginning at
9:30 a.m. in room SD-215, to conduct a
hearing on Medicare solvency.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CHAFEE. Mr. President, I ask
unanimous consent that the Com-
mittee on Rules and Administration be
authorized to meet during the session
of the Senate on Thursday, May 11,
1995, at 9:30 a.m., to hold a hearing to
receive testimony on the Smithsonian
Institution: Management Guidelines
for the Future.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. CHAFEE. Mr. President, the
Committee on Veterans' Affairs would