

new waste stream from nearby counties which have not previously flow controlled to the Harrisburg facility. It would appear to me that the existence of outstanding bonds and the unfunded mandate on Harrisburg under the Clean Air Act would justify the extension of flow control authority to the counties that would want to send waste to the Harrisburg facility in the future.

Would the distinguished chairman be willing to look closely at this issue as this legislation goes forward?

Mr. SMITH. Mr. President, as the Senator from Pennsylvania knows, this legislation provides flow control authority which is predicated on meeting debt obligations. The issuance of new debt at a facility that has operated since 1972 and that would require expanded flow control authority is not one that the committee has had the opportunity to examine in any detail at this time. I would be glad to work with the Senator from Pennsylvania as the bill goes forward and to determine whether the Harrisburg facility is or should be covered by this legislation.

Mr. SPECTER. I thank my colleague from New Hampshire.

Mr. CHAFEE. Mr. President, I share all of the views set forth by the distinguished Senator from Indiana. We have all been struggling with this issue for many years, nobody as hard as he has and with more tenacity. As he indicated, we are this close. I think he said we are in the bottom of the ninth. I hope we complete the game, and I know we will. Then, of course, comes what the House does and then the conference with the House. But all of that we will pursue with great vigor.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAMS).

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 94, nays 6, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—94

Abraham	Bingaman	Burns
Akaka	Bond	Byrd
Ashcroft	Bradley	Campbell
Baucus	Breaux	Chafee
Bennett	Bryan	Coats
Biden	Bumpers	Cochran

Cohen	Helm	Nickles
Conrad	Hollings	Nunn
Coverdell	Hutchison	Packwood
Craig	Inhofe	Pell
D'Amato	Inouye	Pressler
Daschle	Jeffords	Pryor
DeWine	Johnston	Reid
Dodd	Kassebaum	Robb
Dole	Kempthorne	Rockefeller
Domenici	Kennedy	Roth
Dorgan	Kerrey	Santorum
Exon	Kerry	Sarbanes
Faircloth	Kohl	Shelby
Feingold	Lautenberg	Simon
Ford	Leahy	Simpson
Frist	Levin	Smith
Glenn	Lieberman	Snowe
Graham	Lott	Specter
Gramm	Lugar	Stevens
Grams	Mack	Thomas
Grassley	McCaain	Thomson
Gregg	McConnell	Thurmond
Harkin	Mikulski	Warner
Hatch	Moseley-Braun	Wellstone
Hatfield	Moynihan	
Heflin	Murkowski	

NAYS—6

Boxer	Feinstein	Kyl
Brown	Gorton	Murray

So the bill (S. 534), as amended, was passed, as follows:

S. 534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Interstate Transportation of Municipal Solid Waste Act of 1995".

TITLE I—INTERSTATE WASTE

SEC. 101. INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.

(a) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"SEC. 4011. INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.

"(a) AUTHORITY TO RESTRICT OUT-OF-STATE MUNICIPAL SOLID WASTE.—(1) Except as provided in paragraph (4), immediately upon the date of enactment of this section if requested in writing by an affected local government, a Governor may prohibit the disposal of out-of-State municipal solid waste in any landfill or incinerator that is not covered by the exceptions provided in subsection (b) and that is subject to the jurisdiction of the Governor and the affected local government.

"(2) Except as provided in paragraph (4), immediately upon the date of publication of the list required in paragraph (6)(C) 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 municipal 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), any State that imported more than 750,000 tons of out-of-State municipal solid waste in 1993 may establish a limit under this paragraph on the amount of out-of-State municipal solid waste received for disposal at landfills and incinerators in the importing State as follows:

"(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 65 percent of the amount exported in 1993.

"(iv) No exporting State shall be required under this subparagraph to reduce its exports to any importing State below the proportionate amount established herein.

"(B)(i) No State may export to landfills or incinerators in any 1 State that are not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste 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, 750,000 tons.

"(VII) In calendar year 2002 or any calendar year thereafter, 550,000 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 and the Governor of the importing State may only apply subparagraph (A) or (B) but not both.

"(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)(C).

"(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