

"With each passing day, American citizens are more aware of the damage that arises from the continuous and repetitive violence transmitted through the communications media. With the conviction that the voluntary initiatives of the media have not been sufficient to fight the problem of televised violence, Senator Kent Conrad filed S. 332 before the United States, which provides resources to limit the exposure of children to television programs with a high content of violence.

"The measure proposes to adopt what is known as the 'Childrens' Media Protection Act'. In essence, the bill requires all manufacturers to install on every new television set, a device which allows the blocking of those programs that are not fit for minors. With this resource at hand, parents can make a decision as to the type of program their children will be exposed to.

"The legislation also contains provisions regarding the classification of programs of violent content. The Federal Communications Commission, upon consulting with broadcasters of television stations and cable retransmitters, private groups and interested citizens, is required to promulgate rules to classify the levels of violence in television programming.

"The measure provides additional safeguards which require the Federal Communications Commission to adopt rules to prohibit commercial television, the Cable TV industry and the public telecommunications entities from transmitting programs and commercials which contain unnecessary violence, from 6:00 a.m. to 10:00 p.m.

"The Senate of Puerto Rico recognizes that the approval of S. 332 shall have a positive effect on the programming that is broadcast locally by commercial channels and Cable TV. To such ends, we support the efforts of the United States Senate directed to reducing televised violence and improving the quality of the programming, for the benefit of our children and youths. Therefore, through this Resolution, the Senate of Puerto Rico respectfully exhorts the Senate of the United States to proceed with, and approve the 'Childrens' Media Protection Act' contained in S. 332.

"Be it resolved by the Senate of Puerto Rico:

"Section 1.—To express the United States Senate the support of the Senate of Puerto Rico to the approval of S. 332, filed in that Body by Senator Kent Conrad, for the purpose of establishing the 'Childrens' Media Protection Act', providing the mechanisms to limit the exposure of children to television programs with a high content of violence.

"Section 2.—The Secretary of the Senate of Puerto Rico is hereby directed to remit a copy of this Resolution, in both of our official languages, to the Senate of the United States, to the Majority and Minority Floor Leaders of the Senate of the United States, to the Chairperson and members of the Committee on Commerce, Science and Transportation that has for its consideration S. 332, to Senator Kent Conrad, author of said legislative initiative, and to the Resident Commissioner, Carlos Romero Barceló.

"Section 3.—This Resolution shall take effect immediately after its approval."

POM-102. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Commerce, Science, and Transportation.

#### "HOUSE JOINT MEMORIAL 4008

"Whereas, harbor seal and sea lion populations have greatly expanded in recent years due to the almost absolute protection

afforded them under the federal Marine Mammal Protection Act; and

"Whereas, seals and sea lions are active predators upon anadromous fish such as salmon and steelhead trout; and

"Whereas, anadromous fish populations are significantly reduced in numbers throughout Washington state, and some stocks have been listed as threatened or endangered species; and

"Whereas, many more anadromous fish stocks are likely to be listed as threatened or endangered; and

"Whereas, in order to allow certain salmon and steelhead populations to recover to and be sustained at viable levels, it will be necessary to have more flexibility to manage seals and sea lions in identifiable areas where they cause unacceptable mortality levels in specific fish runs; and

"Whereas, while recent amendments to the federal Marine Mammal Protection Act to allow for lethal removal of problem seals or sea lions, the process established to do so in cumbersome and time-consuming and will do little to protect the fish; and

"Whereas, seal and sea lion predation of anadromous fish is a problem that has been going on for some time and needs to be addressed with some urgency;

"Now, therefore, Your Memorialists respectfully pray that the Marine Mammal Protection Act be modified to allow for a more common-sense approach to managing predacious seals and sea lions, including provision for reasonable, balanced, and prudent population levels of seals and sea lions in Washington state and provision for the active management of abundant populations at set levels determined with modern wildlife management science by federal and state management agencies, including use of a less cumbersome lethal removal option when and where necessary. In asking for these amendments, it is not our intention to decimate or eliminate seals and sea lions but to find balance between protection of marine mammals and protection of anadromous fish.

"Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Finance:

Jeffrey M. Lang, of Maryland, to be Deputy U.S. Trade Representative, with the rank of Ambassador, vice Rufus Hawkins Yerxa, resigned.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CHAFEE (for himself and Mr. PELL):

S. 786. A bill to designate the United States Post Office building located at 24 Corliss Street, Providence, Rhode Island, as the "Harry Kizirian Post Office Building", and for other purposes; to the Committee on Governmental Affairs.

By Mr. BURNS:

S. 787. A bill to provide an exemption from certain hazardous material transportation regulations for small cargo tank vehicles with a capacity of not more than 3,500 gallons that transport petroleum, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 788. A bill to delay the effective date of trucking deregulation under the Federal Aviation Administration Authorization Act of 1994; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAFEE (for himself, Mr. MOYNIHAN, and Mr. KYL):

S. 789. A bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly-traded stock to certain private foundations, and for other purposes; to the Committee on Finance.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE (for himself and Mr. PELL):

S. 786. A bill to designate the United States Post Office building located at 24 Corliss Street, Providence, Rhode Island, as the "Harry Kizirian Post Office Building," and for other purposes; to the Committee on Governmental Affairs.

THE HARRY KIZIRIAN POST OFFICE BUILDING ACT  
OF 1995

Mr. CHAFEE. Mr. President, I send to the desk a bill for Senator PELL and myself. This deals with the designation of the U.S. Post Office building located on 24 Corliss Street in Providence. Under the new designation it becomes the "Harry Kizirian Post Office Building."

Mr. President, today Senator PELL and I are introducing legislation to name the post office at 24 Corliss Street in Providence, RI after a renowned Rhode Islander and a proud American—Harry Kizirian. Representatives JACK REED and PATRICK KENNEDY are introducing identical legislation in the House of Representatives. The Rhode Island congressional delegation is united in its desire to honor Harry Kizirian for his years of service to our State.

Mr. President, just a word about Harry Kizirian. He is a celebrated citizen in our State. For many, many years he has been postmaster of our principal post office. He is a community leader.

Harry Kizirian is a household name in Rhode Island because of his lifelong career in the Postal Service but, even more so, because of his involvement with and commitment to his community. He has served on the board of directors of Butler Hospital, Big Brothers of Rhode Island, the Providence Human Relations Commission, Rhode Island Blue Cross, and the Rhode Island Heart and Lung Associations. Over the years he has earned countless awards

and citations for his community involvement. He was inducted into the Rhode Island Hall of Fame and received the Roger Williams Award. He served on advisory boards for Rhode Island College, Providence Heritage Commission on R.I. Medal of Honor Recipients, the Disabled American Veterans, and the Marine Corps League. Harry Kizirian is a husband, a father, a grandfather, a Postmaster to Rhode Island, and a decorated World War II hero.

The lessons learned from Harry Kizirian are lessons of fortitude, valor, strength of character, and perseverance.

While Harry was just a boy in school, at Mt. Pleasant High School in Providence, he went to work part-time as a postal clerk. He was 15 years old and his father had died, so Harry took responsibility for supporting his family. He did so while keeping his grades up and participating in athletics. Twenty years later, at 35, Harry was named Postmaster of Rhode Island, a position he held for more than 25 years.

Like many young men at the time, Harry's job was interrupted by World War II. The day after high school graduation Harry enlisted in the Marine Corps.

After going through training, he ended up with the marines that were invading Okinawa.

He fought on Okinawa with the 6th Marine Division. He was awarded the Navy Cross—the second highest honor a Marine can receive—for his valor on Okinawa. What did he do for it?

Harry and a group of Marines were pinned down by a Japanese machine gunner. Harry got up and ran toward the machine gun. He was shot in the legs. Despite his injuries, he pulled himself forward and eliminated the enemy position. This extraordinary act of valor sent Harry Kizirian, a teenage boy, to a hospital in Guam with the Navy Cross, a Bronze Star, and a Purple Heart with a gold star.

Harry Kizirian was seen by millions of Americans as the face of the war in the Pacific. Before he was injured, a news photographer captured his image, the image of a boy in battle—by that time he was the age of 19—for the cover of the New York Times Sunday Magazine. Last November, I was present when Harry was honored by his old Atwood-Bucci Detachment of the Marine Corps. The famous photograph was prominently displayed on the podium. It has been 50 years since that picture was snapped and many have glorified the war, but not Harry. Harry's message to young people, and to all of us, is that "war is awful. There's no way to describe it. Nobody wins a war."

After the war, Harry returned to Providence and to his job at the post office. He was a substitute clerk. By 1954 he was made foreman. He was named Assistant Superintendent during the transition from the old postal system to the turnkey mechanization system. The Providence post office on

Corliss Street was the first post office in the country to use the turnkey system. The turnkey system was the first fully automated system for sorting the mail. Until that point, all of the mail was sorted by hand. The new system was not easily implemented, but once again Harry persevered. In 1961, Harry was rewarded for his hard work and dedication. He was named Postmaster of Rhode Island.

What better way to honor the life and lessons of Harry Kizirian than to name the Post Office on Corliss Street for him. I am pleased to introduce this bill today with Senator PELL and hope that it will receive speedy consideration by the Subcommittee on Post Office and Civil Service of the Governmental Affairs Committee.

So it seems very fitting, Mr. President, that this post office in our capital city should be named after Harry Kizirian.

Mr. PELL. Mr. President, I join with my friend and colleague, Senator CHAFFEE of Rhode Island, in introducing legislation to designate the U.S. Post Office building at 24 Corliss Street, Providence, as the Harry Kizirian Post Office Building.

I am enthusiastic about this designation. I can think of no more fitting tribute. Harry Kizirian has made extraordinary contributions to the United States, to Rhode Island and to Providence.

A very brief review of his contributions is instructive. Harry enlisted in the U.S. Marine Corps after graduating from Mt. Pleasant High School. He subsequently became Rhode Island's most decorated marine.

He fought in Okinawa and was shot in battle. He earned the Navy Cross, the Bronze Star with a "V", the Purple Heart with a Gold Star and, finally, the Rhode Island Cross.

Upon his return to Rhode Island, he went to work at the post office, where he had worked as a 15-year-old to support his widowed mother. He worked his way up through leadership positions in the Postal Service.

He was confirmed by the U.S. Senate as postmaster in 1961, a position he held for 25 years. In addition to his military service and his work in the Postal Service, he has served on numerous committees and boards in Rhode Island.

Harry served on the board of directors of Butler Hospital, Big Brothers of Rhode Island, the Providence Human Relations Commission, Rhode Island Blue Cross and Rhode Island Heart and Lung Associations.

He also was a member of the Community Advisory Board of Rhode Island College, the Providence Heritage Commission, the Commission on Rhode Island Medal Honor Recipients, DAV and the Marine Corps League.

Harry Kizirian already is a Rhode Island landmark. His name has become synonymous with the qualities he exemplifies—dedication, loyalty, leadership and hard work.

The Harry Kizirian Post Office Building will be an entirely appropriate testament to his remarkable life and friendships.

By Mr. BURNS:

S. 787. A bill to provide an exemption from certain hazardous material transportation regulations for small cargo tank vehicles with a capacity of not more than 3,500 gallons that transport petroleum, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE HAZARDOUS MATERIALS REGULATORY RELIEF ACT OF 1995

• Mr. BURNS. Madam President, today I am introducing legislation to reduce yet another regulatory burden on many petroleum marketers and other small businesses across the country. My bill would prohibit the Department of Transportation's Research and Special Programs Administration [RSPA] from enforcing an unwarranted and unnecessary regulation on operators and owners of small cargo tanks of 3,500 gallons or less and return that authority back to the States where it belongs. Specifically, my bill would repeal a regulation promulgated by RSPA which requires cargo tank operators and owners to comply with cumbersome Federal testing inspections and retrofitting mandates.

Members of the Montana-Western Petroleum Marketers Association and the Petroleum Marketers Association of America have been especially negatively impacted with RSPA's requirements. The cost of the regulation to small businesses often costs thousands of dollars, with little additional safety protection. In addition, the Federal inspection requirements often force cargo tank operators to travel great distances to comply with the regulations. It is time that we force regulators to be responsible and establish justification before the implementation of such regulations. I think we could send a clear message by passing my proposed legislation.

Many of the cargo tank owners and operators are owned by small "mom and pop" businesses, who operate on a slim profit margin. The cost of compliance can be devastating to their business. For years, States had the authority to inspect small cargo tank vehicles. Not only was this more convenient for owners and operators, but States had the ability to structure the program to benefit their constituents. I think we should return this authority to the States and allow them to make decisions which best suit their needs.

Up until 1991, RSPA provided an exemption of cargo tanks carrying 3,500 gallons of petroleum product or less. However, since that time, RSPA has decided that no tank is too small to regulate and that all cargo tank operators should operate under the same rules. In theory this may sound reasonable, but, in reality, small cargo tanks are very different from larger tanks and should be treated as such. I ask for

your support of my legislation and introduce it today to restore some common sense into the Federal bureaucracy.●

By Mr. CHAFEE (for himself, Mr. MOYNIHAN, and Mr. KYL):

S. 789. A bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly traded stock to certain private foundations, and for other purposes; to the Committee on Finance.

#### GIFTS LEGISLATION

Mr. CHAFEE. Mr. President, today I am introducing legislation on behalf of myself, Senator MOYNIHAN, and Senator KYL, which would permit the full value deduction for gifts of appreciated stock to private foundations.

Since 1984, donors have been allowed to deduct the full fair market value of certain gifts and publicly traded stock given to private foundations. In other words, if an individual has a private foundation that he has set up, and he has some stock—in General Electric, for example, that has appreciated substantially—when he makes a gift of that stock to the foundation, and General Electric, say, is trading at 58, that the full value of that stock, namely each share at the present value of 58, is a deductible contribution by the donor.

Clearly, if an individual made such a contribution to Yale University or to the United Way, whatever it was, the full value of the stock would be a deductible contribution.

And the question here is, what about now, the contribution of that stock to a private foundation? Up until January 31, 1994—in other words last January—December 31—it has been possible to get a full deduction for the contribution of stock to a private foundation.

Unfortunately, on that date, the action which provided for the full deductibility terminated. It sunsetted.

Mr. President, I would like to stress that private foundations are nonprofit organizations. They support charitable activity. They have to do that or they are not allowed an exemption. They provide support for making grants to other nonprofit agencies.

In other words, sometimes a private foundation has the capacity to make a charitable contribution itself to the United Way or Nature Conservancy or the Sierra Club or whatever it might be. They provide support for such things as scholarships and disaster relief. Also, they make grants to individuals.

Now, foundations are created by endowments, money given by individuals or by families or by corporations. They make grants and operate programs with the income earned from investing the endowments. Since most foundations have permanent endowments, they do not have to raise funds each year from the public in order to continue their work.

Most functions, charitable activities every year have to go out and raise

money so they are reluctant to get into long-term commitments, but foundations such as the Ford Foundation with a substantial amount of money that they know is there—realizing the income is going to be there next year, they are not dependent upon annual donations—act as the research and development arm of our society.

In a 1965 Report on Private Foundations, the Treasury Department recognized the special nature of foundations by describing them as “uniquely qualified to initiate thought and action, experiment with new and untried ventures, dissent from prevailing attitudes, and act quickly and flexibly.” Indeed, foundations reflect the innovative spirit of the individuals and corporations that endow them.

There are more than 30,000 private foundations in America today that provide over \$10 billion annually to support innumerable projects, large and small. Among other things, they help the poor and disadvantaged, advance scientific and medical research, and strengthen the American educational system.

Let me give you a few examples of some of the medical advances that have occurred as a result of the financial assistance provided by private foundations:

The polio vaccine developed by Dr. Jonas Salk in 1953 after the Sarah Scaife Foundation provided him with the money he needed to establish and equip his virus laboratory.

With the help of the Commonwealth Fund, Dr. Papanicolaou discovered in 1923 that cervical cancer could be diagnosed before a woman presented any symptoms. That breakthrough led to the basic and now routine diagnostic technique known as the Pap smear.

In 1951 Dr. Max Theiler received the Nobel prize in medicine for his work in developing the yellow fever vaccine. That effort was the direct result of a 30-year, all-out commitment by the Rockefeller Foundation to eradicate this disease.

But, Mr. President, private foundations have been involved in many more aspects of our daily lives than simply funding medical advances. Dr. John V.N. Dorr was an engineer in the early 1950's. He speculated that many accidents occurring on our Nation's highways during inclement weather were the result of drivers hugging the white lines painted in the middle of the road. Dorr believed that if similar lines were painted on the shoulder side of the road, lives could be saved.

Dorr convinced transportation engineers in Westchester County, NY, to test his theory along a particularly treacherous stretch of highway. The dropoff in accidents along this part of the road was dramatic, and Dr. Dorr used his own foundation to publicize the demonstration's results nationally. Today, although State funds are now used to paint white lines on the shoulder side of the Nation's highways, every person traveling in a motor vehi-

cle is indebted to Dorr and his foundation for implementing this life-saving discovery.

As these examples indicate, private foundations provide a great many benefits to our society. By permanently extending this tax incentive, we can continue to encourage individuals to dedicate a substantial portion of their wealth to public, rather than private purposes. I hope my colleagues will support this legislation.

● Mr. MOYNIHAN. Mr. President, I am pleased to join my distinguished colleague, Senator CHAFEE, in introducing a bill to restore a full, fair-market-value deduction for gifts of publicly traded stock to private foundations. This was in fact the law through 1994, but the provision in the tax code providing for a charitable deduction measured by the fair market value of stock donated to a private foundation expired on December 31, 1994.

As many in this body will recall, I worked for many years to restore a full, fair-market-value deduction for gifts of appreciated property to public charities. That deduction had been limited in 1986 tax legislation for taxpayers subject to the alternative minimum tax, so that they could only deduct the “basis”—usually, the original purchase price—of property donated to public charities, such as college and universities, museums and other charitable institutions that receive the larger share of their support from the public at large. Happily, the full, fair-market-value deduction for all such gifts—personal property, real estate and intangible property such as stock—was restored on a permanent basis in the 1993 budget legislation, the Omnibus Budget Reconciliation Act of 1993.

The bill we introduce today concerns charitable gifts to private foundations, which unlike public charities, receive their support from, and are often controlled by, a limited group of individuals. A full, fair-market-value deduction for gifts of publicly traded stock had been available in the case of private foundations over the past 10 years under a special rule enacted in 1984 and scheduled to expire on December 31, 1994. This automatic expiration was intended to provide Congress an opportunity to review the private foundation contribution rule with the benefit of several years of practical experience under it. I believe that most commentators have concluded that the private foundation rules are working relatively well, and that the rule providing for fair-market-value deductions for gifts of publicly traded stock has not been a source of compliance problems. As a result, there is no reason to provide different treatment for gifts of publicly traded stock to private foundations that is currently provided for such gifts to public charities. The bill we introduce today would conform the rules for both.

Mr. President, private foundations are an important aspect of America's

nonprofit, independent sector. The contributions made by nonprofit institutions to our society in the areas of education, health, disaster relief, the advancement of knowledge and the preservation of our history and cultural artifacts is vast. I daresay it is often not fully understood or appreciated, particularly the extent to which nonprofit institutions perform functions that are typically governmental undertakings in other societies. Nonprofit institutions are a part of our culture that we should take care not to lose, and government has a role in insuring that they thrive. The legislation we introduce today is a part of that role. ●

#### ADDITIONAL COSPONSORS

S. 324

At the request of Mr. WARNER, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 324, a bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

S. 334

At the request of Mr. MCCONNELL, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 334, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a law enforcement officers' bill of rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 490

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 490, a bill to amend the Clean Air Act to exempt agriculture-related facilities from certain permitting requirements, and for other purposes.

S. 524

At the request of Mr. WELLSTONE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 524, a bill to prohibit insurers from denying health insurance coverage, benefits, or varying premiums based on the status of an individual as a victim of domestic violence, and for other purposes.

S. 530

At the request of Mr. GREGG, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 530, a bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer without requiring the employer to pay

overtime compensation, and for other purposes.

S. 768

At the request of Mr. GORTON, the names of the Senator from Virginia [Mr. WARNER], the Senator from Mississippi [Mr. LOTT], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors 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. GRAMM, 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. LEVIN, his name was added as a cosponsor of S. 770, supra.

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 770, supra.

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 770, supra.

At the request of Mr. DOLE, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Mississippi [Mr. LOTT], the Senator from Utah [Mr. HATCH], the Senator from Indiana [Mr. COATS], the Senator from Montana [Mr. BAUCUS], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 770, supra.

S. 772

At the request of Mr. DORGAN, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Hawaii [Mr. INOUE] were added as cosponsors of S. 772, a bill to provide for an assessment of the violence broadcast on television, and for other purposes.

S. 607

At the request of Mr. WARNER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 753

At the request of Mr. BAUCUS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 753, a bill to allow the collection and payment of funds following the completion of cooperative work involving the protection, management, and improvement of the National Forest System, and for other purposes.

#### AMENDMENTS SUBMITTED

#### THE INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT OF 1995

##### WELLSTONE AMENDMENT NO. 750

Mr. WELLSTONE proposed an amendment to the bill (S. 534) to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes; as follows:

On page 56, line 10, strike "is imposed" and insert "had been exercised prior to May 15, 1994, and was being implemented on May 15, 1994."

On page 56, line 12, insert ":", after "subdivision" and strike "in effect on May 15, 1994"

On page 60, lines 4-5, strike "was in effect prior to" and insert "such authority was imposed prior to May 15, 1994 and was being implemented on"

##### KEMPTHORNE AMENDMENT NO. 751

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

On page 69, line 13, strike the word, "remote".

On page 69, line 19, after the word, "infeasible", insert the word, "or".

On page 69, lines 21 and 22, strike the words, "the unit shall be exempt from those requirements" and in lieu thereof insert the words, "the State may exempt the unit from some or all of those requirements".

On page 69, line 22, add the following new sentence: "This subsection shall apply only to solid waste landfill units that dispose of less than 20 tons of municipal solid waste daily, based on an annual average."

##### GRAHAM AMENDMENTS NOS. 752-753

Mr. GRAHAM proposed two amendments to the bill S. 534, supra; as follows:

##### AMENDMENT NO. 752

On page 63, strike line 4 and all that follows through page 64, line 2, and insert the following:

"(e) STATE-MANDATED DISPOSAL SERVICES.—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) was responsible under State law for providing for the operation of solid waste facilities to serve the disposal needs of all incorporated and unincorporated areas of the country;

"(2) is required to initiate a recyclable materials recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent;

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

"(4) had incurred, or caused a public service authority to incur, significant financial expenditures to comply with State law and