

international meetings how they are complying with safety principles, the Convention should encourage countries to improve nuclear safety domestically and thus result in an increase in nuclear safety worldwide. I urge the Senate to act expeditiously in giving its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 11, 1995.

ORDERS FOR FRIDAY, MAY 12, 1995

Mr. CHAFEE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. on Friday, May 12, 1995; that following the prayer the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of S. 534 the Solid Waste Disposal Act.

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

Mr. CHAFEE. I ask unanimous consent that Members have until 10 a.m. to file second-degree amendments to S. 534.

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

Mr. CHAFEE. I ask unanimous consent that the cloture vote on the committee substitute occur at 10 a.m. on Friday, and that the mandatory quorum under rule XXII be waived.

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

PROGRAM

Mr. CHAFEE. For the information of all Senators, the Senate will resume consideration of the Solid Waste Disposal Act tomorrow. A cloture vote will occur on the committee substitute at 10 a.m. Senators should be on notice that it is the hope of the leader to complete action on this bill on Friday. Also the leader may want to consider Calendar No. 92, H.R. 483, the Medicare select bill. Therefore, votes will occur throughout Friday's session of the Senate.

Mr. FORD. Mr. President, will the distinguished acting floor leader yield for a question?

Mr. CHAFEE. I certainly will.

Mr. FORD. Since he is the floor manager of the bill, regardless of whether cloture is voted tomorrow or not, what amendments and how many would he think we might have? Does he have a ballpark figure? There are a good many amendments that have been filed. I wonder. Most of them are germane.

Mr. CHAFEE. I think the bidding has changed since this last vote. I would expect tomorrow we would have several votes in the morning rather rapidly, I hope. Just call them up.

Mr. FORD. That might be a little hard to do, call them up and vote on them or move to table.

Mr. CHAFEE. I hope that they will be brought up.

As I say, the situation has changed since this last vote. If we had prevailed on this last vote, I would have thought we would be able to finish tomorrow by 2 o'clock, something like that. Now, the situation has changed, so it is a little difficult to say. All I can say is we will move these amendments along as fast as we can.

Mr. FORD. I understand there might be some Senators leaving at an early hour tomorrow and it might not be appropriate to have these votes when they would miss so many.

I wonder if, after cloture, we may have one or two and that might end it for the day, but I see the heads are shaking, so you do not want me to know that tonight.

Mr. CHAFEE. It is not a question of not wanting the Senator to know. If we told him something, it would be from ignorance, I am afraid.

In any event, it would be my hope that we could finish tomorrow at a decent hour, but I am not so sure based on that last vote we had.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate resume the pending business.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A 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.

The Senate continued with the consideration of the bill.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WARNER. Mr. President, I would like to seek the chairman's clarification of the relationship between the flow-control provisions of S. 534 and existing State law. Section 4012(i)(2) of the bill before the Senate states that "[n]othing in the section shall be construed to authorize a political subdivision of a State to exercise flow control authority granted by this section in a manner that is inconsistent with State law."

Am I correct that this language would restrict a local government from exercising flow control if an existing State statute does not grant such authority to a local government, such as section 15.1-28.01 of the Code of Virginia (1950), as amended?

Mr. ROBB. I share the concerns of my senior colleague. In Virginia, local governments and private industry have worked over the years to develop a fair

compromise to provide for an effective integrated waste management system. It is not our intention to have this legislation interfere with that balance.

Mr. SMITH. The Senators from Virginia are correct. This legislation is not intended to expand a local government's flow-control authority beyond that permitted under existing State law.

Mr. CHAFEE. Mr. President, I have a series of amendments that have been agreed to. I will send them to the desk successively.

AMENDMENT NO. 861

(Purpose: To allow exemption from certain requirements of units in small, remote Alaska villages)

Mr. CHAFEE. The first is an amendment by Senator MURKOWSKI. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. MURKOWSKI, proposes an amendment numbered 861.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 69, line 19, before "would be infeasible" insert "or unit that is located in or near a small, remote Alaska village".

Mr. BAUCUS. Mr. President, we have examined this amendment and we have no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 861) was agreed to.

AMENDMENT NO. 868

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment is proposed by Senator MOYNIHAN.

The amendment has the agreement of both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. MOYNIHAN, proposes an amendment numbered 868.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is 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".

Mr. BAUCUS. Mr. President, this amendment has been examined on this side and we are in agreement with it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 868.

The amendment (No. 868) was agreed to.

AMENDMENT NO. 869

(Purpose: To authorize the administrator to exempt a landfill operator from ground water monitoring requirements in circumstances in which there is no chance of ground water contamination)

Mr. CHAFEE. Mr. President, I send to the desk an amendment on behalf of Senator CAMPBELL, cosponsored by Senators BROWN, and KEMPTHORNE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. CAMPBELL, for himself, Mr. BROWN, and Mr. KEMPTHORNE, proposes an amendment numbered 869.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is 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 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 small community use of the no migration exemption under this paragraph.

Mr. BAUCUS. Mr. President, I have examined the amendment and it is acceptable.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 869.

The amendment (No. 869) was agreed to.

AMENDMENT NO. 870

Mr. CHAFEE. Mr. President, I send to the desk an amendment on behalf of Senator DODD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. DODD, for himself, and Mr. LIEBERMAN, proposes an amendment numbered 870.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is 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).”.

Mr. BAUCUS. Mr. President, I ask the clerk, is this the amendment that begins “On page 55, line 8 add”?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAUCUS. I have examined the amendment and find it acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 870) was agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator LIEBERMAN be added as an original cosponsor to the Dodd amendment.

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

AMENDMENT NO. 871

(Purpose: To make clear that flow control authority is provided to public service authorities and modify the condition for exercise of flow control authority)

Mr. CHAFEE. Mr. President, I send to the desk an amendment on behalf of Senators ROTH and BIDEN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. ROTH, for himself and Mr. BIDEN, proposes an amendment numbered 871.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is 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, “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 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”.

Mr. BAUCUS. Mr. President, I also have examined this amendment and find it acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 871) was agreed to.

AMENDMENT NO. 872

(Purpose: To modify the condition for exercise of flow control authority)

Mr. CHAFEE. Mr. President, I send to the desk an amendment on behalf of Senator BIDEN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. BIDEN, for himself and Mr. ROTH, proposes an amendment numbered 872.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is 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.”.

Mr. BAUCUS. Mr. President, we find this amendment acceptable.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 872.

The amendment (No. 872) was agreed to.

AMENDMENT NO. 873

(Purpose: To protect communities that enacted flow control ordinances after substantial construction of facilities but before May 15, 1994)

Mr. CHAFEE. Mr. President, on behalf of Senators SMITH, THOMPSON and COHEN, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. SMITH, for himself, Mr. THOMPSON and Mr. COHEN, proposes an amendment numbered 873.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is 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”.

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

One 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."

Mr. BAUCUS. We find this amendment acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 873) was agreed to.

AMENDMENT NO. 874

(Purpose: To modify the conditions on exercise of flow control authority)

Mr. CHAFEE. Mr. President, on behalf of Senators SMITH and WELLSTONE, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. SMITH, for himself and Mr. WELLSTONE, proposes an amendment numbered 874.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is 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, 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 of the State or political subdivision was prevented by an injunction, temporary restraining order, or other court action, or was suspended by the voluntary decision of the State or political subdivision because of the existence of such court action.

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.

Mr. BAUCUS. Mr. President, we accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 874) was agreed to.

AMENDMENT NO. 875

(Purpose: To clarify the intent of the provision relating to the duration of flow control authority)

Mr. CHAFEE. Mr. President, on behalf of Senator SNOWE, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Ms. SNOWE, for herself and Mr. COHEN, proposes an amendment numbered 875.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

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

Mr. BAUCUS. Mr. President, is this the amendment which begins "On page 58, line 5, strike 'original facility'"?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAUCUS. I thank the Chair. We accept this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 875) was agreed to.

AMENDMENT NO. 876

(Purpose: To provide for the case of a formation of a solid waste management district for the purchase and operation of an existing facility)

Mr. CHAFEE. Mr. President, on behalf of Senator PRYOR, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. PRYOR, proposes an amendment numbered 876.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

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

"(d) FORMATION OF SOLID WASTE MANAGEMENT DISTRICT TO PURCHASE AND OPERATE EXISTING FACILITY.—Notwithstanding subsection (b)(1)(A) and (B), a solid waste management district that was formed by a number of political subdivisions for the purpose of purchasing and operating a facility owned by 1 of the political subdivisions may exercise 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 negotiations 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 percent of the political subdivisions that were to participate in the solid waste management district had adopted ordinances committing the political subdivisions to participation and the remaining political subdivisions adopted such ordinances within 2 months after that date; and

"(4) the financing was completed, the acquisition was made, and the facility was placed under operation by the solid waste management district by September 21, 1994.

Mr. BAUCUS. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 876) was agreed to.

AMENDMENT NO. 877

(Purpose: To make clear that entering into a put or pay agreement satisfies the requirement of a legally binding provision and a designation of a facility)

Mr. CHAFEE. Mr. President, on behalf of Senators COHEN and SNOWE, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. COHEN, for himself and Ms. SNOWE, proposes an amendment numbered 877.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

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

"(5) PUT OR PAY AGREEMENT.—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."

Mr. BAUCUS. Mr. President, I have examined it and agreed with it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 877) was agreed to.

ADDITIONAL COSPONSORS

Mr. CHAFEE. Mr. President, I ask that Senators HUTCHISON and SNOWE be added as cosponsors to amendment No. 873, which was previously adopted.

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

Mr. BAUCUS. Mr. President, I want to compliment the chairman of the committee, as well as the Presiding Officer, the chairman of a relevant subcommittee, for being very active on this bill. We have made a lot of progress today and particularly this evening. I think it is a good omen, and I hope we can wrap up this bill expeditiously tomorrow. So, once again, I compliment the chairman of the committee and the chairman of the subcommittee.