

"(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.

Mr. CHAFEE. Mr. President, let me just say that without the forceful drive of the ranking member, we would not be this far. So on behalf of myself and of the occupant of the chair, the distinguished chairman of the subcommittee, I thank the ranking member for all of his support in making this possible.

I, too, hope that tomorrow we can finish what we have here. It may be that we can. Certainly, we are going to try.

We are going to come in at 9:30, and there is a vote on cloture at 10. Regardless of the outcome of that vote, I hope we can continue working to see if we cannot finish all of this. If we cannot finish, at least maybe we can get agreements so there will be voting at a set time on whatever date the leader chooses. But it is my goal, and I know it is the goal of the chairman of the subcommittee and the ranking member, to finish this bill quickly. There is always the threat that if we do not get it through, the leader will pull it down, as he has other business we have to attend to.

So I thank the ranking member for all of his support.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. CHAFEE. If there is no further business to come before the Senate, I ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:13 p.m., recessed until Friday, May 12, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 11, 1995:

DEPARTMENT OF AGRICULTURE

KARL N. STAUBER, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE DANIEL A. SUMNER, RESIGNED.

IN THE ARMY

THE FOLLOWING U.S. ARMY RESERVE OFFICERS FOR PROMOTION TO THE GRADES INDICATED IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF SECTIONS 3371, 3384 AND 12203(A), TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. JOHN T. CROWE, 000-00-0000.
BRIG. GEN. CHARLES A. INGRAM, 000-00-0000.
BRIG. GEN. HERBERT KOGER, JR., 000-00-0000.
BRIG. GEN. CALVIN LAU, 000-00-0000.
BRIG. GEN. BRUCE G. MACDONALD, 000-00-0000.

To be brigadier general

COL. LLOYD D. BURTCH, 000-00-0000.
COL. ROBERT L. LENNON, 000-00-0000.
COL. RAYMOND E. GANDY, JR., 000-00-0000.
COL. ROBERT W. SMITH III, 000-00-0000.
COL. HARRY E. BIVENS, 000-00-0000.
COL. KENNETH P. BERGQUIST, 000-00-0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY, WITHOUT SPECIFICATION OF BRANCH COMPONENT, AND IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED IN ACCORDANCE WITH ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION OF THE UNITED STATES, AS DEAN OF THE ACADEMIC BOARD, UNITED STATES MILITARY ACADEMY, A POSITION ESTABLISHED UNDER TITLE 10, UNITED STATES CODE, SECTION 4335:

DEAN OF THE ACADEMIC BOARD

To be permanent brigadier general

COL. FLETCHER M. LAMKIN, JR., 000-00-0000, U.S. ARMY.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A

POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. BRENT M. BENNITT, U.S. NAVY, 000-00-0000.

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

IN THE ARMY

To be lieutenant colonel

ABBOTT, SCOTT L., 000-00-0000
ACOSTA, JESSE T., 000-00-0000
ADAMAKOS, GEORGE L., 000-00-0000
ADKINS, DONALD M., 000-00-0000
ADLER, PETER J., 000-00-0000
AGEE, COLLIN A., 000-00-0000
AIELLO, JAMES F., 000-00-0000
AKLEY, SUSAN E., 000-00-0000
ALDERETE, GREGORY L., 000-00-0000
ALDERMAN, MARC I., 000-00-0000
ALFORD, KENNETH L., 000-00-0000
*ALICEA, FRANCISCO J., 000-00-0000
*ALLMENDINGER, PERRY, 000-00-0000
ALLMON, THOMAS A., 000-00-0000
ALLOR, PETER G., 000-00-0000
ALLYN, DANIEL B., 000-00-0000
ALSPACH, WILLIAM A., 000-00-0000
ALVAREZ, CHARLES, 000-00-0000
ALVAREZ, ROBERT, 000-00-0000
ANDERSON, DAVID L., 000-00-0000
ANDERSON, DONNIE F., 000-00-0000
ANDERSON, JOSEPH, 000-00-0000
ANDERSON, NICHOLAS, 000-00-0000
ANDERSON, SARA F., 000-00-0000
ANDERSON, WELSEY B., 000-00-0000
*ANDREORIO, STEPHEN, 000-00-0000
ANDREWS, KRISTOPHER, 000-00-0000
ANDREWS, SANDRA S., 000-00-0000
ANGELOSANTE, JAMES, 000-00-0000
ANTLEY, BILLY W., 000-00-0000
ANTLEY, ROBERT A., 000-00-0000
APPLEGETT, JEFFREY A., 000-00-0000
ARATA, STEPHEN A., 000-00-0000
ARGO, HARRY M., 000-00-0000
ARMOUR, DAVID T., 000-00-0000
ARMSTRONG, KEITH, 000-00-0000
ARNDT, F. J., 000-00-0000
ARROYOVIEVES, JOSE, 000-00-0000
ARTHUR, JOHN E., 000-00-0000
*AUSTIN, BENNY B., 000-00-0000
AUSTIN, STEPHEN D., 000-00-0000
BAHR, MARK S., 000-00-0000
BAKER, DOUGLAS S., 000-00-0000
BAKER, GEORGE R., 000-00-0000
BALTAZAR, THOMAS P., 000-00-0000
BANNER, GREGORY T., 000-00-0000
BARBER, JESSE L., 000-00-0000
BARNER, FRANCHESTEE, 000-00-0000
BARNETTE, MARK F., 000-00-0000
BARRETO, DANIEL, 000-00-0000
BARRETO, DANIEL J., 000-00-0000
BARTON, DOUGLAS A., 000-00-0000
BASSETT, WILLIAM E., 000-00-0000
BASSETT, JEFFREY L., 000-00-0000
BATTEN, BRUCE W., 000-00-0000
BAUGHMAN, DANIEL M., 000-00-0000
BAUGHMAN, JEFFREY A., 000-00-0000
BAYLESS, ROBERT M., 000-00-0000
BEALE, CAROLYN M., 000-00-0000
BEALE, JOHNNIE L., 000-00-0000
BEANLAND, THOMAS J., 000-00-0000
BEASLEY, DANIEL G., 000-00-0000
BEATTY, ROBERT J., 000-00-0000
BECHTEL, WADE B., 000-00-0000
BELLINI, MARK A., 000-00-0000
BELT, BRUCE D., 000-00-0000
BENITO, RICKY, 000-00-0000
BENNETT, THOMAS B., 000-00-0000
BENNETT, WILLIAM W., 000-00-0000
BERBERICK, RAYMOND, 000-00-0000
BETTER, MICHAEL G., 000-00-0000
BEYER, RENAE M., 000-00-0000
BIANCA, DAMIAN F., 000-00-0000
BLANCO, STEPHEN G., 000-00-0000
BIERWIRTH, ROY C., 000-00-0000
BILL, GARY F., 000-00-0000
BILLINGS, TONY R., 000-00-0000
BISACRE, MICHAEL D., 000-00-0000
BLACK, KENNETH B., 000-00-0000
*BLACKBURN, THOMAS P., 000-00-0000
BLAINE, JOHN M., 000-00-0000
BLAKELY, TERRY A., 000-00-0000
BLAKEMAN, KEITH E., 000-00-0000
BLANK, JAMES E., 000-00-0000
BLASHACK, CATHERINE, 000-00-0000
BLEAKLEY, DALE M., 000-00-0000
BLECKMAN, DALE M., 000-00-0000
BLEIMEISTER, ROBERT, 000-00-0000
BLOECHL, TIMOTHY D., 000-00-0000
BLOISE, JAMES E., 000-00-0000
BLOIS, THOMAS G., 000-00-0000
BOATNER, MICHAEL E., 000-00-0000
BONDS, MARCUS, 000-00-0000
BONE, JOHN J., JR., 000-00-0000
BONBRAKE, DOUGLAS, 000-00-0000
BONESTEELE, RONALD M., 000-00-0000
BONNER, DOUGLAS C., 000-00-0000
BONSELL, JOHN A., 000-00-0000
BOOZER, JAMES C., 000-00-0000
BORNICK, BRUCE K., 000-00-0000
BOSHEARS, STEVEN R., 000-00-0000
BOSLEY, LARRY L., 000-00-0000
BOURGAULT, RICHARD, 000-00-0000
BOWERS, BOBBY S., 000-00-0000
BOWERS, WILLIAM E., 000-00-0000
BOWLES, KEVIN L., 000-00-0000
BOWMAN, MICHAEL, 000-00-0000
BOWMAN, ROBERT E., 000-00-0000
BOYD, JANE A., 000-00-0000
BOZEK, GREGORY J., 000-00-0000
BRADLEY, DARRYL M., 000-00-0000
BRAY, BRITT E., 000-00-0000
BRESLIN, CHARLES B., 000-00-0000
BRIGGS, RALPH W., 000-00-0000
BRODERSEN, STEPHEN, 000-00-0000
BRODEUR, MARC P., 000-00-0000
BROKAW, NINA L., 000-00-0000
BROOKS, RICHARD W., 000-00-0000
BROSSART, THOMAS M., 000-00-0000
BROWN, ARMOR D., 000-00-0000
BROWN, DAVID W., 000-00-0000
BROWN, INEZ C., 000-00-0000
BROWN, JOSEPH A., 000-00-0000
BROWN, LAWRENCE H., 000-00-0000
BROWN, MATTHEW J., 000-00-0000
BROWN, REX E., 000-00-0000
BROWN, RONNIE L., 000-00-0000
BRUMFIELD, CALVIN D., 000-00-0000
BRYANT, KATHERINE M., 000-00-0000
BRYDGES, BRUCE E., 000-00-0000
BRYNICK, MARK T., 000-00-0000
BRYSON, RUTH E., 000-00-0000
BUCHNER, MICHAEL S., 000-00-0000
BUCK, STEPHEN D., 000-00-0000
BUFFKIN, RONALD M., 000-00-0000
BUTRAGO, JOSE A., 000-00-0000
BUNDE, VICTOR A., 000-00-0000
BUNTING, TIMOTHY L., 000-00-0000
BURKE, JOHN D., 000-00-0000
BURKE, KEVIN J., 000-00-0000
BURKHART, TIMOTHY J., 000-00-0000
BURLINSON, BRUCE B., 000-00-0000
BUZAN, MILTON T., 000-00-0000
BYRNES, RONALD B., 000-00-0000
BUYS, DAVID L., 000-00-0000
CALL, MARK K., 000-00-0000
CALLAWAY, CHARLES T., 000-00-0000
CAMP, LOUIS F., 000-00-0000
CAMPBELL, RICHARD D., 000-00-0000
CAMPBELL, STEPHEN T., 000-00-0000
CAMPI, PETER C., 000-00-0000
CAMPOS, LIONEL G., 000-00-0000
CANNON, PATRICK M., 000-00-0000
CAPRANO, REBECCA H., 000-00-0000
CAPSTICK, PAUL R., 000-00-0000
CARDARELLI, MICHAEL, 000-00-0000
CARDENAS, WILLIAM G., 000-00-0000
CARDINAL, BEVERLY S., 000-00-0000
CAREY, THOMAS J., 000-00-0000
CARNEY, ROBERT L., 000-00-0000
CARPENTER, ANTONIO, 000-00-0000
CARPENTER, SHERRY L., 000-00-0000
CARROLL, DOUGLAS E., 000-00-0000
CARROLL, DEKETH W., 000-00-0000
CARROLL, LANCE S., 000-00-0000
CARTER, FREDERICK L., 000-00-0000
CASON, TONY W., 000-00-0000
CERVONE, MICHAEL B., 000-00-0000
CHALLANS, TIMOTHY L., 000-00-0000
CHANEY, RONALD H., 000-00-0000
CHAPEL, DIANA M., 000-00-0000
CHASTAIN, RICHARD L., 000-00-0000
CHEEK, GARY H., 000-00-0000
CHIN, MING G., 000-00-0000
CHRANS, DONALD E., 000-00-0000
CHRISTENSEN, JOHN A., 000-00-0000
CLARK, BENJAMIN B., 000-00-0000
CLARK, DAVID A., 000-00-0000
CLARK, EARL M., 000-00-0000
CLARK, WALTER L., 000-00-0000
CLAY, MICHAEL D., 000-00-0000
CLAY, STEVEN E., 000-00-0000
CLEGG, JAMES D., 000-00-0000
CLEMENS, JOHN L., JR., 000-00-0000
CLEPPER, FRANCIS D., 000-00-0000
CLIFTON, WILLIAM R., 000-00-0000
COCKER, LOUIS F., 000-00-0000
COLBERT, PATRICK L., 000-00-0000
COLEMAN, GIFFORD, 000-00-0000
COLLETTI, FRANCIS A., 000-00-0000
COLLINS, ALFRED C., 000-00-0000
COLLINS, JACK, 000-00-0000
COLLYAR, LYNN A., 000-00-0000
CONLEY, JOE E., 000-00-0000
CONNER, DALE R., 000-00-0000
CONWAY, RANDALL G., 000-00-0000
COOPER, KEITH L., 000-00-0000
COPELAND, WILLIAM H., 000-00-0000
CORBETT, STEVEN R., 000-00-0000
CORDES, MICHAEL A., 000-00-0000
CORLEY, MICHAEL J., 000-00-0000
COTTER, GERARD J., 000-00-0000
COTTON, EDUND W., 000-00-0000
COURTNEY, EDWIN L., 000-00-0000
COX, KENDALL F., 000-00-0000
CRITES, STEVEN J., 000-00-0000
CROSS, WILLIAM T., 000-00-0000
CROSS, JESSE R., 000-00-0000
CROSSLEY, RICHARD J., 000-00-0000
*CROSSONWILLIAMS, M.E., 000-00-0000
CROWSON, MARK S., 000-00-0000
CRUMP, LEONARD A., JR., 000-00-0000
CRUTCHFIELD, BRENDA, 000-00-0000
CRUZE, HOYT A., 000-00-0000
CUGNO, RONALD J., 000-00-0000
CUMMINGS, WINFRED S., 000-00-0000