

I can assure the world that everybody in Indiana should feel very, very grateful for the work that Senator COATS has done in connection with this legislation. I can also assert that when the definition of "bulldog" is given, there is no one the tenacity shown by a bulldog more appropriately fits than Senator COATS. He has pressed this issue to its fullest. I congratulate him.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

So, the amendment (No. 1075) was agreed to.

Mr. BAUCUS. I move to reconsider the vote.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I would like to take this opportunity to thank the distinguished Senator from Montana for his patience and help in all these measures; not only this one we are dealing with right now, but the whole series of them. His suggestions have been excellent. I want to express my personal appreciation, but I know that everyone in the Senate is indebted to him for his hard work in seeing we get these agreements.

#### AMENDMENT NO. 1076

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. D'AMATO, proposes an amendment numbered 1076.

The amendment is as follows:

Page 64, line 2, 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 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 countries where potable water supplies are derived from sole source aquifers.

Mr. BAUCUS. Mr. President, we examined this amendment and we urge its adoption.

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

So, the amendment (No. 1076) was agreed to.

Mr. COATS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1077

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], proposes an amendment numbered 1077.

Mr. COATS. Mr. President, I ask unanimous consent further reading be dispensed.

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

The amendment is as follows:

On page 52, between lines 10 and 11 insert the following:

#### "SEC. 102. NEEDS DETERMINATION.

"The Governor of a State may accept, deny or modify an application for a municipal solid waste management facility permit if—

"(1) it is done in a manner that is not inconsistent with the provisions of this section;

"(2) a State law enacted in 1990 and a regulation adopted by the governor in 1991 specifically requires the permit applicant to demonstrate that there is a local or regional need within the state for the facility; and

"(3) the permit applicant fails to demonstrate that there is a local or regional need within the State for the facility."

Mr. CHAFEE. Mr. President, this amendment is thoroughly agreeable to the Members on this side.

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

So, the amendment (No. 1077) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. 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. JOHNSTON. Mr. President, I ask unanimous consent to be allowed to proceed for 5 minutes as if in morning business.

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

#### PRESIDENT CLINTON'S ACCOMPLISHMENTS IN MOSCOW AND KIEV

Mr. JOHNSTON. Mr. President, in my judgment, there have been a number of premature pronouncements about the outcome of the President's trips to Moscow and Kiev that I believe are one-sided and unfair. Many important achievements have been overlooked and ignored, and important foundations have been laid for success on more contentious issues in the future.

It is far too early to know what the ultimate outcome will be on the very contentious issue of the proposed Russian sale of nuclear reactors to Iran. The President began the process of engaging the Russians seriously on the serious global security implications of such a sale by sharing information with the Russians which they will not assess and debate. The Russians have not closed the door to reconsideration of this issue; the President kept it open through persuasive argument which we hope, when fully evaluated by the Russian side, will lead to the Russians decided to cancel this sale.

Lost in the coverage of the reactor sale was an important victory in the resolution of a number of outstanding issues regarding Russia's closing down arms sales to Iran. The Vice President and Chernomyrdin will draw up the final agreement on this very important issue, which will permit Russia to join in with other States as a founding member of the post-COCOM regime. Key sticking points on biological weapons cooperation, notably the Russian agreement to begin visits to biological weapons factories on August 1, 1995, were resolved and the United States and Russia also issued a joint statement on principles on theater missile defense systems and their relationship to the ABM Treaty. Yeltsin also reaffirmed strong support for START II ratification.

In large part because of the President's personal effort, Russia recommitted herself to being part of the evolving European security landscape. Yeltsin agreed to drop his opposition to moving forward with Russia's Partnership for Peace Membership and agreed to proceed with implementation of its program before the end of this month. Yeltsin also indicated agreement with plans to launch an expanded Russia-NATO dialog at the May NAC.

These are all significant developments, developments which will give us a more secure and more peaceful world.

My own view is that the President's decision not just to visit Moscow but

to travel on to Kiev was also very important and underscores the policy of the United States of supporting all the newly independent States, not just Russia.

Fortunately, we have excellent relations with Ukraine now, and because of the groundwork that President Clinton and his delegation laid we can expect to see expanded trade, investment, and commercial relations in the future. None of these changes happen overnight, and they will never occur unless a strong and positive foundation is carefully laid. President Clinton's visit laid just such a foundation.

In addition, President Clinton and President Kuchma entered into an excellent exchange of views on how the United States and Ukraine can cooperate to shape a stable, undivided Europe in the future. As many have reflected on the events in Europe 50 years ago, I believe we all know and understand how critically important this is to world peace and to a peaceful future for the United States.

I applaud President Clinton for undertaking this trip at this time. He has reached out to the people of Russia and to the people of Ukraine at a critical time in the evolution of their political systems, and I believe through his visits with political leaders from throughout the Russian political spectrum and with students at Moscow University spoke up clearly, firmly, and loudly for democracy, free elections, and reform.

Fifty years ago, it would have been unthinkable for an American President to travel to Moscow, speak to students about democracy, free elections, economic and political reform, and have that message broadcast throughout Russia by Russian radio. This unthinkable event happened earlier this week. I am confident that this message was not lost on the Russian people, and I hope it will not be lost here, for I believe this shows concretely how far our relationship has evolved and how much each step we have taken has meant in the long run toward real and meaningful change.

I believe the steps President Clinton took in Moscow and Kiev will result in more permanent, lasting changes in the future, and I congratulate him for tackling the many difficult and daunting problems which he took on straightforwardly. Ultimately, I believe the record will reflect that significant progress was achieved in many areas because of the foundation which President Clinton laid this week.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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. SPECTER. Mr. President, I am pleased that the Senate has turned to

this critical environmental issue and I urge my colleagues to support this legislation, the Interstate Transportation of Municipal Solid Waste Act of 1995. Congress came very close to enacting similar legislation in 1994, and I am hopeful that we will achieve closure on the interstate waste and flow control issues shortly. I commend my colleagues JOHN CHAFEE, BOB SMITH, and DAN COATS for their dedicated effort in bringing this bill to the floor at this early date.

It is high time that the largest trash exporting States bite the bullet and take substantial steps towards self-sufficiency for waste disposal. This legislation would provide much-needed relief to Pennsylvania, which is by far the largest importer of out-of-State waste in the Nation. According to the Pennsylvania Department of Environmental Resources, 3.9 million tons of out-of-State municipal solid waste entered Pennsylvania in 1993, and 4.3 million tons of out-of-state municipal solid waste entered Pennsylvania during 1994. Most of this trash came from other States in the Northeast; in 1994, New York and New Jersey were responsible for 3.8 million of the 4.3 million tons imported into Pennsylvania, representing 88 percent of the total. New York alone sent 2.3 million tons of municipal solid waste into Pennsylvania last year.

This legislation would go a long way toward resolving the landfill problems facing Pennsylvania, Indiana, and similar waste importing States. I am personally familiar with the anxiety that the landfill crisis provokes in local communities. On several occasions, I have met with county officials, environmental groups, and residents of northeastern Pennsylvania to discuss the solid waste issue. I came away from those meetings impressed by the deep concerns expressed by the area's residents.

Recognizing the recurrent problem of landfill capacity in Pennsylvania's 67 counties, since 1989 I have pushed to resolve the interstate waste crisis. In 1989 and 1991, I joined my late colleague, Senator John Heinz, to introduce the Solid Waste Disposal Act Amendments Act, which would have provided incentives for States to devise realistic long-term plans for handling solid waste disposal.

I also supported the Interstate Transportation of Municipal Waste Act of 1992, which passed the Senate by an 89-2 vote in July, 1992. That bill would have allowed a Governor, at the request of a local government, to prohibit the disposal of out-of-State municipal waste in any landfill or incinerator within its jurisdiction. The House failed to take action on that bill, leaving it to this Congress to act on this issue.

At the beginning of the 103d Congress, I joined Senator COATS in trying to build on our near success the previous year and joined 16 of our colleagues to introduce bipartisan inter-

state waste legislation (S. 439). That bill, which was introduced on February 25, 1993, was modeled on the waste legislation which had passed the Senate in July 1992 by an overwhelming margin. I was pleased that many of the concepts contained in the Coats-Specter bill were relied upon in S. 2345, the bill unanimously reported out by the Environment and Public Works Committee last August and again in the bill being considered by the Senate today. Last year's bill provided legal authority to every State to restrict out-of-State municipal solid waste and was approved in the Senate by voice vote on September 30, 1994. A modified version of that bill, which included both interstate and flow control provisions, was received by the Senate on the last day of the 103d Congress, but was not considered on the floor.

On March 22, 1995, I joined Senator COATS and other colleagues in introducing S. 589, which parallels the Coats-Specter bill from the 103d Congress (S. 439). The legislation we are considering today builds upon the legislation that passed the Senate by voice vote in 1994 and the bills I have worked on with Senator COATS in 1993 and 1995. I am confident that S. 534 will empower States to deal with their solid waste more effectively because it would provide every State with significant new authority to restrict imports of out-of-State municipal solid waste.

Some may wonder why there is a need for Federal legislation to empower States to restrict cross-border flows of garbage. Simply put, Pennsylvania and other States that were in the forefront of solid waste management have ended up as the dumping ground for States that have been unwilling to enact and enforce realistic long-term waste management plans. Although I am advised that these States are making some progress, some continue to ship increasing amounts of waste to Pennsylvania landfills.

This legislation will lead to significant reductions in the amounts of out-of-State waste imported into Pennsylvania and other States. Let me explain how this will be accomplished. First, the legislation allows a Governor to unilaterally freeze out-of-State waste at 1993 levels at landfills and incinerators that received waste in 1993. In addition, an import State ratchet provides that a Governor may restrict waste imported from any one State in excess of 1.4 million tons in 1996, down to 550,000 tons in 2002 and thereafter. I was pleased that this provision has been carried over from last year's bill and is even more restrictive on out-of-State trash. This provision provides a concrete incentive for the largest exporting States to get a handle on their solid waste management immediately.

It is important to note that title I of this legislation explicitly protects State contract law and protects host community agreements. It also authorizes restrictions on waste imported from Canada if doing so is found by the

President to be consistent with NAFTA and GATT.

Mr. President, I am also pleased to support S. 534 because it contains provisions addressing the issue of waste flow control authority, an issue of vital importance to Pennsylvania's counties.

During the 103d Congress, we encountered a new issue with respect to municipal solid waste—the issue of waste flow control authority. As a result, today we are also considering legislation which would restore local authority to control the flow of municipal solid waste.

On May 16, 1994, the Supreme Court held—6-3—in *Carbone versus Clarkstown* that a flow control ordinance, which requires all solid waste to be processed at a designated waste management facility, violates the commerce clause of the United States Constitution. In striking down the *Clarkstown* ordinance, the Court stated that the ordinance discriminated against interstate commerce by allowing only the favored operator to process waste that is within the town's limits.

As a result of the Court's decision, flow control ordinances in Pennsylvania and other States are considered unconstitutional. Therefore, it is necessary for Congress to enact legislation providing clear authorization for local governments to utilize waste flow control.

I have met with county commissioners who have made clear that this issue is vitally important to the local governments in Pennsylvania. As further evidence of the need for congressional action, I would note the numerous phone calls and letters my office has received from individual Pennsylvania counties and municipal solid waste authorities that support waste flow control legislation. The County Commissioners Association of Pennsylvania has pointed out that since 1988, flow control has been the primary tool used by 65 of the 67 Pennsylvania counties to enforce solid waste plans and meet waste reduction/recycling goals or mandates. Many Pennsylvania jurisdictions have spent a considerable amount of public funds on disposal facilities, including upgraded sanitary landfills, state-of-the-art resources recovery facilities, and co-composting facilities. In the absence of flow control authority, many of these worthwhile projects could be jeopardized. There is also a very real concern that as a result of the *Carbone* decision, prompt congressional action is necessary to ensure that local communities may meet their debt service obligations related to the issuance of revenue bonds for the construction of their solid waste management facilities.

I believe that this bill will protect the ability of municipalities to plan effectively for the management of their municipal solid waste while also guaranteeing that market forces will still provide opportunities for enterprising

companies in the waste management industry.

In conclusion, this legislation makes sense because in the absence of Federal legislation to empower States to restrict cross-border flows of waste, Pennsylvania and other States inevitably become dumping grounds for States that haven't shown the fortitude to enact realistic long-term waste management plans. Further, by restoring flow control authority, this legislation protects Pennsylvania and its component local jurisdictions, which have promulgated comprehensive solid waste management plans and established state-of-the-art facilities to handle waste generated within the Commonwealth.

I yield the floor.

AMENDMENT NO. 869

Mr. CAMPBELL. Mr. President, possibly the most important provision of this legislation for my State is in restoring the opportunity for small community or county landfills to be exempt from the ground water monitoring requirements of RCRA, if they meet certain conditions.

Under the bill a community landfill can be exempt from monitoring if it can demonstrate four things: that it takes in no more than 20 tons of waste per day, that there is no evidence of ground water contamination, that it is in an area that receives less than 25 inches of precipitation, and that it has no practical landfill alternative.

The problem we have in Colorado and, I suspect, throughout the West, is that we have many landfills that pose zero threat to ground water but they may be taking in more than the bill's limit of 20 tons of trash per day.

My amendment does two things: First, it codifies an existing regulation under which a landfill operator may file a no-migration petition with the State; if the petition is approved, the landfill operator becomes exempt from the ground water monitoring requirements.

And second, my amendment directs the Administrator to publish within 6 months an explanatory, or guidance, document by which small towns and counties will be able to easily and directly take advantage of this opportunity.

Since the implementation of RCRA, about a third of the landfills in Colorado have closed. Towns and counties have spent millions developing new landfills that comply with the subtitle D requirements, in spite of the fact that in most of Colorado there is practically zero threat of leaching dangerous substances from landfills into ground water.

Dozens of landfills in Colorado are situated more than 100 feet above the water table; the intervening layers are often composed of shale and clay, making it impossible for materials to leach downward. Under the existing subtitle D landfill rules these landfills must be lined with an impermeable liner; to then require that these communities

spend an additional \$15,000 per year or so to test the ground water is an extreme form of overkill.

Mr. President, the EPA understands that these conditions exist and to their credit the agency conceived of and adopted this no migration petition process. All that my amendment does is to codify this opportunity, an opportunity that has already stood the full test of rulemaking, and to push EPA to make the program available in our rural counties.

Mr. President, I want to particularly thank the distinguished chairman, Senator CHAFEE, and the distinguished ranking member, Senator BAUCUS, for working with me on this important amendment to our western counties.

#### COMMENDING FORMER PRESIDENT BUSH

Mr. CHAFEE. Mr. President, I want to commend former President Bush for the courageous stand he has taken in canceling his National Rifle Association membership based upon the improper language that was used in a solicitation letter by the National Rifle Association.

I previously have spoken on this floor about the intemperate language that was used in that letter. It is no excuse to say, "Well, fundraising letters are not always accurate. There was a little bit of hyperbole here, and it went a little bit overboard, but perhaps otherwise it was all right."

I think to describe members of law enforcement organizations of the United States as "jack-booted thugs" and individuals wearing "nazi bucket helmets" who randomly shoot civilians is just totally improper.

So, Mr. President, I commend former President Bush. I think what he did was the right thing. I hope it sends a sobering note to the National Rifle Association to watch its language, particularly language it sends out in solicitations, or in whatever manner in which they dispense such language.

I congratulate the former President for his actions.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will 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.

#### INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. CHAFEE. Mr. President, we are ending the long, long trail toward passage of S. 534.

In order to accomplish crossing that goal line, I ask unanimous consent that, except for the following amendments, no other first-degree amendments be in order after the close of