And then,

¶8.13 ADJOURNMENT

The SPEAKER pro tempore, Mr. GOSS, bu unanimous consent and pursuant to the special order heretofore agreed to, at 6 o'clock and 55 minutes p.m., the House adjourned until 12:30 p.m. on Tuesday, January 30, 1996.

¶8.14 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GOSS:

H.R. 2902. A bill to suspend tariff reductions on winter tomatoes imported from Mexico until the President certifies to the Congress that existing mechanisms are sufficient to protect the domestic industry from import surges from Mexico; to the Committee on Ways and Means.

By Mr. KASICH (by request):

H.R. 2903. A bill to provide for deficit reduction and achieve a balanced budget by fiscal year 2002; to the Committee on the Budget, and in addition to the Committees on Ways and Means, Commerce, Banking and Financial Services, the Judiciary, Agriculture, Economic and Educational Opportunities, Government Reform and Oversight, House Oversight, National Security, Veterans' Affairs, Resources, International Relations, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 2904. A bill to amend the Public Buildings Act of 1959 to ensure that any lease entered into by a Federal agency for office, meeting, storage, and other space necessary to carry out the functions of the Federal agency shall be subject to the leasing requirements of the Public Buildings Act of 1959; to the Committee on Transportation and Infrastructure.

¶8.15 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 500: Mr. BILIRAKIS.
H.R. 835: Mr. FAZIO of California.
H.R. 972: Mr. OBERSTAR.
H.R. 1023: Mr. CASTLE and Mr. CONYERS.
H.R. 1364: Mr. HASTERT.
H.R. 1802: Mr. PICKETT.
H.R. 1834: Mr. BREWSTER.
H.R. 2036: Mrs. LINCOLN.
H.R. 2500: Mr. TRAFICANT and Mr. PICKETT.
H.R. 2619: Mr. KLECZKA.
H.R. 2856: Mr. STUDDS, Ms. WOOLSEY, Mrs. LOWEY, and Mr. STARK.

TUESDAY, JANUARY 30, 1996 (9)

The House was called to order by the SPEAKER at 12:30 p.m.

¶9.1 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2111. An Act to designate the Federal building located at 1221 Nevin Avenue in Richmond, California, as the ''Frank Hagel Federal Building''.

H.R. 2726. An Act to make certain technical corrections in laws relating to Native Americans, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the text of the bill (H.R. 2029) ''An Act to amend the Farm Credit Act of 1971 to provide regulatory relief, and for other purposes.''.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1543. An Act to clarify the treatment of Nebraska impact aid payments.

S. 1544. An Act to authorize the conveyance of the William Langer Jewel Bearing Plant to the Job Development Authority of the City of Rolla, North Dakota.

S. 1463. An Act to amend the Trade Act of 1974 to clarify the definitions of domestic industry and like articles in certain investigations involving perishable agricultural products, and for other purposes.

¶9.2 ''MORNING HOUR'' DEBATES

The SPEAKER, pursuant to the order of the House of Friday, May 12, 1995, recognized Members for ''morning hour'' debates.

¶9.3 RECESS—1:05 P.M.

The SPEAKER pro tempore, Mr. YOUNG of Florida, pursuant to clause 12 of rule I, declared the House in recess at 1 o'clock and 5 minutes p.m., until 2 o'clock p.m.

¶9.4 AFTER RECESS—2:00 P.M.

The SPEAKER pro tempore, Mr. YOUNG of Florida, called the House to order.

¶9.5 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. YOUNG of Florida, announced he had examined and approved the Journal of the proceedings of Friday, January 26, 1996.

Pursuant to clause 1, rule I, the Journal was approved.

¶9.6 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

1985. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a listing of gifts by the U.S. Government to foreign individuals during fiscal year 1995, pursuant to 22 U.S.C. 2694(2); to the Committee on International Relations.

1986. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1987. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, ''Evaluation of the D.C. Lottery Board's Wagering Cancellation Methodology,'' pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

¶9.7 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mrs. MINK, pursuant to clause 2(a)(1) of rule IX, announced her intention to call up the following resolution, as a question of the privileges of the House:

Whereas virtually every nation in the world has adhered to a moratorium on nuclear tests since September 1992;

Whereas, on June 13, 1995, President Jacques Chirac of France ended his nation's adherence to the moratorium by ordering a series of nuclear tests in the South Pacific;

Whereas France has acted conducted six nuclear tests on the Pacific atolls of Moruroa and Fangataufa in French Polynesia;

Whereas France has acknowledged that radioactive materials from some of the tests have leaked into the ocean;

Whereas, as a result of the tests, the people of the Pacific are extremely concerned about the health and safety of those who live near the test sites, as well as the adverse environmental effects of the tests on the region;

Whereas, in conducting the tests, France has callously ignored world-wide protests and global concern;

Whereas the United States is one of 167 nations that have objected to the tests;

Whereas the tests are inconsistent with the ''Principles and Objectives for Disarmament'', as adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on Non-Proliferation of Nuclear Weapons;

Whereas, in proceeding with the tests, France has acted contrary to the commitment of the international community to the non-proliferation of nuclear weapons and the moratorium on nuclear testing;

Whereas the President of France, Jacques Chirac, is scheduled to appear before a joint meeting of the Congress on February 1, 1996; and

Whereas, in light of the tests, the appearance of the President of France before the Congress violates the dignity and integrity of the proceedings of the House: Now, therefore, be it

Resolved, That, by reason of the recent nuclear tests conducted by France in the South Pacific, the Speaker of the House shall take such action as may be necessary to withdraw the invitation to the President of France, Jacques Chirac, to address a joint meeting of the Congress, as scheduled to occur on February 1, 1996.

SEC. 2. On and after the date on which this resolution is agreed to, the Speaker of the House may not agree to the appearance before a joint meeting of the Congress by any head of state or head of government whose nation conducts nuclear tests.

The SPEAKER pro tempore, Mr. YOUNG of Florida, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Speaker in the legislative schedule within two legislative days of its being properly noticed. The Chair will announce the Chair's designation at a later time. The Chair's determination as to whether the resolution constitutes a question of privilege will be made at the time designated by the Chair for consideration of the resolution.''.

¶9.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. YOUNG of Florida, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, January 30, 1996.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, January 29, 1996 at 1:20 p.m. and said to contain a message from the President whereby he submits a semiannual report on the continued compliance with U.S. and international standards in the area of emigration policy of the Republic of Bulgaria.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

¶9.9 BULGARIA EMIGRATION CRITERIA

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

On June 3, 1993, I determined and reported to the Congress that Bulgaria is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This action allowed for the continuation of most-favored-nation (MFN) status for Bulgaria and certain other activities without the requirement of a waiver.

As required by law, I am submitting an updated report to the Congress concerning emigration laws and policies of the Republic of Bulgaria. You will find that the report indicates continued Bulgarian compliance with U.S. and international standards in the area of emigration policy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 29, 1996.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 104–169).

¶9.10 MUNICIPAL SOLID WASTE FLOW CONTROL—S. 534

Mr. BLILEY moved to suspend the rules and agree to the following resolution (H. Res. 349):

Resolved, That upon the adoption of this resolution, the Committee on Commerce shall be discharged from further consideration of the bill S. 534 and the House shall be considered to have struck out all after the enacting clause and inserted in lieu thereof an amendment consisting of the text contained in section 2 of this resolution, the bill shall be considered to have passed the House, as amended, and the House shall be considered to have insisted on the House amendment and requested a conference with the Senate thereon.

SEC. 2. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL MUNICIPAL SOLID WASTE FLOW CONTROL.

(a) AMENDMENT OF SUBTITLE D.—Subtitle D of the Solid Waste Disposal Act is amended by adding after section 4010 the following new section:

"SEC. 4011. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL GOVERNMENT CONTROL OVER MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS.

"(a) FLOW CONTROL AUTHORITY FOR FACILITIES DESIGNATED AS OF MAY 16, 1994.—Any State or political subdivision thereof is authorized to exercise flow control authority to direct the movement of municipal solid waste, and recyclable materials voluntarily relinquished by the owner or generator thereof, to particular waste management facilities, or facilities for recyclable materials, designated as of May 16, 1994, if each of the following conditions are met:

"(1) The waste and recyclable materials are generated within the jurisdictional boundaries of such State or political subdivision, determined as of May 16, 1994.

"(2) Such flow control authority is imposed through the adoption or execution of a law, ordinance, regulation, resolution, or other legally binding provision or legally binding official act of the State or political subdivision that—

"(A) was in effect on May 16, 1994,

"(B) was in effect prior to the issuance of an injunction or other order by a court based on a ruling that such law, ordinance, regulation, resolution, or other legally binding provision or official act violated the Commerce Clause of the United States Constitution, or

"(C) was in effect immediately prior to suspension thereof by legislative or official administrative action of the State or political subdivision expressly because of the existence of a court order of the type described in subparagraph (B) issued by a court of the same State or Federal judicial circuit.

"(3) The State or a political subdivision thereof has, for one or more of such designated facilities, in accordance with paragraph (2), on or before May 16, 1994, either—

"(A) presented eligible bonds for sale, or

"(B) executed a legally binding contract or agreement that obligates it to deliver a minimum quantity of waste or recyclable materials to one or more such designated waste management facilities or facilities for recyclable materials and that obligates it to pay for that minimum quantity of waste or recyclable materials even if the stated minimum quantity of such waste or recyclable materials is not delivered within a required timeframe.

"(b) WASTE STREAM SUBJECT TO FLOW CONTROL.—The flow control authority of subsection (a) shall only permit the exercise of flow control authority to any designated facility of the specific classes or categories of municipal solid waste and voluntarily relinquished recyclable materials to which flow control authority was applicable on May 16, 1994, or immediately before the effective date of an injunction or court order referred to in subsection (a)(2)(B) or an action referred to in subsection (a)(2)(C) and—

"(1) in the case of any designated waste management facility or facility for recyclable materials that was in operation as of May 16, 1994, only if the facility concerned received municipal solid waste or recyclable materials in those classes or categories within 2 years prior to May 16, 1994, or the effective date of such injunction or other court order or action,

"(2) in the case of any designated waste management facility or facility for recyclable materials that was not yet in operation as of May 16, 1994, only of the classes or categories that were clearly identified by the State or political subdivision as of May 16, 1994, to be flow controlled to such facility, and

"(3) only to the extent of the maximum volume authorized by State permit to be disposed at the waste management facility or processed at the facility for recyclable materials.

If specific classes or categories of municipal solid waste or recyclable materials were not clearly identified, paragraph (2) shall apply only to municipal solid waste generated by households, including single family residences and multi-family residences of up to 4 units.

"(c) DURATION OF FLOW CONTROL AUTHORITY.—Flow control authority may be exercised pursuant to this section to any facility or facilities only until the later of the following:

"(1) The expiration date of the bond referred to in subsection (a)(3)(A).

"(2) The expiration date of the contract or agreement referred to in subsection (a)(3)(B).

"(3) The adjusted expiration date of a bond issued for a qualified environmental retrofit.

Such expiration dates shall be determined based upon the terms and provisions of the bond or contract in effect on May 16, 1994. In the case of a contract described in subsection (a)(3)(B) that has no specified expiration date, for purposes of paragraph (2) the expiration date shall be treated as the first date that the State or political subdivision that is a party to the contract can withdraw from its responsibilities under the contract without being in default thereunder and without substantial penalty or other substantial legal sanction.

"(d) MANDATORY OPT-OUT FOR GENERATORS AND TRANSPORTERS.—Notwithstanding any other provision of this section, no State or political subdivision may require any generator or transporter of municipal solid waste or recyclable materials to transport such waste or materials, or deliver such waste or materials for transportation, to a facility that is listed on the National Priorities List established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 unless such State or political subdivision or the owner or operator of such facility has adequately indemnified the generator or transporter against all liability under that Act with respect to such waste or materials.

"(e) EFFECT ON EXISTING LAWS.—

"(1) ENVIRONMENTAL LAWS.—Nothing in this section shall be interpreted or construed to have any effect on any other law relating to the protection of human health and the environment, or the management of municipal solid waste or recyclable materials.

"(2) STATE LAW.—Nothing in this section shall be interpreted to authorize a political subdivision to exercise the flow control authority granted by this section in a manner inconsistent with State law.

"(3) OWNERSHIP OF RECYCLABLE MATERIALS.—Nothing in this section shall authorize any State or political subdivision to require any generator or owner of recyclable materials to transfer any recyclable materials to such State or political subdivision, nor shall prohibit any persons from selling, purchasing, accepting, conveying, or transporting any recyclable materials, unless the generator or owner voluntarily makes such recyclable materials available to the State or political subdivision and relinquishes any rights to, or ownership of, such recyclable materials.

"(f) FACILITIES NOT QUALIFIED FOR FLOW CONTROL.—No flow control authority may be exercised under the provisions of this section to direct solid waste or recyclable materials to any facility pursuant to an ordinance if—

"(1) the ordinance was determined to be unconstitutional by a State or Federal court in October of 1994;

"(2) the facility is located over a sole source aquifer, within 5 miles of a public beach, and within 25 miles of a city with a population of more than 5,000,000; and

"(3) the facility is not fully permitted and operating in complete official compliance with all Federal, State, and local environmental regulations.

"(g) LIMITATION ON REVENUE.—A State or qualified political subdivision may exercise the flow control authority granted in this section only if the State or qualified political subdivision limits the use of any of the

revenues it derives from the exercise of such authority for the payment of one or more of the following:

''(1) Principal and interest on any eligible bond.

''(2) Principal and interest on a bond issued for a qualified environmental retrofit.

''(3) Payments required by the terms of a contract referred to in subsection (a)(3)(B).

''(4) Other expenses necessary for the operation and maintenance of designated facilities and other integral facilities necessary for the operation and maintenance of such designated facilities that are identified by the same eligible bond.

''(5) To the extent not covered by paragraphs (1) through (4), expenses for recycling, composting, and household hazardous waste activities in which the State or political subdivision was engaged before May 16, 1994, and for which the State or political subdivision, after periodic evaluation, beginning no later than one year after the enactment of this section, finds that there is no comparable qualified private sector service provider available. Such periodic evaluation shall be based on public notice and open competition. The amount and nature of payments described in this paragraph shall be fully disclosed to the public annually.

''(h) INTERIM CONTRACTS.—A lawful, legally binding contract under State law that was entered into during the period—

''(1) before November 10, 1995, and after the effective date of any applicable final court order no longer subject to judicial review specifically invalidating the flow control authority of such State or political subdivision, or

''(2) after such State or political subdivision refrained pursuant to legislative or official administrative action from enforcing flow control authority and before the effective date on which it resumes enforcement of flow control authority after enactment of this section,

shall be fully enforceable in accordance with State law.

''(i) AREAS WITH PRE-1984 FLOW CONTROL.—

''(1) GENERAL AUTHORITY.—A State that on or before January 1, 1984—

''(A) adopted regulations under a State law that required or directed transportation, management, or disposal of municipal solid waste from residential, commercial, institutional, or industrial sources (as defined under State law) to specifically identified waste management facilities, and applied those regulations to every political subdivision of the State, and

''(B) subjected such waste management facilities to the jurisdiction of a State public utilities commission,

may exercise flow control authority over municipal solid waste in accordance with the other provisions of this section and may exercise the additional flow control authority described in paragraph (2).

''(2) ADDITIONAL FLOW CONTROL AUTHORITY.—A State that meets the requirements of paragraph (1) and any political subdivision thereof may exercise flow control authority over all classes and categories of municipal solid waste that were subject to flow control by such State or political subdivision thereof on May 16, 1994, by directing it from any existing waste management facility that was designated as of May 16, 1994, or any proposed waste management facility in the State to any other such existing or proposed waste management facility in the State without regard to whether the political subdivision within which the municipal solid waste is generated had designated the particular waste management facility or had issued a bond or entered into a contract referred to in subsection (a)(3)(A) or (B), respectively.

''(3) DEFINITION.—For purposes of this subsection, the term 'proposed waste management facility' means a waste management facility that was specifically identified in a waste management plan prior to May 16, 1994, and for the construction of which—

''(A) revenue bonds were issued and outstanding as of May 16, 1994,

''(B) additional financing with revenue bonds was required as of the date of enactment of this section to complete construction, and

''(C) a permit had been issued prior to December 31, 1994.

''(4) LIMITATION OF AUTHORITY.—The additional flow control authority granted by paragraph (2) may be exercised to—

''(A) any facility described in paragraph (2) for up to 5 years after the date of enactment of this section, and

''(B) after 5 years after enactment of this section, only to those facilities and only with respect to the classes, categories, and geographic origin of waste directed to such facilities specifically identified by the State in a public notice issued within 5 years after enactment of this section.

''(5) DURATION OF AUTHORITY.—The authority to direct municipal solid waste to any facility pursuant to this subsection shall terminate with regard to such facility in accordance with subsection (c).

''(j) SAVINGS CLAUSE.—Nothing in this section is intended to have any effect on the authority of any State or political subdivision to franchise, license, or contract for municipal solid waste collection, processing, or disposal.

''(k) APPLICATION OF FLOW CONTROL AUTHORITY.—The flow control authority granted by this section shall be exercised in a manner that ensures that it is applied to the public sector if it is applied to the private sector.

''(l) PROMOTION OF RECYCLING.—The Congress finds that, in order to promote recycling, anyone engaged in recycling activities should strive to meet applicable standards for the reuse of recyclable materials.

''(m) EFFECTIVE DATE.—The provisions of this section shall take effect with respect to the exercise by any State or political subdivision of flow control authority on or after the date of enactment of this section, and such provisions shall also apply to the exercise by any State or political subdivision of flow control authority before such date of enactment unless the exercise of such authority has been declared unconstitutional by a final judicial decision that is no longer subject to judicial review.

''(n) DEFINITIONS.—For the purposes of this section—

''(1) ADJUSTED EXPIRATION DATE.—The term 'adjusted expiration date' means, with respect to a bond issued for a qualified environmental retrofit, the earlier of the final maturity date of such bond or 15 years after the date of issuance of such bonds.

''(2) BOND ISSUED FOR A QUALIFIED ENVIRONMENTAL RETROFIT.—The term 'bond issued for a qualified environmental retrofit' means a revenue or general obligation bond, the proceeds of which are dedicated to financing the retrofitting of a resource recovery facility or a municipal solid waste incinerator necessary to comply with section 129 of the Clean Air Act, provided that such bond is presented for sale before the expiration date of the bond or contract referred to in subsection (a)(3)(A) and (B) respectively that is applicable to such facility and no later than December 31, 1999.

''(3) DESIGNATE; DESIGNATION, ETC..—The terms 'designate', 'designated', 'designating', and 'designation' mean a requirement of a State or political subdivision, and the act of a State or political subdivision, individually or collectively, to require that all or any portion of the municipal solid waste or recyclable materials that is generated within the boundaries of the State or any political subdivision be delivered to one or more waste management facilities or facilities for recyclable materials identified by the State or a political subdivision thereof. The term 'designation' includes bond covenants, official statements, or other official financing documents issued by a political subdivision issuing an eligible bond in which it identified a specific waste management facility as being the subject of such bond and the requisite facility for receipt of municipal solid waste or recyclable materials generated within the jurisdictional boundaries of that political subdivision.

''(4) ELIGIBLE BOND.—The term 'eligible bond' means—

''(A) a revenue bond specifically to finance one or more designated waste management facilities, facilities for recyclable materials, or specifically and directly related assets, development or finance costs, as evidenced by the bond documents; or

''(B) a general obligation bond, the proceeds of which were used solely to finance one or more designated waste management facilities, facilities for recyclable materials, or specifically and directly related assets, development or finance costs, as evidenced by the bond documents.

''(5) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the authority to control the movement of municipal solid waste or voluntarily relinquished recyclable materials and direct such solid waste or voluntarily relinquished recyclable materials to one or more designated waste management facilities or facilities for recyclable materials within the boundaries of a State or within the boundaries of a political subdivision of a State, as in effect on May 16, 1994.

''(6) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' means any solid waste generated by the general public or by households, including single residences and multifamily residences, and from commercial, institutional, and industrial sources, to the extent such waste is essentially the same as waste normally generated by households or was collected and disposed of with other municipal solid waste as part of normal municipal solid waste collection services, consisting of paper, wood, yard waste, plastics, leather, rubber, and other combustible materials and noncombustible materials such as metal and glass, including residue remaining after recyclable materials have been separated from waste destined for disposal, and including waste material removed from a septic tank, septage pit, or cesspool (other than from portable toilets), except that the term does not include any of the following:

''(A) Any waste identified or listed as a hazardous waste under section 3001 of this Act or waste regulated under the Toxic Substances Control Act.

''(B) Any waste, including contaminated soil and debris, resulting from—

''(i) response or remedial action taken under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980,

''(ii) any corrective action taken under this Act, or

''(iii) any corrective action taken under any comparable State statute.

''(C) Construction and demolition debris.

''(D) Medical waste listed in section 11002 of this Act.

''(E) Industrial waste generated by manufacturing or industrial processes, including waste generated during scrap processing and scrap recycling.

''(F) Recyclable materials.

''(G) Sludge.

''(7) POLITICAL SUBDIVISION.—The term 'political subdivision' means a city, town, bor-

ough, county, parish, district, or public service authority or other public body created by or pursuant to State law with authority to present for sale an eligible bond or to exercise flow control authority.

''(8) RECYCLE AND RECYCLING.—The terms 'recycle' and 'recycling' mean—

''(A) any process which produces any material defined as 'recycled' under section 1004; and

''(B) any process by which materials are diverted, separated from, or separately managed from materials otherwise destined for disposal as solid waste, by collecting, sorting, or processing for use as raw materials or feedstocks in lieu of, or in addition to, virgin materials, including petroleum, in the manufacture of usable materials or products.

''(9) RECYCLABLE MATERIALS.—The term 'recyclable materials' means any materials that have been separated from waste otherwise destined for disposal (either at the source of the waste or at processing facilities) or that have been managed separately from waste destined for disposal, for the purpose of recycling, reclamation, composting of organic materials such as food and yard waste, or reuse (other than for the purpose of incineration). Such term includes scrap tires to be used in resource recovery.

''(10) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means any facility for separating, storing, transferring, treating, processing, combusting, or disposing of municipal solid waste.''.

(b) TABLE OF CONTENTS.—The table of contents for subtitle D of the Solid Waste Disposal Act is amended by adding the following new item after the item relating to section 4010:

''Sec. 4011. Congressional authorization of State and local government control over movement of municipal solid waste and recyclable materials.''.

The SPEAKER pro tempore, Mr. YOUNG of Florida, recognized Mr. BLILEY and Mr. MARKEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. YOUNG of Florida, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MARKEY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. YOUNG of Florida, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, January 31, 1996, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

¶9.11 LAND DISPOSAL PROGRAM FLEXIBILITY

Mr. BLILEY moved to suspend the rules and pass the bill (H.R. 2036) to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. YOUNG of Florida, recognized Mr. BLILEY and Mr. MARKEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. YOUNG of Florida, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MARKEY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. YOUNG of Florida, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, January 31, 1996, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

¶19.12 DISPOSITION OF SENATE AMENDMENT—H.R. 1868

The SPEAKER pro tempore, Mr. YOUNG of Florida, announced that the amendment of the Senate numbered 115 to the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, was finally disposed of in both Houses as if enacted into law by section 301 of Public Law 104–99, thereby enabling the enrollment of said bill.

¶9.13 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1543. An Act to clarify the treatment of Nebraska impact aid payments; to the Committee on Education and Economic Opportunity.

S. 1544. An Act to authorize the conveyance of the William Langer Jewel Bearing Plant to the Job Development Authority of the City of Rolla, North Dakota; to the Committee on National Security.

¶9.14 ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1868. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes;

H.R. 2029. An Act to amend the Farm Credit Act of 1971 to provide regulatory relief, and for other purposes;

H.R. 2111. An Act to designate the Federal building located at 1221 Nevin Avenue in Richmond, California, as the ''Frank Hagel Federal Building''; and

H.R. 2726. An Act to make certain technical corrections in laws relating to Native Americans, and for other purposes.

¶9.15 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1124. An Act to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, to reform acquisition laws and information technology management of the Federal Government, and for other purposes.

¶9.16 BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following day present to the President, for his approval, a bill of the House of the following title:

On January 26:

H.R. 2880. Making appropriations for fiscal year 1996 to make a downpayment toward a balanced budget, and for other purposes.

And then,

¶9.17 ADJOURNMENT

On motion of Mr. OWENS, at 6 o'clock and 55 minutes p.m., the House adjourned.

¶9.18 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 2036. A bill to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes; with an amendment (Rept. No. 104–454). Referred to the Committee of the Whole House on the State of the Union.

¶9.19 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEREUTER:

H.R. 2905. A bill to require a study regarding risk management fund accounts for farm owners and operators; to the Committee on Agriculture.

By Mr. COX (for himself, Mr. YOUNG of Alaska, Mr. CALVERT, and Mrs. VUCANOVICH):

H.R. 2906. A bill to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. BLILEY:

H. Res. 349. Resolution providing for the consideration of S. 534; which was considered under suspension of rules.

By Mrs. MINK of Hawaii (for herself, Mr. FALEOMAVAEGA, Mr. UNDERWOOD, and Mrs. SCHROEDER):

H. Res. 350. Resolution relating to a question of the privileges of the House; to the Committee on Rules.

¶9.20 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. PICKETT introduced a bill (H.R. 2907) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Barefoot'n;* to the Committee on Transportation and Infrastructure.

¶9.21 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. RIGGS and Mr. WISE.
H.R. 580: Mr. FOLEY.
H.R. 940: Mr. BROWN of Ohio.
H.R. 1050: Mr. TORRES.
H.R. 1100: Mr. GREENWOOD.
H.R. 1573: Mr. STUMP.
H.R. 1684: Mrs. MEEK of Florida, Mrs. VUCANOVICH, Mr. MCHUGH, Mr. ACKERMAN, Mrs. MEYERS of Kansas, Mr. MOAKLEY, Mrs. MORELLA, Mr. BENTSEN, Mr. BOEHLERT, and Mr. LAFALCE.
H.R. 1758: Mr. DELLUMS, Mr. FRAZER, Mr. MINGE, Mr. THOMPSON, and Mr. FARR.
H.R. 1818: Mr. SHADEGG.
H.R. 2098: Mr. DREIER and Mr. SOLOMON.
H.R. 2264: Mr. SANDERS.
H.R. 2311: Mr. WATTS of Oklahoma.
H.R. 2335: Mr. PAXON, Mr. WELDON of Florida, Mr. CANADY, Mr. ARCHER, Mr. COBURN, Mr. COLLINS of Georgia, and Mr. HUTCHINSON.
H.R. 2463: Mr. DICKS.
H.R. 2566: Mr. SCARBOROUGH.
H.R. 2648: Mr. BALLENGER and Mr. TAYLOR of North Carolina.
H.R. 2658: Mr. LUTHER and Mrs. THURMAN.
H.R. 2723: Mr. STOCKMAN, Mr. ROHRABACHER, Mr. INGLIS of South Carolina, Mr. SAM JOHNSON, Mr. HERGER, Mr. RADANOVICH, and Mr. BISHOP.
H.R. 2731: Mr. FOLEY.
H.R. 2867: Mr. BEREUTER, Mr. METCALF, Mr. STEARNS, Mr. MCKEON, Mr. LAHOOD, Mr. FUNDERBURK, and Mr. BACHUS.
H.R. 2896: Mr. COBURN, Mr. METCALF, Mr. BASS, Mr. FOLEY, Mrs. MYRICK, Mrs. CHENOWETH, Mr. SOLOMON, Mr. BARTLETT of Maryland, Mr. BAKER of California, Mr. EHLERS, and Mr. FORBES.
H. Con. Res. 127: Mr. OBERSTAR, Mr. PAXON, Mr. OBEY, Mr. NEY, Mr. BUYER, Mr. TRAFICANT, Mrs. KELLY, Mr. MCHUGH, Mr. BARRETT of Wisconsin, Mr. LAFALCE, Ms. KAPTUR, Mr. VISCLOSKY, Mr. MURTHA, Mr. STUPAK, Mr. QUINN, Mr. FROST, Mr. FLANAGAN, Mr. LATOURETTE, Mr. HOUGHTON, and Mr. KILDEE.
H. Con. Res. 134: Mr. FRANKS of Connecticut, Mr. CREMEANS, Mrs. MYRICK, Mr. FOLEY, and Mr. YOUNG of Alaska.
H. Res. 30: Mr. MOAKLEY, Mr. BORSKI, Mr. KOLBE, Mr. UPTON, Ms. WOOLSEY, Mr. CAMP, and Mr. JACOBS.

WEDNESDAY, JANUARY 31, 1996 (10)

¶10.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. RADANOVICH, who laid before the House the following communication:

WASHINGTON, DC,
January 31, 1996.

I hereby designate the Honorable GEORGE P. RADANOVICH to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

¶10.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. RADANOVICH, announced he had examined and approved the Journal of the proceedings of Tuesday, January 30, 1996.

Pursuant to clause 1, rule I, the Journal was approved.

¶10.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1988. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting the annual report to Congress describing the activities of the Defense Production Act fund, pursuant to 50 U.S.C. app. 2094; to the Committee on Banking and Financial Services.

1989. A communication from the President of the United States, transmitting a copy of Presidential Determination No. 95–45: Exempting the U.S. Air Force's operating location near Groom Lake, NV, from any Federal State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons, pursuant to 42 U.S.C. 6961(a); to the Committee on Commerce.

1990. A letter from the Secretary of Energy, transmitting the Department's annual report on Federal Government energy management and conservation programs during fiscal year 1994, pursuant to 42 U.S.C. 6361(c); to the Committee on Commerce.

1991. A letter from the Chairman, United States Merit Systems Merit Protection Board, transmitting the 1995 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

1992. A letter from the Secretary of Energy, transmitting the Department's report entitled ''Coal Research, Development, Demonstration, and Commercial Application Programs,'' pursuant to Public Law 102–486, section 1301(d) (106 Stat. 2972); to the Committee on Science.

1993. A letter from the Secretary of Defense, transmitting a report on proposed obligations of $5 million of unobligated funds remaining from fiscal year 1994 cooperative threat reduction [CTR] funds to complete defense conversion/housing activities in Ukraine and to obligate $5 million of unobligated funds remaining from fiscal year 1995 CTR defense military contracts funds to support strategic offensive arms elimination [SOAE] in Belarus, pursuant to 22 U.S.C. 5955; jointly, to the Committees on National Security and International Relations.

1994. A letter from the Secretary of Health and Human Services, transmitting the Department's first annual report to the Congress on tribal program services and expenditures for the child care and development block grant [CCDBG], pursuant to Public Law 101–508, section 5082 (104 Stat. 1388–244); jointly, to the Committees on Economic and Educational Opportunities and Resources.

1995. A letter from the Director, Audit Oversight and Liaison, General Accounting Office, transmitting a report entitled ''Financial Audit: Expenditures by Six Independent Counsels for the Six Months Ended March 31, 1995'' (GOA/AIMD–95–233), pursuant to 28 U.S.C. 591 note; jointly, to the Committees on the Judiciary and Government Reform and Oversight.

1996. A letter from the Secretaries of the Army and Agriculture, transmitting notification of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of civil works and national forest lands at the Sam Rayburn Dam and reservoir project and Angelina and Sabine National Forest, TX, pursuant to 16 U.S.C. 505a; jointly, to the Committees on Transportation and Infrastructure and Agriculture.

¶10.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one if its clerks, announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 2353) ''An Act to amend title 38, United States Code, to extend certain expiring authorities of the Department of Veterans Affairs relating to delivery of health and medical care, and for other purposes.''.

The message also announced that the Senate has passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 40. Concurrent Resolution to commemorate the sesquicentennial of Texas statehood.

The message also announced that pursuant to Public Law 103–227, the Chair, on behalf of the Republican leader, appoints Mr. JEFFORDS as a member of the national education goals panel, vice Mr. GREGG.

The message also announced that in accordance with Public Law 81–754, as amended by Public Law 93–536 and Public Law 100–365, the Chair, on behalf of the Vice President, appoints Mr. HATFIELD to the National Historical Publications and Records Commission.

¶10.5 SUBMISSION OF CONFERENCE REPORT—H.R. 2546

Mr. LIVINGSTON submitted a conference report (Rept. No. 104–455) on the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

¶10.6 SUBPOENA

The SPEAKER pro tempore, Mr. HAYWORTH, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 22, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that Meredith Cooper, my Chief of Staff, Royal Hart, my Deputy Chief of Staff, and the custodian of the records in my Washington office, have all been served with grand jury subpoenas duces tecum issued by the U.S. District Court for the Eastern District of Michigan.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoenas is consistent with the precedents and privileges of the House.

Sincerely,

BARBARA-ROSE COLLINS.

¶10.7 RECESS—4:16 P.M.

The SPEAKER pro tempore, Mr. HAYWORTH, pursuant to clause 12 of rule I, declared the House in recess at 4 o'clock and 16 minutes p.m., subject to the call of the Chair, but no later than 5:00 p.m.

¶10.8 AFTER RECESS—4:28 P.M.

The SPEAKER pro tempore, Mr. HAYWORTH, called the House to order.