

I thank the Chair for the opportunity to announce these hearings.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 10 o'clock having arrived, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the pending committee substitute amendment to S. 534, the solid waste disposal bill

John H. Chafee, Bob Dole, Bob Smith, Jim Jeffords, Hank Brown, Kit Bond, Orrin Hatch, Spencer Abraham, Jon Kyl, Larry E. Craig, Kay Bailey Hutchison, Trent Lott, R.F. Bennett, Pete V. Domenici, Dirk Kempthorne, Jesse Helms.

#### CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

#### VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the pending committee substitute amendment to S. 534, the solid waste disposal bill, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Virginia [Mr. WARNER] are necessarily absent.

Mr. FORD. I announce that the Senator from Rhode Island [Mr. PELL] is necessarily absent.

The PRESIDING OFFICER (Mr. INHOFE). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 50, nays 47, as follows:

[Rollcall Vote No. 165 Leg.]

#### YEAS—50

Abraham	Brown	Coats
Ashcroft	Burns	Cochran
Bennett	Campbell	Cohen
Bond	Chafee	Coverdell

Craig	Hutchison	Packwood
DeWine	Inhofe	Pressler
Dole	Jeffords	Roth
Domenici	Kassebaum	Santorum
Faircloth	Kempthorne	Shelby
Frist	Kyl	Simpson
Gramm	Lott	Smith
Grassley	Lugar	Snowe
Gregg	Mack	Stevens
Hatch	McCain	Thomas
Hatfield	McConnell	Thompson
Helms	Murkowski	Thurmond
	Nickles	

#### NAYS—47

Akaka	Feingold	Leahy
Baucus	Feinstein	Levin
Biden	Ford	Lieberman
Bingaman	Glenn	Mikulski
Boxer	Gorton	Moseley-Braun
Bradley	Graham	Moynihan
Breaux	Harkin	Murray
Bryan	Heflin	Nunn
Bumpers	Hollings	Pryor
Byrd	Inouye	Reid
Conrad	Johnston	Robb
D'Amato	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Simon
Dorgan	Kohl	Wellstone
Exon	Lautenberg	

#### NOT VOTING—3

Pell	Specter	Warner
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The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. CHAFEE. Mr. President, many people have asked what is going to happen for the remainder of the day. What we would very much like to do is get these amendments disposed of as quickly as possible. I know that many people have plans. We would like to see how many amendments there are around here. I think most of the players are here. If people could tell us who has an amendment, then we could figure where we go from here.

Now, who has an amendment? All right. Senator COATS. We are conscious of his. Senator GORTON. We are conscious of his. That is the same one as Senator MURRAY's, right?

Mr. GORTON. That is correct.

Mr. CHAFEE. Who else? Senator DORGAN has an amendment. I hope people will speak up because we would like to close out the amendments, if possible, if we can get an agreement. Senator BOXER, I am sure, has one. We are not seeking a big list. I know Senator BOXER has an amendment. Senator D'AMATO.

Mr. D'AMATO. I may have some very comprehensive, exhaustive amendments. I hope I do not have to offer them.

Mr. CHAFEE. We hope you do not, too. If you can check with your Cloakroom and see, we will do the same. We want to press this along and hopefully finish today. We know a lot of people have engagements.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I have a very brief statement with regard to the legislation. If you are looking for a few moments of free time, I could do that.

Mr. CHAFEE. If the Senator could withhold for a minute.

Mr. MURKOWSKI. Sure.

Mr. CHAFEE. Is Senator DORGAN ready to go?

This would involve a rollcall vote on Senator DORGAN's amendment, if he proceeds with it.

Mr. MURKOWSKI. My statement is very short and is on the bill.

Mr. CHAFEE. Mr. President, I ask if we could give 30 seconds or 1 minute to the Senator from Alaska to make a statement, and then if I could have the floor again, we will return to Senator DORGAN's amendment.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI] is recognized.

#### AMENDMENT NO. 861

Mr. MURKOWSKI. Mr. President, I want to thank Senator CHAFEE, and Senator BAUCUS, the floor managers; Senator SMITH, the subcommittee chairman; and Senator KEMPTHORNE for accepting my amendment last night which extends the efforts of Senator KEMPTHORNE, who amended the interstate waste disposal act to provide for practicable solid waste regulations that take into account the remote nature of Alaska Native villages—that is, relief from covering landfills, controlling access to landfills by an operator, et cetera—to cover all Alaska villages.

This provision is not a blanket exemption from all landfill standards for these facilities; rather, the governor of Alaska will have flexibility to set appropriate standards based on local conditions.

My amendment provides for workable solid waste regulations for all Alaska villages. The problems faced by Native village landfills are the same as those faced by other small, remote villages; both need regulatory relief.

I have a list of Alaskan villages not classified as Native villages" under the Alaska Native Claims Settlement Act. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

#### NON-ANSCA VILLAGES

Paxson.  
Seward.  
Chicken.  
Seward.  
Skwentna.  
Healy.  
Kupreanof.  
Tok.  
Elfin Cove.  
Siana.  
Central.  
Medfra.  
Wiseman.  
Houston.  
Willow.  
Tonsina.  
Northway Junction.  
Tenakee Springs.  
Circle Hot Springs.  
Gustavus.  
Coffman Cove.  
Ft. Glenn.  
Talkeetna.  
McCarthy.

Kenny Lake.  
Livengood.  
Pelican.

## PROBLEM

Mr. MURKOWSKI. Landfills in remote areas of Alaska do not have the resources to comply with Federal solid waste management regulations. Many communities have no local government at all, or operate all community services on an annual budget of \$25,000 to \$80,000. If landfills close, the result will be illegal dumping on the lands, or into the rivers, because no other alternatives exist.

Unlike areas in the lower 48 States, if Alaska's village landfills are forced to close for economic reasons, the waste often cannot be disposed of in regional facilities because the necessary transportation infrastructure simply does not exist. Many villages are accessible only by aircraft, or in some cases, seasonal water transportation. Alaska is different from the lower 48 where distances may be great, but communities are connected by road to regional landfills.

Mr. CHAFEE. If Senator DORGAN is ready to go, can we get a time agreement?

Mr. DORGAN. Mr. President, I have no objection to a time agreement. If I might offer the amendment, I will make some remarks, and then we will talk about a time agreement.

Mr. CHAFEE. What about 20 minutes equally divided?

Mr. DORGAN. Let me offer the amendment first and make a few remarks. It is not my intent to prolong it.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield for that purpose?

Mr. CHAFEE. Yes.

## AMENDMENT NO. 914

(Purpose: To amend the definition of "municipal solid waste" to include industrial waste regardless of whether the industrial waste is physically and chemically identical to other municipal solid waste)

Mr. DORGAN. Mr. President, I send an 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 North Dakota [Mr. DORGAN] proposes an amendment numbered 914.

The amendment is as follows:

On page 49, line 16, insert the following after "thereof" and before the period: "and any solid waste generated by an industrial facility"

On page 50, strike line 22 and all that follows through page 51, line 2.

Mr. DORGAN. Mr. President, I have an amendment at the desk. My amendment is not particularly complicated, although it might be controversial. My amendment would change this legislation so that the bill includes all solid waste generated by an industrial facility with respect to the definition of waste addressed in this legislation.

Currently, this legislation addresses municipal waste. That is, waste that is

generated by the general public or from a residential, commercial, institutional, or industrial source consisting of certain kinds of materials. That is what constitutes the definition of municipal waste in the bill.

In my judgment, this legislation moves in the right direction in the sense that it gives the States the opportunity to control, to some extent, their own destiny. At the present time, the interstate commerce clause prevents States from having any say at all when somebody decides to load train loads of waste in one jurisdiction and move it to another jurisdiction. The folks who live in the second jurisdiction have no right to say no. They have no right to say, "You can't do that to our neighborhood. You can't bring this waste to our area, because we don't want it." There is no right for them to do that under current law.

This legislation, under certain circumstances, gives the States the opportunity to say no, to decide when they do not want to have additional kinds of municipal waste deposited in their landfills or their waste disposal areas.

The definition of municipal waste in the bill, unfortunately, limits the opportunity for the States to make their views known on the subject of most waste that is moving around the country. Currently, there are 15 million tons of municipal solid waste exported nationwide across borders; 47 States and the District of Columbia, the Canadian Provinces of Ontario and British Columbia, and Mexico exported some portion of their municipal solid waste for disposal in the contiguous United States in 1992; 44 States import some municipal solid waste for disposal; 4 States export more than 1 million tons of municipal solid waste.

But S. 534 applies only to municipal solid waste and does not restrict interstate transportation of industrial waste to the extent that it can be restricted under this bill if the States decided they wanted to try to restrict it. I simply ask the question: Why not include industrial waste? Why would we limit this only to municipal waste? It does not make any sense to me.

The bulk of the waste that is being transported between States is industrial waste. For example, we have a landfill in North Dakota which receives industrial waste. That landfill, Echo Mountain in Sawyer, ND, imports metal grindings, paint waste, water treatment sludge, building demolition material, contaminated soil, liquid and solid waste associated with car manufacturing. None of which would be covered under this legislation in its present form.

The question is, if you are going to give the Governor or you are going to give the State the opportunity to say to those who would bring a stream of waste into their area the right to say no, why would you give them that right with only a small part of the waste? Why not all of the waste? Why

not all of the waste including industrial waste?

That is the proposition I offer in this amendment. The amendment is very simple. With only one line change, my amendment changes the definition of waste so that the bill's provisions would include industrial waste. It is not difficult for anyone to understand. The impact of it is very clear. The impact of it gives the States more rights, and, I think, moves in the direction that is intended in this legislation.

So I start on this issue believing that a problem we have in this country with respect to waste disposal is the stream of waste moving back and forth across borders and the corporations in this country whose business it is to try to find places to put waste. I happen to think that smaller, less populous States who may not want to have an enormous amount of waste transported in for profit, ought to have the right to say, "No, thank you, that is not what we want for our future. We have the right to determine our own future, and this is not what we want."

The committee brings a bill to the floor that says that is the right of the States with respect to one category of waste—municipal. But then they say by omission it is not the right of the States with respect to the broad category of other waste, especially industrial. I say why the inconsistency? If States' rights include the opportunity to say no with respect to the import of municipal waste, why not the same right with respect to industrial waste?

Mr. President, I know that this is a controversial amendment. I know that we will hear that this legislation is a carefully crafted balance and if anything should upset the balance, the whole thing falls. We hear that on every bill that comes to the floor. It is like a loose thread on a \$20 suit, you pull the thread and the arm falls off. We hear that every time there is a bill on the floor of the Senate.

All I am interested in doing is to say that if the philosophy by which this bill is being brought to the floor makes any sense at all, namely that is the States should have the right to say no to the waste flow coming into their States of municipal waste, then that philosophy holds true with respect to industrial waste as well.

I hope that both managers of this bill will stand up and immediately accept this amendment and thank me for offering it and say that it improves this bill immensely, and I will leave the floor a very happy person.

Mr. President, I yield the floor.

Mr. CHAFEE. Mr. President, can we get a time agreement? Will the distinguished Senator agree to 20 minutes equally divided, and if we do not use it, fine?

Mr. DORGAN. That is fine with me, Mr. President.

Mr. CHAFEE. Mr. President, I so ask unanimous consent.

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

Mr. CHAFEE. Mr. President, the Senator was quite right when he said this was a carefully crafted bill. What it is, it is a balance between the exporters and the importers, and the exporters and the importers have agreed—are very close to agreement now—on dealing with municipal solid waste. If you throw a new equation into it, a new element into the equation, such as how many different kinds of wastes are there—oh, there is hazardous waste and there is industrial waste and there is construction and demolition debris—all of these things. We have become experts on waste around here. But we do not know what the volumes are, for example, of this industrial waste that the Senator is talking about. Suppose that added into the numbers that were exported or imported and affected how much the quotas could be that come into each State. This whole bill, clearly, would just drop down. If we want a killer amendment, this is it, Mr. President.

I respect the earnestness of the Senator who offered it, and if he wants to come around sometime later in future years and say now we have worked it out with municipal solid waste, with the import and export restrictions and the volumes and how much there can be in future years and so-called ratchets, that is fine, but not today. We have enough problems with this legislation without adding this element into it.

So I very much hope that my colleagues will reject the amendment.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from North Dakota somewhat sarcastically says—it is not his intention, obviously—that his amendment will not sink the bill as he suggests the managers of the bill will say. The fact is this amendment will sink this bill. The reason is because there is so much construction, demolition material, there is so much sludge, there is so much wastewater treatment, there is so much of this in interstate commerce today.

Many States want to ship this material to another State to help, frankly, with Superfund cleanup or to deal with their waste in a way that makes good sense to their own State, and vice versa. It works both ways. Every State in the Nation ships this material out of State. Every State does and every State receives some.

So if this amendment were to be adopted, the general commerce today of the interstate shipment of construction and demolition material generally, and the other material that is covered by the Senator's amendment, would be severely disrupted and stopped. What then happens?

It is not going to happen because Senators are going to stand up and filibuster this bill because they know that they represent interests in their States who want to be able to ship material through interstate commerce.

It is true that we have to have a balance here. On the one hand, people want to ship waste whenever they want to ship it. The free market system.

On the other hand, governments, particularly State governments and local municipalities, want to protect themselves. They want to enact laws to protect themselves against the free market.

It is the tension that always exists. It is what we try to do around here; namely, we try to find a balance between those two tensions. There is also another tension here, another balance we have to try to pursue. That is between States and the Federal Government.

Our national motto is "e pluribus unum," one out of many. We are many States. We are 50 States. We are not 50 nations. We are 50 States. We are one nation, the Federal system. We are trying to figure out how to craft that balance.

Mr. President, it reminds me very much of something a very wise person said not too many years ago. That is, all of American political thought can be summed up in two sentences. No. 1, get the government off my back; No. 2, there ought to be a law about that.

That is what we are facing here. That is what this question comes down to. Get the government off my back, the opponents of the amendment said, because they want to be able to ship this material, different States, and have interstate commerce. There ought to be a law about that, is what Senators say.

Mr. President, we carefully considered this question in the committee, and we decided that with respect to municipal waste, which is more easily accounted for and which really bothers communities more than industrial waste, that we should set up a system with certain restrictions and certain guidelines. States, under certain circumstances, can restrict the amount of municipal waste that comes into their States. That is what we are doing.

Industrial waste is a whole different category. As I said, and the Senator from Rhode Island said, we really cannot account for it and do not know how much it is. Frankly, I do not see why the Senator from North Dakota is getting so worked up about this, because industrial waste is not really the problem that most States have. It is municipal waste, and also, it is hazardous waste. Hazardous waste is accounted for in an entirely different category and not the subject of this bill.

Mr. President, to sum up, I understand the concerns of the Senator from North Dakota, but it is true that if this amendment passes, there can be a lot of Senators going to come to the floor and say, wait a minute, we are not for this bill. We will vote against this whole bill.

Then what will happen? Then the citizens of North Dakota are not going to be able to limit the imports of out-of-State municipal garbage otherwise

coming into North Dakota. That is because the Supreme Court said North Dakota cannot do that unless this bill passes.

I think the Senator from North Dakota and all Senators want this bill to pass so that States are able to limit municipal trash coming into their own States.

For those reasons and the fundamental reason, just to make it crystal clear, if this amendment is adopted, Senators will come to the floor, and they will be against this bill because it restricts commerce way too much. No bill. And then nobody wins, everybody loses.

I therefore urge the Senate not to adopt this amendment.

Mr. DORGAN. Mr. President, I was right. It is not that I have a crystal ball over here, but I guess the argument is that whether or not this is a good idea if the Senate would adopt this, it will sink the bill. I do not know first hand of the flotation properties of this bill or who constructed it or how long it might float.

I do know that this is a pretty good idea to say if it is a good idea that the Governors ought to have the right to say no on the importation of municipal waste, there is no reason to prevent them from doing the same on industrial waste. If it is a good idea to give the States the opportunity to make their own judgment about some of these things, why is it a good idea to limit it to the smallest part of the waste that is moving around?

Let me tell the Senators as an example, North Dakota imported 73,000 tons of municipal solid waste and 150,000 tons of industrial waste.

Now, if we are saying the Governor or the State ought to have the right to say, "No," under certain circumstances, to a small part of the waste that is moving in, but does not have a similar right with respect to the larger part, I do not understand that. I do not think that holds up philosophically.

The other part of the argument apparently is the claim that industrial waste cannot be included in this bill because there is too much of it. The claim is that if the bill includes industrial waste, we will get a lot of people upset. They will come over here and filibuster, and we do not get a bill.

If industrial waste cannot be included because there is too much of it, I guess that makes my case. If there is too much industrial waste moving between States, that is especially what we ought to be dealing with here on the floor of the Senate.

My own sense is that the opposition to this is not consistent. I feel strongly that if we are going to do this with respect to municipal waste, we also ought to do it with respect to industrial waste, and be consistent. We should decide that States ought to have the right.

It was said a few minutes ago that the mood is "get government off our backs." I understand that mood. But there is another mood out there by some people who say, "I don't want garbage in my backyard. I don't want people to bring garbage into the areas where I have grown up."

This bill gives them the right to reject that in limited circumstances, but does not give them the similar right in the broader circumstances with respect to industrial waste.

I appreciate being called earnest, at least, and I do hope that whether it is on this piece of legislation or at some point in the future, the discussion about waste and its movement in our country that there will be an opportunity for people in the States to make their own judgment about industrial waste as well. If not now, then at some point in the future.

Mr. President I shall not take further time. This is very clear.

I yield back my time, and I ask that we have the yeas and nays on my legislation, or if the Senator from Rhode Island has different objectives.

Mr. CHAFEE. Mr. President, what I really hope is that the Senator will withdraw his amendment. As the Senator knows, we have had no hearings on this. We have arrived at the tonnage limitations that affect importing States and exporting limits.

We have had them agree to this very carefully, through a lot of laborious negotiations. If we add all the tonnage that comes with so-called industrial waste, and nobody knows how to define "industrial waste," then we truly have upset the apple cart.

What can we promise the Senator? I think he has a legitimate request that in the committee we would consider how to handle—I suppose we could get into municipal waste, into construction, demolition debris, also, and maybe that is something we ought to look at in the future.

I do not want to say we will do it immediately if we agree to it. We have a pretty full agenda in that committee.

I say to the Senator that I would agree to having some hearings in the future. I am not saying this calendar year, because this calendar year is really just taken up with all kinds of challenges in the committee including endangered species, Superfund, clean water, plus the other things we have on the agenda.

Mr. DORGAN. Mr. President, this amendment is not a surprise. We have been sending information over to the committee for a couple of years. I filed a bill on this during the last session of Congress, and I have talked to the committee about it.

I certainly respect the views of the two managers of the bill, the Senator from Rhode Island and the Senator from Montana, but I would very much like a vote on my amendment.

Mr. BAUCUS. Mr. President, there is another point here which I think is quite relevant. Very little is known

about industrial waste. Much more is known about municipal waste. That is why we in the committee decided the limits we came up with.

I think it is very, very dangerous to legislate in ignorance. Very dangerous. This body is, I might say, pretty much ignorant when it comes to industrial waste. We do not know the numbers. We did not know the volumes. We do not know enough about the practice, very little about the practice. I think it would be very, very dangerous for this body to legislate in ignorance. We may do that sometimes around here, and we may do it with some frequency around here, but it does not justify it.

For that reason, too, I think it is important that this amendment not be adopted here. There is time to deal with this. There is no huge outcry. My office is not inundated. I daresay the offices of other Senators are not inundated with letters from people at home saying do something about industrial waste.

That is not the cry. What we hear is, "Do something about municipal waste. Do something about garbage." This is not garbage in the traditional sense of the term. This is industrial waste.

In addition, I might underline an earlier point I made. That is, a lot of generators, waste generators around the country, want to avoid Superfund sites, causing industrial waste to go to a site which will then become a Superfund site, so they send the material to sites that have the best environmental technology. Those sites are not always in that same State. Often, they are in adjacent States. So generators want to send material to the site that has the best environmental technology to avoid that site being a Superfund site.

If we were, today, to put more restrictions in, that would make it more difficult for generators of industrial waste to send that material to an environmentally safe site.

For example, I have a letter from the Associated General Contractors of America and a letter from the National Association of Manufacturers, which I would like to put in the RECORD. They basically make the same point opposing this.

I ask unanimous consent to have the letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE ASSOCIATED GENERAL  
CONTRACTORS OF AMERICA,

Washington, DC, September 30, 1994.

Hon. MAX BAUCUS,  
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On Wednesday, September 28, the House passed H.R. 4779, the State and Local Government Interstate Waste Control Act of 1994 and it is now pending in the Senate. We understand the Senate will soon consider this legislation and may attempt to broaden the coverage beyond municipal solid waste to include industrial wastes. The Associated General Contractors of America opposes this expansion.

Industrial wastes, particularly from construction projects, are fundamentally dif-

ferent from municipal solid wastes. There are specific regulatory programs requiring proper treatment, storage and disposal of wastes generated by industry using specialized methods at specialized facilities. (The Resource Conservation and Recovery Act of 1976 is one such program.) Not all States have adequate capability to manage industrial wastes. Given the potential of liability under Superfund, generators of industrial waste have great incentive to fully and properly dispose of these wastes. To limit the transfer of industrial wastes may limit the contractor from disposing of the waste at the most environmentally protective facility available, regardless of location. Restrictions on the interstate movement of industrial wastes under this amendment would force contractors to seek management of wastes at facilities that may not meet the most stringent environmental standards.

For these reasons, AGC urges you to oppose any effort to place restrictions on the interstate movement of industrial waste. Thank you for your consideration.

Sincerely,

HEIDI H. STIRRUP,  
Director,

Congressional Relations, Environment.

NATIONAL ASSOCIATION  
OF MANUFACTURERS,

Washington, DC, September 30, 1994.

Hon. Max Baucus,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR BAUCUS: The National Association of Manufacturers (NAM) has learned that the Senate will soon consider legislation addressing the interstate movement of municipal solid waste (MSW). The NAM strongly opposes broadening the bill to include industrial and other wastes.

The NAM believes manufacturers need the maximum flexibility in determining the destination of wastes to disposal facilities and that barriers—such as bans on interstate shipment of waste—would prove detrimental to that flexibility.

Many industrial and hazardous wastes require specialized treatment for their proper management. Due to the high cost of building these specialized treatment and disposal facilities, adequate capability does not exist in all states. Generators of industrial wastes must be allowed to safeguard against Superfund liability by sending waste to the highest technology, most environmentally protective facilities available, regardless of their location. Industrial waste generators often incur great cost to ship their waste to a specialized facility so that they can isolate their waste, and therefore their liability, at one location, rather than multiple locations throughout the country. Restrictions on the interstate movement of industrial waste under this bill could cause artificially inflated waste management costs and undue financial burden to manufacturing companies that are implementing waste minimization and recycling programs. Such restrictions also would have an adverse impact on the environment if responsible waste generators are forced to utilize facilities that are ill-equipped to handle their particular types of waste. If companies generating waste are to remain financially liable for the disposal of their waste, then it is critical that the scope of the pending legislation be limited to MSW.

For the above reasons, the NAM urges you and your colleagues to oppose any effort to place restrictions on the interstate movement of industrial waste. Thank you for your consideration of our position. Please do not hesitate to contact Theresa Knieriemen

Larson of our staff at (202) 637-3175 if you have any questions.

Sincerely,

RICHARD SEIBERT, Jr.

Mr. BAUCUS. Mr. President, for that reason, and the basic one that if this is adopted, I do not know what the prospects of the bill will be, I urge that this amendment be defeated.

If there is no Senator seeking time, I move to table the amendment and ask for the yeas and nays.

Mr. DORGAN. Mr. President, I have one additional comment to make, but I prefer to close this debate, if I might. Are there other people on the floor wishing to speak?

The PRESIDING OFFICER. The Chair observes the time has expired for the Senator from Rhode Island. Would the Senator like to yield some of his time to the Senator from New Hampshire? The Senator has 6 minutes remaining.

Mr. CHAFEE. Mr. President, I wonder if we could agree to give the Senator from New Hampshire 2 minutes?

Mr. DORGAN. I have no objection.

Mrs. BOXER. Reserving the right to object, would that add time to the debate? There are some who cannot see a delay in time. I am sorry.

Mr. DORGAN. I yield to the Senator from New Hampshire 2 minutes of my time. I have no interest in prolonging this.

Mr. SMITH. I appreciate that action of the Senator from North Dakota. I am speaking against his amendment, so I would say that is a very generous action.

I say with the greatest respect to the Senator from North Dakota, this is really a killer amendment. We do not know how much industrial waste is shipped nationwide. We have no idea. We have no idea how this amendment is going to affect our national system of disposing of this material. Every State, nationwide, ships industrial waste. There is the potential to adversely affect every single State in the Union. We had a very careful agreement on export and import ratchets in this bill, very carefully crafted. This is going to adversely affect the whole amendment. We just have no idea what the impact would be.

So my concern is that it opens the door to other restrictions on exports, such as incinerator ash, sludges, hazardous waste, asbestos—who knows? That is my main concern. We have not had any hearings. It is just a new issue that is suddenly injected into the debate here, so I strongly urge the amendment be defeated.

I thank my colleague and yield the remainder of my time to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me reiterate something, and then I will be glad to go to a vote.

The real reason here is that there is too much industrial waste. That is, if

you strip away all the arguments, the issue comes down to the claim that there is too much of it so we should not include it. The managers claim that we can only get an agreement on the limited amount, namely municipal waste. The big corporate interests do not want industrial waste included. I understand that. But if you are in a neighborhood or region and folks are bringing industrial waste in by the train car loads, unit train after unit train, it seems to me if Congress says on this little area called municipal waste, you have a right to say something about that, but upon the bigger area of industrial waste, sorry, you do not have any rights, that does not make any sense to me. I think it is philosophically inconsistent.

I understand. I think highly of both managers of this bill. They have done a lot of hard work on this. But this is not a surprise to anybody. We had a hearing in Bismarck, ND, on this very issue under the jurisdiction of the Commerce Committee a couple of years ago. I submitted legislation in the last session of Congress dealing with industrial waste. I have been in touch with the committee on it over time. So this is not a surprise. It is not that we are ignorant about industrial waste. I know how much industrial waste goes into North Dakota versus municipal waste; twice as much industrial as municipal. And if you say the State has a right to say no to municipal but you do not have a right to say no to something twice as big, you have taken away the opportunity for the State to say no on the quantity. That is important to us.

That is the reason I offer my amendment. And I would like a record vote on it.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BAUCUS. Mr. President, I move to table the amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment No. 914. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Virginia [Mr. WARNER] are necessarily absent.

Mr. FORD. I announce that the Senator from Georgia [Mr. NUNN] and the Senator from Rhode Island [Mr. PELL] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "yea."

The PRESIDING OFFICER (Mr. COVERDELL). Are there any other Sen-

ators in the Chamber who desire to vote?

The result was announced—yeas 79, nays 17, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—79

Abraham	Frist	McCain
Akaka	Gorton	McConnell
Ashcroft	Graham	Mikulski
Baucus	Grams	Moseley-Braun
Bennett	Grassley	Moynihan
Biden	Gregg	Murkowski
Bond	Hatch	Murray
Boxer	Hatfield	Nickles
Bradley	Hefflin	Packwood
Brown	Helms	Pressler
Bumpers	Hutchison	Pryor
Burns	Inhofe	Robb
Campbell	Inouye	Rockefeller
Chafee	Jeffords	Roth
Coats	Johnston	Santorum
Cochran	Kassebaum	Sarbanes
Cohen	Kempthorne	Shelby
Coverdell	Kennedy	Simon
Craig	Kerrey	Simpson
D'Amato	Kerry	Smith
DeWine	Kohl	Snowe
Dodd	Kyl	Stevens
Dole	Lautenberg	Thomas
Domenici	Lieberman	Thompson
Faircloth	Lott	Thurmond
Feinstein	Lugar	
Ford	Mack	

NAYS—17

Bingaman	Dorgan	Hollings
Breaux	Exon	Leahy
Bryan	Feingold	Levin
Byrd	Glenn	Reid
Conrad	Gramm	Wellstone
Daschle	Harkin	

NOT VOTING—4

Nunn	Specter
Pell	Warner

So the motion to lay on the table the amendment (No. 914) was agreed to.

Mr. DOLE. Mr. President, I wanted to indicate to my colleagues that we are going to continue voting throughout the day. We are going to try to finish this bill. We will have votes on Monday, and we will have votes next Friday. And we will file cloture again this afternoon on this bill. I hope it can be finished today, but we have to complete our work around here, and we are not moving very quickly. So there will be votes throughout the day.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. We are anxious for people with amendments to bring them up. I think Senator DEWINE had an amendment. Let us see what his decision is on that. But we are pressing for these folks to bring forward their amendments. If they are going to offer them, fine. If they are not going to offer them, would they tell us.

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

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