

regulation, solid waste management plan or legally binding provision.

"(2) CONTRACT INFORMATION.—A party to a contract or other agreement that is described in subparagraph (A) or (B) of paragraph (1) shall provide a copy of the contract or agreement to the State or qualified political subdivision on request. Any proprietary information contained in the contract or agreement may be omitted in the copy, but the information that appears in the copy shall include at least the date that the contract or agreement was signed, the volume of municipal solid waste covered by the contract or agreement with respect to which the State or qualified political subdivision could otherwise exercise authority under subsection (a) or paragraph (1)(C), the source of the waste or materials, the destination of the waste or materials, the duration of the contract or agreement, and the parties to the contract or agreement.

"(3) LIMITATION.—Any designation by a State or qualified political subdivision of any waste management facility or facility for recyclable materials after the date of enactment of this section shall comply with subsection (c). Nothing in this paragraph shall affect any designation made before the date of enactment of this section, and any such designation shall be deemed to satisfy the requirements of subsection (c).

"(g) SAVINGS CLAUSE.—(1) Nothing in this section is intended to supersede, amend, or otherwise modify Federal or State environmental laws and regulations that apply to the disposal or management of solid waste at waste management facilities or facilities for recyclable materials.

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

"(h) EFFECT ON INTERSTATE COMMERCE.—The exercise of flow control authority in compliance with this section by a State or qualified political subdivision shall itself be considered a reasonable regulation of commerce and shall not itself be considered as imposing an undue burden on or otherwise impairing, restraining, or discriminating against interstate commerce.

"(i) DEFINITIONS.—As used in this section:

"(1) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the authority to control the movement of solid waste or recyclable materials and direct the transportation of such waste or recyclable materials to one or more designated waste management facilities or facilities for recyclable materials.

"(2) INDUSTRIAL SOLID WASTE.—The term 'industrial solid waste' means solid waste generated by manufacturing or industrial processes, including waste generated during scrap processing and scrap recycling, that is not hazardous waste regulated under subtitle C.

"(3) MUNICIPAL SOLID WASTE.—

"(A) IN GENERAL.—(i) The term 'municipal solid waste' means all waste materials discarded for disposal by households, including single and multifamily residences.

"(ii) The term also includes waste materials generated by commercial, institutional, and industrial sources, to the extent such wastes—

"(I) are essentially the same as waste normally generated by households; or

"(II) were collected and disposed of with other municipal solid waste as part of normal municipal solid waste collection services, and regardless of when generated, would be considered conditionally exempt small quantity generator waste under section 3001(d).

"(iii) The term includes residue remaining after recyclable materials have been sepa-

rated, or diverted at the point of generation, from waste materials described in clause (i) or (ii).

"(iv) The term also includes any waste material or waste substance removed from a septic tank, septic pit, or cesspool.

"(v) Examples of municipal solid waste include food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, elementary or secondary school science laboratory waste, and household hazardous waste.

"(B) EXCLUSIONS.—The term does not include any of the following:

"(i) Any solid waste identified or listed as a hazardous waste under section 3001.

"(ii) Solid waste containing a polychlorinated biphenyl regulated under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.).

"(iii) Any solid waste, including contaminated soil and debris, resulting from—

"(I) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604 or 9606),

"(II) a response action taken under a State law with authorities comparable to the authorities of section 104 or 106, or

"(III) a corrective action taken under this Act.

"(iv) Recyclable materials.

"(v) Materials and products returned from a dispenser or distributor to the manufacturer or an agent of the manufacturer for credit, evaluation, and possible reuse.

"(vi) Industrial solid waste.

"(vii) Any solid waste that is—

"(I) generated by an industrial facility; and

"(II) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator or a company with which the generator is affiliated.

"(viii) Any medical waste referred to in section 11002 that is segregated from, or not mixed with, solid waste.

"(4) QUALIFIED POLITICAL SUBDIVISION.—The term 'qualified political subdivision' means a governmental entity or political subdivision of a State, as authorized by the State, to plan for, or determine the methods to be utilized for, the collection, transportation, disposal or other management of municipal solid waste generated within the boundaries of the governmental entity or political subdivision.

"(5) RECYCLABLE MATERIAL.—The term 'recyclable material' means any material (including any metal, glass, plastic, textile, wood, paper, rubber, or other material) that has been separated, or diverted at the point of generation, from solid waste for the purpose of recycling, reclamation, or reuse.

"(6) SOLID WASTE MANAGEMENT PLAN.—The term 'solid waste management plan' means a plan for the transportation, treatment, processing, composting, combustion, disposal or other management of municipal solid waste adopted by a State or qualified political subdivision pursuant to and conforming with State law.

"(7) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means any facility or facilities in which solid waste is separated, stored, transferred, treated, processed, combusted, deposited or disposed.

"(8) COMMITTED TO THE DESIGNATION OF ONE OR MORE WASTE MANAGEMENT FACILITIES.—The phrase 'Committed to the designation of one or more waste management facilities' as used in subsection (a)(2)(B) means that the State or qualified political subdivision, prior to May 15, 1994, was legally bound to designate one or more existing or future waste management facilities, or performed or

caused to be performed one or more of the following actions for the purpose of designating one or more such facilities:

"(A) Solicitation of proposals for designation of a waste management facility.

"(B) Purchase of land on which the waste management facility to be designated will be located.

"(C) Execution of a legally binding contract or franchise agreement for waste collection services expressly for the delivery of waste to a waste management facility to be designated.

"(D) Other action since January 1, 1993, that evidences recent significant financial commitment for the continuing development of a waste management facility for which a designation will be made unless such action has been halted by a court order based upon a ruling under the Constitution of the United States."

(b) TABLE OF CONTENTS.—The table of contents for such subtitle D is amended by adding at the end of the items relating to such subtitle the following new item:

"Sec. 4011. Congressional authorization of State control over transportation, management, and disposal of municipal solid waste."

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,
Will the House pass said bill?

The SPEAKER pro tempore, Mr. ROEMER, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶116.24 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4299

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 103-766) the resolution (H. Res. 555) waiving points of order against the conference report to accompany the bill (H.R. 4299) to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community management account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶116.25 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 6

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 103-767) the resolution (H. Res. 556) waiving points of order against the conference report to accompany the bill (H.R. 6) to extend for six years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.