

Representatives, of which seven hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House for distribution to officers and Members of Congress.

When said resolution was considered and agreed to.

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

¶122.62 ORGANIZATIONAL CAUCUSES

Mr. GEPHARDT, by unanimous consent, submitted the following resolution (H. Res. 581):

Resolved, That any organizational caucus or conference in the House of Representatives for the One Hundred Fourth Congress may begin on or after November 27, 1994.

Sec. 2. As used in this resolution, the term "organizational caucus or conference" means a party caucus or conference authorized to be called under section 202(a) of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a(a)).

When said resolution was considered and agreed to.

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

¶122.63 SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS, APPOINT COMMISSIONS

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That, notwithstanding the adjournment of the second session of the One Hundred Third Congress, the Speaker and Minority Leader be authorized to accept resignations and to appoint commissions, boards and committees duly authorized by law or by the House.

¶122.64 EXTENSION OF REMARKS BY COMMITTEE CHAIRMEN AND RANKING MINORITY MEMBERS

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That the chairman and ranking minority Member of each standing committee and each subcommittee thereof be permitted to extend their remarks in the Congressional Record, up to and including the last publication thereof, and to include a summary of the work of that committee or subcommittee.

¶122.65 GENERAL LEAVE TO EXTEND REMARKS UNTIL LAST EDITION OF THE RECORD

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That all Members of the House shall have the privilege, until the last edition authorized by the Joint Committee on Printing is published, to extend and revise their own remarks in the Congressional Record on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to ex-

plain or complete such extensions of remarks; but this order shall not apply to any subject matter which may have occurred, or to any speech delivered subsequent to the adjournment of Congress.

¶122.66 REPORTS FILED WITH THE CLERK—PRINTING

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That following adjournment sine die, committees authorized to conduct investigations may be permitted to file reports with the Clerk; and that such reports, and reports on the activities of committees pursuant to clause 1(d), rule XI, may be printed by the Clerk as reports of the 103d Congress.

¶122.67 TRANSPORTATION OF MUNICIPAL SOLID WASTE

On motion of Mr. SWIFT, by unanimous consent, the bill of the Senate (S. 2345) to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. SWIFT submitted the following amendment in the nature of a substitute which was agreed to:

Strike all after the enacting clause and insert in lieu thereof the following:

TITLE I—INTERSTATE WASTE

SEC. 101. SHORT TITLE.

This Act may be cited as the "State and Local Government Interstate Waste Control Act of 1994".

SEC. 102. INTERSTATE TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding after section 4010 the following new section:

"SEC. 4011. INTERSTATE TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

"(a) RESTRICTION ON RECEIPT OF OUT-OF-STATE WASTE.—

"(1) IN GENERAL.—(A) Effective January 1, 1995, a landfill or incinerator in a State may not receive for disposal or incineration any out-of-State municipal solid waste unless the owner or operator of such landfill or incinerator obtains explicit authorization (as part of a host community agreement) from the affected local government to receive the waste.

"(B) An authorization granted pursuant to subparagraph (A) shall—

"(i) be granted by formal action at a meeting;

"(ii) be recorded in writing in the official record of the meeting; and

"(iii) remain in effect according to its terms.

"(C) An authorization granted pursuant to subparagraph (A) may specify terms and conditions, including an amount of out-of-State waste that an owner or operator may receive and the duration of the authorization.

"(D) Promptly, but not later than 90 days after such an authorization is granted, the affected local government shall notify the Governor, contiguous local governments, and any contiguous Indian tribes of an authorization granted under this subsection.

"(2) INFORMATION.—Prior to seeking an authorization to receive out-of-State municipal

solid waste pursuant to this subsection, the owner or operator of the facility seeking such authorization shall provide (and make readily available to the Governor, each contiguous local government and Indian tribe, and any other interested person for inspection and copying) the following information:

"(A) A brief description of the facility, including, with respect to both the facility and any planned expansion of the facility, the size, ultimate waste capacity, and the anticipated monthly and yearly quantities (expressed in terms of volume) of waste to be handled.

"(B) A map of the facility site indicating location in relation to the local road system and topography and hydrogeological features. The map shall indicate any buffer zones to be acquired by the owner or operator as well as all facility units.

"(C) A description of the then current environmental characteristics of the site, a description of ground water use in the area (including identification of private wells and public drinking water sources), and a discussion of alterations that may be necessitated by, or occur as a result of, the facility.

"(D) A description of environmental controls typically required to be used on the site (pursuant to permit requirements), including run on or run off management (or both), air pollution control devices, source separation procedures (if any), methane monitoring and control, landfill covers, liners or leachate collection systems, and monitoring programs. In addition, the description shall include a description of any waste residuals generated by the facility, including leachate or ash, and the planned management of the residuals.

"(E) A description of site access controls to be employed, and roadway improvements to be made, by the owner or operator, and an estimate of the timing and extent of increased local truck traffic.

"(F) A list of all required Federal, State, and local permits.

"(G) Estimates of the personnel requirements of the facility, including information regarding the probable skill and education levels required for jobs at the facility. To the extent practicable, the information shall distinguish between employment statistics for preoperational and postoperational levels.

"(H) Any information that is required by State or Federal law to be provided with respect to any violations of environmental laws (including regulations) by the owner, the operator, and any subsidiary of the owner or operator, the disposition of enforcement proceedings taken with respect to the violations, and corrective action and rehabilitation measures taken as a result of the proceedings.

"(I) Any information that is required by State or Federal law to be provided with respect to gifts and contributions made by the owner or operator.

"(J) Any information that is required by State or Federal law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

"(3) NOTIFICATION.—Prior to taking formal action with respect to granting authorization to receive out-of-State municipal solid waste pursuant to this subsection, an affected local government shall—

"(A) notify the Governor, contiguous local governments, and any contiguous Indian tribes;

"(B) publish notice of the action in a newspaper of general circulation at least 30 days before holding a hearing and again at least 15 days before holding the hearing, except where State law provides for an alternate form of public notification; and

"(C) provide an opportunity for public comment in accordance with State law, including at least 1 public hearing.

“(b) ANNUAL STATE REPORT.—

“(1) IN GENERAL.—Each year the owner or operator of each landfill or incinerator receiving out-of-State municipal solid waste shall submit to the affected local government and to the Governor of the State in which the landfill or incinerator is located information specifying the amount of out-of-State municipal solid waste received for disposal during the preceding year. Each year each such State shall publish and make available to the public a report containing information on the amount of out-of-State municipal solid waste received for disposal in the State during the preceding year. Each year the owner or operator of each landfill or incinerator receiving out-of-State municipal solid waste shall also submit to the Governor of the State of origin of such waste, and to the Administrator, information specifying the amount of out-of-State municipal solid waste received for disposal by the owner or operator during the preceding year from such State of origin. The submissions under this paragraph by any owner or operator shall all be made at the same time.

“(2) CONTENTS.—Each submission referred to in this subsection shall be such as would result in criminal penalties in case of false or misleading information. Such submission shall include the amount of waste received, place of origin, including the identity of the generator, date of shipment, and type of waste.

“(3) LIST.—The Administrator shall publish a list of States that the Administrator has determined have exported out of State an amount of municipal solid waste in excess of 3.5 million tons in calendar year 1995, 3.0 million tons in each of calendar years 1996 and 1997, 2.5 million tons in each of calendar years 1998 and 1999, 1.5 million tons in each of calendar years 2000 and 2001, and 1.0 million tons in calendar year 2002 and each year thereafter. The list for any calendar year shall be published by March 1 of the following calendar year.

“(4) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preempt any State requirement that requires more frequent reporting of information.

“(c) FREEZE.—

“(1) ANNUAL AMOUNT.—(A) Except as provided in paragraph (2) and unless it would result in a violation of, or be inconsistent with, a host community agreement or permit specifically authorizing the owner or operator of a landfill or incinerator to accept out-of-State municipal solid waste at such landfill or incinerator, and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (3), may limit the quantity of out-of-State municipal solid waste received for disposal at each landfill or incinerator covered by the exceptions provided in subsection (e) that is subject to the jurisdiction of the Governor, to an annual amount equal to the quantity of out-of-State municipal solid waste received for disposal at such landfill or incinerator during calendar year 1993.

“(B) At the request of an affected local government that has not executed a host community agreement, the Governor may limit the amount of out-of-State municipal solid waste received annually for disposal at the landfill or incinerator concerned to the amount described in subparagraph (A). No such limit may conflict with provisions of a permit specifically authorizing the owner or operator to accept, at the facility, out-of-State municipal solid waste.

“(2) LIMITATION ON GOVERNOR'S AUTHORITY.—A Governor may not exercise the authority granted under this subsection in a manner that would require any owner or operator of a landfill or incinerator covered by the exceptions provided in subsection (e) to

reduce the amount of out-of-State municipal solid waste received from any State for disposal at such landfill or incinerator to an annual quantity less than the amount received from such State for disposal at such landfill or incinerator during calendar year 1993.

“(3) UNIFORMITY.—Any limitation imposed by a Governor under paragraph (1)(A)—

“(A) shall be applicable throughout the State;

“(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

“(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of State of origin.

“(d) RATCHET.—

“(1) IN GENERAL.—Unless it would result in a violation of, or be inconsistent with, a host community agreement or permit specifically authorizing the owner or operator of a landfill or incinerator to accept out-of-State municipal solid waste at such landfill or incinerator, immediately upon the date of publication of the list required under subsection (b)(3), and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (4), may prohibit the disposal of out-of-State municipal solid waste, at any landfill or incinerator covered by the exceptions in subsection (e) that is subject to the jurisdiction of the Governor, generated in any State that is determined by the Administrator under subsection (b)(3) as having exported, to landfills or incinerators not covered by host community agreements, more than any of the following:

“(A) 3.5 million tons of municipal solid waste in calendar year 1995.

“(B) 3.0 million tons of municipal solid waste in calendar year 1996.

“(C) 3.0 million tons of municipal solid waste in calendar year 1997.

“(D) 2.5 million tons of municipal solid waste in calendar year 1998.

“(E) 2.5 million tons of municipal solid waste in calendar year 1999.

“(F) 1.5 million tons of municipal solid waste in calendar year 2000.

“(G) 1.5 million tons of municipal solid waste in calendar year 2001.

“(H) 1.0 million tons of municipal solid waste in calendar year 2002.

“(I) 1.0 million tons of municipal solid waste in each calendar year after 2002.

“(2) ADDITIONAL EXPORT LIMITS.—No State may export to any one State more than 1.4 million tons of municipal solid waste in calendar year 1995 or 90 percent of the 1993 levels exported to a State, whichever is greater, 1.3 million tons in 1996 or 90 percent of the 1995 levels exported to a State, whichever is greater, 1.2 million tons in 1997 or 90 percent of the 1996 levels exported to a State, whichever is greater, 1.1 million tons in 1998 or 90 percent of the 1997 levels exported to a State, whichever is greater, 1 million tons in 1999, 800,000 tons in 2000, and 600,000 tons in 2001 and each year thereafter, to landfills or incinerators not covered by host community agreements. Governors of importing States may restrict levels of imports to reflect the level of out-of-State municipal solid waste imports referred to in the preceding sentence if—

“(A) the Governor of the importing State has notified the Governor of the exporting State and the Administrator 12 months prior to enforcement of the importing State's intention to impose the requirements of this section;

“(B) the Governor of the importing State has notified the Governor of the exporting State and the Administrator of the violation by the exporting State of this section at least 90 days prior to the enforcement of this section; and

“(C) the restrictions imposed by the Governor of the importing State are uniform at all facilities within the State receiving municipal solid waste from the exporting State.

“(3) DURATION.—The authority provided by paragraph (1) or (2) or both shall apply for as long as a State exceeds the levels allowable under paragraph (1) or (2), as the case may be.

“(4) UNIFORMITY.—Any restriction imposed by a State under paragraph (1) or (2)—

“(A) shall be applicable throughout the State;

“(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

“(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of State of origin, in the case of States in violation of paragraph (1) or (2).

“(e) AUTHORIZATION NOT REQUIRED FOR CERTAIN FACILITIES.—

“(1) IN GENERAL.—The prohibition on the disposal of out-of-State municipal solid waste under subsection (a)(1) shall not apply to landfills and incinerators in operation on the date of enactment of this section that received during calendar year 1993 documented shipments of out-of-State municipal solid waste.

“(2) AVAILABILITY OF DOCUMENTATION.—The owner or operator of a landfill or incinerator that is exempt under paragraph (1) of this subsection from the requirements of subsection (a) shall provide to the State and affected local government, and make available for inspection by the public in the affected local community, a copy of the host community agreement or other documentation required under paragraph (1). The owner or operator may omit from such copy or other documentation any proprietary information, but shall ensure that at least the following information is apparent: the volume of out-of-State municipal solid waste received, the place of origin of the waste, and the duration of any relevant contract.

“(3) DENIED OR REVOKED PERMITS.—A landfill or incinerator may not receive for disposal or incineration out-of-State municipal solid waste in the absence of a host community agreement if the operating permit or license for the landfill or incinerator (or renewal thereof) was denied or revoked by the appropriate State agency before the date of enactment of this section unless such permit or license (or renewal) has been reinstated as of such date of enactment.

“(4) WASTE WITHIN BI-STATE METROPOLITAN STATISTICAL AREAS.—The owner or operator of a landfill or incinerator in a State may receive out-of-State municipal solid waste without obtaining authorization under subsection (a) from the affected local government if the out-of-State waste is generated within, and the landfill or incinerator is located within, the same bi-State level A metropolitan statistical area (as defined by the Office of Management and Budget and as listed by the Office of Management and Budget as of the date of enactment of this section) that contains two contiguous major cities each of which is in a different State.

“(f) NEEDS DETERMINATION.—Any comprehensive solid waste management plan adopted by an affected local government pursuant to Federal or State law may take into account local and regional needs for solid waste disposal capacity. Any implementation of such plan through the State permitting process may take into account local and regional needs for solid waste disposal capacity only in a manner that is not inconsistent with the provisions of this section. Nothing in this subsection shall be construed to prohibit or preclude any State government or solid waste management district, as defined under State law from requiring any affected

local government to site, construct, or modify any solid waste facility.

“(g) COST RECOVERY SURCHARGE.—

“(1) AUTHORITY.—Both of the States directly affected by the decision of the Supreme Court in the case of *Oregon Waste Systems, Inc. v. Department of Environmental Quality*, 114 S. Ct. 1345 (1994) may impose and collect a cost recovery surcharge on the combustion or disposal in a landfill or incinerator of out-of-State municipal solid waste in such State.

“(2) LIMITATION.—During the period beginning on the date of enactment of this section and ending on December 31, 1996, no such State may impose or collect a cost recovery surcharge from a facility on any out-of-State municipal solid waste that meets both of the following conditions:

“(A) The waste is being received at the facility under one or more contracts entered into before the date of enactment of this section.

“(B) The amount of waste being received in a calendar year under the contract or contracts does not exceed the amount of waste received at the facility during calendar year 1993.

“(3) AMOUNT OF SURCHARGE.—The amount of the cost recovery surcharge may be no greater than the amount necessary to recover those costs determined in conformance with paragraph (5) and in no event may exceed \$2 per ton of waste.

“(4) USE OF SURCHARGE COLLECTED.—All cost recovery surcharges collected by a State covered by this subsection shall be used to fund those solid waste management programs administered by the State or its political subdivisions that incur costs for which the surcharge is collected.

“(5) CONDITIONS.—(A) Subject to subparagraphs (B) and (C), a State covered by this subsection may impose and collect a cost recovery surcharge on the combustion or disposal within the State of out-of-State municipal solid waste if—

“(i) the State demonstrates a cost to the State arising from the combustion or disposal within the State of a volume of municipal solid waste from a source outside the State;

“(ii) the surcharge is based on those costs to the State demonstrated under subparagraph (A) that, if not paid for through the surcharge, would otherwise have to be paid or subsidized by the State; and

“(iii) the surcharge is compensatory and is not discriminatory.

“(B) In no event shall a cost recovery surcharge be imposed by a State to the extent that the cost for which recovery is sought is otherwise recovered by any other fee or tax assessed against the generation, transportation, treatment, combustion, or disposal of solid waste.

“(C) The grant of a subsidy by a State with respect to entities disposing of waste generated within the State does not constitute discrimination for purposes of subparagraph (A)(iii).

“(6) BURDEN OF PROOF.—In any proceeding in which a State invokes this subsection to justify a cost recovery surcharge on the combustion or disposal within the State of out-of-State municipal solid waste, the State shall bear the burden of establishing that the cost recovery surcharge satisfies the conditions set forth in paragraph (5).

“(h) IMPLEMENTATION AND ENFORCEMENT.—Any State may adopt such laws and regulations, not inconsistent with this section, as are necessary to implement and enforce this section, including provisions for penalties.

“(i) CONSTRUCTION AND DEMOLITION WASTE.—

“(1) LIMIT.—Any State may establish, pursuant to this paragraph, a limit on the amount of out-of-State construction and

demolition waste for disposal at landfills in the State. A limit under this paragraph may be imposed consistent with each of the following:

“(A) By January 1, 1996, each State seeking to limit under this paragraph the receipt of out-of-State construction and demolition waste shall establish and implement a mechanism for measuring the amount of construction and demolition waste generated within the State, disposed of within the State, imported into the State and exported for disposal.

“(B) By March 1, 1998, each State seeking to limit under this paragraph the receipt of construction and demolition waste shall establish the amount of out-of-State construction and demolition waste received during calendar year 1996 and 1997 and report the tonnage received to the Governor of each exporting State.

“(2) AMOUNT.—For each calendar year beginning after January 1, 1998, the amount of out-of-State construction and demolition waste received at any facility within an importing State may be limited to the average of the amounts received in calendar years 1996 and 1997.

“(3) DEFINITION.—For purposes of this subsection, the term ‘construction and demolition waste’ means debris resulting from construction, remodeling, repair, or demolition of structures other than debris that is not otherwise commingled with other municipal solid waste and has been determined by the generator, to be contaminated. For purposes of determining whether any such debris is contaminated, the generator shall conduct representative sampling and analysis of such debris, the results of which shall be submitted to the affected local government for recordkeeping purposes only, unless not required by the affected local government. Any such debris that has been determined to be contaminated shall be disposed of in a landfill that meets, at a minimum, the requirements of this subtitle.

“(j) SAVINGS CLAUSE.—Nothing in this section shall be interpreted or construed to have any effect on State law relating to contracts.

“(k) DEFINITIONS.—As used in this section:

“(1) AFFECTED LOCAL GOVERNMENT.—(A) For any landfill or incinerator, the term ‘affected local government’ means—

“(i) the public body authorized by State law to plan for the management of municipal solid waste, a majority of the members of which are elected officials, for the area in which the landfill or incinerator is located or proposed to be located; or

“(ii) if there is no such body created by State law—

“(I) the elected officials of the city, town, township, borough, county, or parish selected by the Governor and exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or is proposed to be located; or

“(II) if a Governor fails to make a selection under subclause (I), and publish a notice regarding the selection, within 90 days after the date of enactment of this section, the elected officials of the city, town, township, borough, county, parish, or other public body created pursuant to State law with primary jurisdiction over the land or the use of land on which the facility is located or is proposed to be located.

The Governor shall publish a notice regarding the selection described in clause (ii).

“(B) Notwithstanding subparagraph (A), for purposes of host community agreements entered into before the date of enactment of this section (or before the date of publication of notice, in the case of subparagraph (A)(ii)), the term shall mean either the pub-

lic body described in clause (i) or the elected officials of the city, town, township, borough, county, or parish exercising primary responsibility for the use of land on which the facility is located or proposed to be located.

“(C) Two or more Governors of adjoining States may use the authority provided in section 1005(b) to enter into an agreement under which contiguous units of local government located in each of the adjoining States may act jointly as the affected local government for purposes of providing authorization under subsection (a) for municipal solid waste generated in one of such counties and received for disposal or incineration in another.

“(2) HOST COMMUNITY AGREEMENT.—The term ‘host community agreement’ means a written, legally binding document or documents executed by duly authorized officials of the affected local government that specifically authorizes a landfill or incinerator to receive municipal solid waste generated out-of-State, but does not include any agreement to pay host community fees for receipt of waste unless additional express authorization to receive out-of-State municipal solid waste is also included.

“(3) MUNICIPAL SOLID WASTE.—The term ‘municipal solid waste’ means refuse (and refuse-derived fuel) generated by the general public, from a residential source, or from a commercial, institutional, or industrial source (or any combination thereof) 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, and regardless of when generated, would be considered conditionally exempt small quantity generator waste under section 3001(d), such as paper, food, wood, yard wastes, plastics, leather, rubber, appliances, or other combustible or noncombustible materials such as metal or glass (or any combination thereof). The term ‘municipal solid waste’ does not include any of the following:

“(A) Any solid waste identified or listed as a hazardous waste under section 3001.

“(B) Any solid waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act.

“(C) Recyclable materials that have been separated, at the source of the waste, from waste otherwise destined for disposal or that have been managed separately from waste destined for disposal.

“(D) 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 of the waste, or is located on property owned by a company with which the generator is affiliated.

“(E) Any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation.

“(F) Sewage sludge and residuals from any sewage treatment plant, including any sewage treatment plant required to be constructed in the State of Massachusetts pursuant to any court order issued against the Massachusetts Water Resources Authority.

“(G) Combustion ash generated by resource recovery facilities or municipal incinerators, or waste from manufacturing or processing (including pollution control) operations not essentially the same as waste normally generated by households.

“(H) Any medical waste that is segregated from or not mixed with municipal solid

waste (as otherwise defined in this paragraph).

"(I) Any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, or possible reuse.

"(4) **OUT-OF-STATE MUNICIPAL SOLID WASTE.**—The term 'out-of-State municipal solid waste' means, with respect to any State, municipal solid waste generated outside of the State. Unless the President determines it is not consistent with the North American Free Trade Agreement and the General Agreement on Tariffs and Trade, the term shall include municipal solid waste generated outside of the United States.

"(5) **SPECIFICALLY AUTHORIZED.**—The term 'specifically authorizes' refers to an explicit authorization, contained in a host community agreement or permit, to import waste from outside the State. Such authorization may include a reference to a fixed radius surrounding the landfill or incinerator that includes an area outside the State or a reference to 'any place of origin', reference to specific places outside the State, or use of such phrases as 'regardless of origin' or 'outside the State'. The language for such authorization may vary as long as it clearly and affirmatively states the approval or consent of the affected local government or State for receipt of municipal solid waste from sources or locations outside the State from which the owner or operator of a landfill or incinerator proposes to import it."

SEC. 103. TABLE OF CONTENTS AMENDMENT.

The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following new item: "Sec. 4011. Interstate transportation and disposal of municipal solid waste."

TITLE II—FLOW CONTROL

SEC. 201. SHORT TITLE.

This title may be cited as the "Flow Control Act of 1994".

SEC. 202. CONGRESSIONAL AUTHORIZATION OF STATE CONTROL OVER TRANSPORTATION, MANAGEMENT, AND DISPOSAL OF MUNICIPAL SOLID WASTE.

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 102) is further amended by adding after section 4011 the following new section:

"SEC. 4012. CONGRESSIONAL AUTHORIZATION OF STATE CONTROL OVER TRANSPORTATION, MANAGEMENT, AND DISPOSAL OF MUNICIPAL SOLID WASTE.

"(a) **AUTHORITY.**—

"(1) **IN GENERAL.**—Each State and each qualified political subdivision may, in accordance with this section—

"(A)(i) exercise flow control authority for municipal solid waste, incinerator ash from a solid waste incineration unit, construction debris, or demolition debris generated within the boundaries of the State or qualified political subdivision if, before May 15, 1994, the State or qualified political subdivision—

"(I) adopted a law, ordinance, regulation, solid waste management plan, or legally binding provision that contains flow control authority and, pursuant to such authority, directs such solid waste, ash, or debris to a proposed or existing waste management facility designated before May 15, 1994; or

"(II) adopted a law, ordinance, regulation, solid waste management plan, or legally binding provision that identifies the use of one or more waste management methods that will be necessary for the transportation, management, or disposal of municipal solid waste generated within such boundaries, and committed to the designation of one or more waste management facilities for such method or methods;

"(ii) after the effective date of this section, in the case of a State or qualified political

subdivision that adopted such a law, ordinance, regulation, plan, or legally binding provision that meets the requirements of subclause (I) or (II) of clause (i), exercise flow control authority over such solid waste from any existing or future waste management facility to any other existing or future waste management facility; and

"(iii) after the effective date of this section, in the case of a State or qualified political subdivision that adopted such a law, ordinance, regulation, plan, or legally binding provision that meets the requirements of subclause (I) of clause (i), exercise flow control authority over such solid waste, ash, or debris from any existing waste management facility to any other existing or proposed waste management facility, and may do so without regard to subsection (b)(2); and

"(B) exercise flow control authority for voluntarily relinquished recyclable materials generated within the boundaries of the State or qualified political subdivision.

"(2) REASONABLE REGULATION OF COMMERCE.—

"(A) A law, ordinance, regulation, solid waste management plan, or legally binding provision of a State or qualified political subdivision, described in paragraph (1), that implements or exercises flow control authority in compliance with this section shall be considered to be a reasonable regulation of commerce and shall not be considered to be an undue burden on or otherwise as impairing, restraining, or discriminating against interstate commerce.

"(B) A contract or franchise agreement entered into by a State or political subdivision to provide the exclusive or nonexclusive authority for the collection, transportation, or disposal of municipal solid waste, and not otherwise involving the exercise of flow control authority described in paragraph (1), shall be considered to be a reasonable regulation of commerce and shall not be considered to be an undue burden on or otherwise as impairing, restraining, or discriminating against interstate commerce.

"(b) LIMITATIONS.—

"(1) **LIMITATION OF AUTHORITY REGARDING RECYCLABLE MATERIALS.**—A State or qualified political subdivision may exercise the authority described in subsection (a)(1)(B) with respect to recyclable materials only if—

"(A) the generator or owner of the materials voluntarily made the materials available to the State or qualified political subdivision, or the designee of the State or qualified political subdivision, and relinquished any rights to, or ownership of, such materials; and

"(B) the State or qualified political subdivision, or the designee of the State or qualified political subdivision, assumes such rights to, or ownership of, such materials.

"(2) LIMITATION OF AUTHORITY REGARDING SOLID WASTE OR RECYCLABLE MATERIALS.—

"(A) A State or qualified political subdivision may exercise the authority described in subparagraph (A) or (B) of subsection (a)(1) only if the State or qualified political subdivision establishes a program to separate, or divert at the point of generation, recyclable materials from municipal solid waste, for purposes of recycling, reclamation, or reuse, in accordance with any Federal or State law or municipal solid waste planning requirements in effect.

"(B) A State or qualified political subdivision may exercise the authority described in clause (i) or (ii) of subsection (a)(1)(A) only if, after conducting one or more public hearings, the State or qualified political subdivision—

"(i) finds, on the basis of the record developed at the hearing or hearings, that it is necessary to exercise the authority described in subparagraph (A) or (B) of subsection (a)(1) to meet the current solid waste man-

agement needs (as of the date of the record) or the anticipated solid waste management needs of the State or qualified political subdivision for the management of municipal solid waste or recyclable materials;

"(ii) finds, on the basis of the record developed at the hearing or hearings, including an analysis of the ability of the private sector and public bodies to provide short and long term integrated solid waste management services with and without flow control authority, that the exercise of flow control authority is necessary to provide such services in an economically efficient and environmentally sound manner; and

"(iii) provides a written explanation of the reasons for the findings described clauses (i) and (ii), which may include a finding of a preferred waste management methodology or methodologies for providing such integrated solid waste management services.

"(C) With respect to each designated waste management facility, the authority of subsection (a) shall be effective until completion of the schedule for payment of the capital costs of the waste management facility concerned (as in effect on May 15, 1994), or for the remaining useful life of the original waste management facility, whichever is longer. At the end of such period, the authority of subsection (a) shall be effective for any waste management facility for which subparagraph (B) and subsection (c) have been complied with by the State or qualified political subdivision, except that no facility, and no State or qualified political subdivision, subject to subsection (a)(1)(A)(i)(I) or subsection (a)(1)(A)(ii) shall be required to comply with subparagraph (B) for a period of 10 years after the date of enactment of this section. Notwithstanding the provisions of this paragraph, compliance with subparagraph (B) shall not be required where—

"(i) a designated waste management facility is required to retrofit or otherwise make significant modifications to meet applicable environmental requirements or safety requirements;

"(ii) routine repair or scheduled replacements of existing equipment or components of a designated waste management facility is undertaken that does not add to the capacity of the waste management facility; or

"(iii) a designated waste management facility expands on land legally or equitably owned, or under option to purchase or lease, by the owner or operator of such facility and the applicable permit includes such land.

"(D) Notwithstanding anything to the contrary in this section, paragraphs (2)(B) and (2)(C) shall not apply to any State (or any of its political subdivisions) that, on or before January 1, 1984, enacted regulations pursuant to a State law that required or directed the transportation, management, or disposal of solid waste from residential, commercial, institutional and industrial sources as defined by State law to specific waste management facilities and applied those regulations to every political subdivision in the State.

"(3) **LIMITATION TO APPLIED AUTHORITIES.**—The authority described in subsection (a)(1)(A) shall apply only to the specific classes or categories of solid waste to which the authority described in subsection (a)(1)(A)(i)(I) was applied by the State or qualified political subdivision before May 15, 1994, and to the specific classes or categories of solid waste for which the State or qualified political subdivision committed to the designation of one or more waste management facilities as described in subsection (a)(1)(A)(i)(II).

"(4) **EXPIRATION OF AUTHORITY.**—The authority granted under subsection (a)(1)(A)(i)(II) shall expire if a State or qualified political subdivision has not designated, by law, ordinance, regulation, solid waste management plan, or other legally binding

provision, one or more proposed or existing waste management facilities within 3 years after the date of enactment of this section.

"(5) LIMITATION ON REVENUE.—A State or qualified political subdivision may exercise the authority described in subsection (a) only if the State or qualified political subdivision limits the use of any of its revenues derived from the exercise of such authority primarily to solid waste management services.

"(C) COMPETITIVE DESIGNATION PROCESS.—

"(1) IN GENERAL.—A State or qualified political subdivision may exercise the authority described in subsection (a) only if the State or qualified political subdivision develops and implements a competitive designation process, with respect to each waste management facility or each facility for recyclable materials. The process shall—

"(A) ensure that the designation process is based on, or is part of, a municipal solid waste management plan that is adopted by the State or qualified political subdivision and that is designed to ensure long-term management capacity for municipal solid waste or recyclable materials generated within the boundaries of the State or qualified political subdivision;

"(B) set forth the goals of the designation process, including at a minimum—

"(i) capacity assurance;

"(ii) the establishment of provisions to provide that protection of human health and the environment will be achieved; and

"(iii) any other goals determined to be relevant by the State or qualified political subdivision;

"(C) identify and compare reasonable and available alternatives, options, and costs for designation of the facilities;

"(D) provide for public participation and comment;

"(E) ensure that the designation of each facility is accomplished through an open competitive process during which the State or qualified political subdivision—

"(i) identifies in writing criteria to be utilized for selection of the facilities, which shall not discriminate unfairly against any particular waste management facility or any method of management, transportation or disposal, and shall not establish qualifications for selection that can only be met by public bodies;

"(ii) provides a fair and equal opportunity for interested public persons and private persons to offer their existing (as of the date of the process) or proposed facilities for designation; and

"(iii) evaluates and selects the facilities for designation based on the merits of the facilities in meeting the criteria identified; and

"(F) base the designation of each such facility on reasons that shall be stated in a public record.

"(2) CERTIFICATION.—

"(A) IN GENERAL.—A Governor of any State may certify that the laws and regulations of the State in effect on May 15, 1994, satisfy the requirements for a competitive designation process under paragraph (1).

"(B) PROCESS.—In making a certification under subparagraph (A), a Governor shall—

"(i) publish notice of the proposed certification in a newspaper of general circulation and provide such additional notice of the proposed certification as may be required by State law;

"(ii) include in the notice of the proposed certification or otherwise make readily available a statement of the laws and regulations subject to the certification and an explanation of the basis for a conclusion that the laws and regulations satisfy the requirements of paragraph (1);

"(iii) provide interested persons an opportunity to comment on the proposed certifi-

cation, for a period of time not less than 60 days, after publication of the notice; and

"(iv) publish notice of the final certification, together with an explanation of the basis for the final certification, in a newspaper of general circulation and provide such additional notice of the final certification as may be required by State law.

"(C) APPEAL.—Within 120 days after publication of the final certification under subparagraph (B), any interested person may file an appeal of the final certification in the United States Circuit Court of Appeals for the Federal judicial district of the State, for a judicial determination that the certified laws and regulations do not satisfy the requirements of paragraph (1) or that the certification process did not satisfy the procedural requirements of subparagraph (B). The appeal shall set forth the specific reasons for the appeal of the final certification.

"(D) LIMITATION TO RECORD.—Any judicial proceeding brought under subparagraph (C) shall be limited to the administrative record developed in connection with the procedures described in subparagraph (B).

"(E) COSTS OF LITIGATION.—In any judicial proceeding brought under subparagraph (C), the court shall award costs of litigation (including reasonable attorney fees) to any prevailing party whenever the court determines that such award is appropriate.

"(F) LIMITATION ON REVIEW OF CERTIFICATIONS.—If no appeal is taken within 120 days after the publication of the final certification, or if the final certification by the Governor of any State is upheld by the United States Circuit Court of Appeals and no party seeks review by the Supreme Court (within applicable time requirements), the final certification shall not be subject to judicial review.

"(G) LIMITATION ON REVIEW OF DESIGNATIONS.—Designations made after the final certification and pursuant to the certified laws and regulations shall not be subject to judicial review for failure to satisfy the requirements of paragraph (1).

"(d) OWNERSHIP OF RECYCLABLE MATERIALS.—

"(1) PROHIBITION ON REQUIRED TRANSFERS.—Nothing in this section shall authorize any State or qualified political subdivision, or any designee of the State or qualified political subdivision, to require any generator or owner of recyclable materials to transfer any recyclable materials to such State or qualified political subdivision unless the generator or owner of the recyclable materials voluntarily made the materials available to the State or qualified political subdivision and relinquished any rights to, or ownership of, such materials.

"(2) OTHER TRANSACTIONS.—Nothing in this section shall prohibit any person from selling, purchasing, accepting, conveying, or transporting any recyclable materials for purposes of transformation or remanufacture into usable or marketable materials, unless a generator or owner voluntarily made the materials available to the State or qualified political subdivision and relinquished any rights to, or ownership of, such materials.

"(e) RETAINED AUTHORITY.—Upon the request of any generator of municipal solid waste affected by this section, the State or political subdivision may authorize the diversion of all or a portion of the solid wastes generated by the generator making such request to a solid waste facility, other than the facility or facilities originally designated by the political subdivision, where the purpose of such request is to provide a higher level of protection for human health and the environment and reduce potential future liability under Federal or State law of such generator for the management of such wastes. Requests shall include information on the environmental suitability of the pro-

posed alternative treatment or disposal facility and method, compared to that of the designated facility and method. In making such a determination the State or political subdivision may consider the ability and willingness of both the designated and alternative disposal facility or facilities to indemnify the generator against any cause of action under State or Federal environmental statutes and against any cause of action for nuisance, personal injury, or property loss under any State law.

"(f) EXISTING LAWS AND CONTRACTS.—

"(1) IN GENERAL.—To the extent consistent with subsection (a), this section shall not supersede, abrogate, or otherwise modify any of the following:

"(A) Any contract or other agreement (including any contract containing an obligation to repay the outstanding indebtedness on any proposed or existing waste management facility or facility for recyclable materials) entered into before May 15, 1994, by a State or qualified political subdivision in which such State or qualified political subdivision has designated a proposed or existing waste management facility, or facility for recyclable materials, for the transportation, management or disposal of municipal solid waste, incinerator ash from a solid waste incineration unit, construction debris or demolition debris, or recyclable materials, pursuant to a law, ordinance, regulation, solid waste management plan, or legally binding provision adopted by such State or qualified political subdivision before May 15, 1994, if, in the case of a contract or agreement relating to recyclable materials, the generator or owner of the materials, and the State or qualified political subdivision, have met the appropriate conditions in subsection (b)(1) with respect to the materials.

"(B) Any other contract or agreement entered into before May 15, 1994, for the transportation, management or disposal of municipal solid waste, incinerator ash from a solid waste incineration unit, or construction debris or demolition debris.

"(C)(i) Any law, ordinance, regulation, solid waste management plan, or legally binding provision—

"(I) that is adopted before May 15, 1994;

"(II) that pertains to the transportation, management, or disposal of solid waste generated within the boundaries of a State or qualified political subdivision; and

"(III) under which a State or qualified political subdivision, prior to May 15, 1994, directed, limited, regulated, or prohibited the transportation, management, or disposal of municipal solid waste, or incinerator ash from, a solid waste incineration unit, or construction debris or demolition debris, generated within the boundaries;

if the law, ordinance, regulation, solid waste management plan, or legally binding provision is applied to the transportation of solid waste described in subclause (III), to a proposed or existing waste management facility designated before May 15, 1994, or to the management or disposal of such solid waste at such a facility, under such law, ordinance, regulation, solid waste management plan, or legally binding provision.

"(ii) Any law, ordinance, regulation, solid waste management plan, or legally binding provision—

"(I) that is adopted before May 15, 1994; and

"(II) that pertains to the transportation or management of recyclable materials generated within the boundaries of a State or qualified political subdivision;

if the law, ordinance, regulation, solid waste management plan, or legally binding provision is applied to the transportation of recyclable materials that are generated within the boundaries, and with respect to which

the generator or owner of the materials, and the State or qualified political subdivision, have met the appropriate conditions described in subsection (b)(1), to a proposed or existing facility for recyclable materials designated before May 15, 1994, or to the management of such materials, under such law, ordinance, 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 or recyclable materials 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) EFFECT ON INTERSTATE COMMERCE.—Any contract or agreement described in subparagraph (A) or (B) of paragraph (1), and any law, ordinance, regulation, solid waste management plan, or legally binding provision described in subparagraph (C) of paragraph (1), shall be considered to be a reasonable regulation of commerce by a State or qualified political subdivision, retroactive to the effective date of the contract or agreement, or to the date of adoption of any such law, ordinance, regulation, solid waste management plan, or legally binding provision, and shall not be considered to be an undue burden on or otherwise as impairing, restraining, or discriminating against interstate commerce.

"(4) 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 be made in compliance 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) FEDERAL OR STATE ENVIRONMENTAL LAWS.—Nothing in this section is intended to supersede, amend, or otherwise modify Federal or State environmental laws (including regulations) that apply to the disposal or management of solid waste or recyclable materials at waste management facilities or facilities for recyclable materials.

"(2) STATE LAW.—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) PROHIBITION.—No political subdivision may exercise flow control authority to direct the movement of municipal solid waste to any waste management facility for which a Federal permit was denied twice before the enactment of this section.

"(i) DEFINITIONS.—For purposes of this section only, the following definitions apply:

"(1) COMMITTED TO THE DESIGNATION OF ONE OR MORE WASTE MANAGEMENT FACILITIES.—The term 'committed to the designation of one or more waste management facilities' means that a State or qualified political subdivision 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 ac-

tions for the purpose of designating one or more such facilities:

"(A) Obtained all required permits for the construction of such waste management facility prior to May 15, 1994.

"(B) Executed contracts for the construction of such waste management facility prior to May 15, 1994.

"(C) Presented revenue bonds for sale to specifically provide revenue for the construction of such waste management facility prior to May 15, 1994.

"(D) Submitted to the appropriate regulatory agency or agencies, on or before May 15, 1994, administratively complete permit applications for the construction and operation of a waste management facility.

"(E) Formed a public authority or a joint agreement among qualified political subdivisions, pursuant to a law authorizing such formation for the purposes of designating facilities.

"(F) Executed a contract or agreement that obligates or otherwise requires a State or qualified political subdivision to deliver a minimum quantity of solid waste to a waste management facility and that obligates or otherwise requires the State or qualified political subdivision to pay for that minimum quantity of solid waste even if the stated minimum quantity of solid waste is not delivered within a required timeframe, otherwise commonly known as a "put or pay agreement".

"(G) Adopted, pursuant to a State statute that specifically described the method for designating by solid waste management districts, a resolution of preliminary designation that specifies criteria and procedures for soliciting proposals to designate facilities after having completed a public notice and comment period.

"(H) Adopted, pursuant to a State statute that specifically described the method for designating by solid waste management districts, a resolution of intent to establish designation with a list of facilities for which designation is intended.

"(2) DESIGNATION; DESIGNATE.—The terms 'designate', 'designated', 'designation' or 'designating' mean a requirement of a State or qualified political subdivision, and the act of a State or qualified political subdivision, to require that all or any portion of the municipal solid waste that is generated within the boundaries of the State or qualified political subdivision be delivered to a waste management facility identified by a State or qualified political subdivision, and specifically includes put or pay agreements of the type described in paragraph (1)(F).

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

"(4) 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. 'Industrial solid waste' does not include municipal solid waste specified in paragraph (5)(A)(iii).

"(5) MUNICIPAL SOLID WASTE.—

"(A) IN GENERAL.—Subject to the limitations of subsection (b)(3), the term 'municipal solid waste' means—

"(i) any solid waste discarded by a household, including a single or multifamily residence;

"(ii) any solid waste that is discarded by a commercial, institutional, or industrial source;

"(iii) residue remaining after recyclable materials have been separated or diverted

from municipal solid waste described in clause (i) or (ii);

"(iv) any waste material or waste substance removed from a septic tank, septage pit, or cesspool, other than from portable toilets; and

"(v) conditionally exempt small quantity generator waste under section 3001(d), if it is collected, processed or disposed with other municipal solid waste as part of municipal solid waste services.

"(B) EXCLUSIONS.—The term 'municipal solid waste' shall not include any of the following:

"(i) Hazardous waste required to be managed in accordance with subtitle C (other than waste described in subparagraph (A)(v)), solid waste containing a polychlorinated biphenyl regulated under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or medical waste listed in section 11002.

"(ii)(I) A recyclable material.

"(II) A material or a product returned from a dispenser or distributor to the manufacturer or the agent of the manufacturer for credit, evaluation, or reuse unless such material or product is discarded or abandoned for collection, disposal or combustion.

"(III) A material or product that is an out-of-date or unmarketable material or product, or is a material or product that does not conform to specifications, and that is returned to the manufacturer or the agent of the manufacturer for credit, evaluation, or reuse unless such material or product is discarded or abandoned for collection, disposal or combustion.

"(iii) Any solid waste (including contaminated soil and debris) resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act.

"(iv)(I) Industrial solid waste.

"(II) Any solid waste that is generated by an industrial facility and transported for the purpose of containment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or a facility that is located on property owned by the generator.

"(6) 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 area served by the governmental entity or political subdivision.

"(7) 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.

"(8) 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.

"(9) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means any facility or facilities in which municipal solid waste, incinerator ash from a solid waste incineration unit, or construction debris or demolition debris is separated, stored, transferred, treated, processed, combusted, deposited or disposed.

"(10) EXISTING WASTE MANAGEMENT FACILITY.—The term 'existing waste management facility' means a facility under construction or in operation as of May 15, 1994.

“(11) PROPOSED WASTE MANAGEMENT FACILITY.—The term ‘proposed waste management facility’ means a facility that has been specifically identified and designated, but that was not under construction, as of May 15, 1994.

“(12) FUTURE WASTE MANAGEMENT FACILITY.—The term ‘future waste management facility’ means any other waste management facility.”

SEC. 203. TABLE OF CONTENTS AMENDMENT.

The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 103) is further amended by adding after the item relating to section 4011 the following new item:

“Sec. 4012. Congressional authorization of State control over transportation, management and disposal of municipal solid waste.”

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

By unanimous consent, the title was amended so as to read: “A bill to amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-State municipal solid waste and for State control over transportation of municipal solid waste, and for other purposes.”

A motion to reconsider the votes whereby said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

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

¶122.68 COMPREHENSIVE ONE-CALL NOTIFICATION

On motion of Mr. SHARP, by unanimous consent, the Committee on Public Works and Transportation and the Committee on Energy and Commerce were discharged from further consideration of the bill (H.R. 5248) to require States to consider adopting mandatory, comprehensive, Statewide one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by any excavations, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

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

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

¶122.69 SOCIAL SECURITY ACT AMENDMENTS

On motion of Mr. STARK, by unanimous consent, the Committee on Ways and Means and Committee on Energy and Commerce were discharged from further consideration of the bill (H.R. 5252) to amend the Social Security Act and related Acts to make miscellaneous and technical amendments, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read

a third time, was read a third time by title, and passed.

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

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

¶122.70 PERMISSION TO FILE REPORTS

On motion of Mr. CONYERS, by unanimous consent, the Committee on Government Operations was granted permission until 6 p.m., Friday, November 11, 1994, to file sundry reports.

¶122.71 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3160. An Act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to make technical corrections necessitated by the enactment of Public Law 102-586, and for other purposes; and

H.R. 4598. An Act to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System, and to authorize appropriations to carry out the Coastal Barrier Resources Act.

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

S. 2375. An Act to amend title 18, United States Code, to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes.

¶122.72 PREEMPTING STATE ECONOMIC REGULATION OF MOTOR CARRIERS TECHNICAL CORRECTION

On motion of Mr. RAHALL, by unanimous consent, the bill (H.R. 5123) to make a technical correction to an Act preempting State economic regulation of motor carriers; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Strike out all after the enacting clause and insert:

SECTION 1. TECHNICAL CORRECTION OF 1994 FAA AUTHORIZATION ACT.

(a) IN GENERAL.—Section 11501(h)(2) of title 49, United States Code, is amended—

(1) by striking out “and” at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and insert in lieu thereof a semicolon; and

(3) by adding at the end the following: “(C) does not apply to the transportation of garbage and refuse;

(D) does not apply to the transportation for collection of recyclable materials that are a part of a residential curbside recycling program; and

(E) does not restrict the regulatory authority of a State, political subdivision of a State, or political authority of 2 or more States before January 1, 1997, insofar as such authority relates to tow trucks or wreckers providing for-hire service.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 1995.

On motion of Mr. RAHALL, said Senate amendment was agreed to.

A motion to reconsider the vote whereby said Senate amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶122.73 COASTAL BARRIER RESOURCES SYSTEM

On motion of Mrs. UNSOELD, by unanimous consent, the bill (H.R. 4598) to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Strike out all after the enacting clause and insert:

SECTION 1. CORRECTION TO MAPS.

(a) IN GENERAL.—The Secretary of the Interior shall, not later than 30 days after the date of enactment of this Act, make such corrections to the maps described in subsection (b) as are necessary to ensure that—

(1) depictions of areas on the maps are consistent with the depictions of areas appearing on the maps entitled ‘Coastal Barrier Resources System’, dated September 27, 1994, and on file with the Secretary of the Interior; and

(2) the Coastal Barrier Resources System does not include any area that, on the day before the date of the enactment of this Act, was part of unit FL-05P of the System.

(b) MAPS DESCRIBED.—The maps described in this subsection are maps that—

(1) are included in a set of maps entitled ‘Coastal Barrier Resources System’, dated October 24, 1990; and

(2) related to the following units of the Coastal Barrier Resources System: AL-01P, FL-05P; P11A, P17, P17A, P18P, P19P, FL-15, FL-95P, FL-36P, P31P, FL-72P, MI21, NY75, and VA62P.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is amended to read as follows:

“SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Secretary for carrying out this Act \$2,000,000 for each of fiscal years 1995 to 1998.”

On motion of Mrs. UNSOELD, said Senate amendment was agreed to.

A motion to reconsider the vote whereby said Senate amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶122.74 RECESS—10:43 P.M.

The SPEAKER pro tempore, Mr. DE LA GARZA, pursuant to clause 12 of rule I, declared the House in recess at 10 o'clock and 43 minutes p.m., until approximately 11 o'clock p.m.

¶122.75 AFTER RECESS—11:55 P.M.

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

¶122.76 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles: