

or nuclear weapons technology. These countries, India, Pakistan, and Israel, are not parties to the Treaty. Even if these countries signed the NPT as non-nuclear weapons states, there is no way to ensure that these countries will ever stop development of, or destroy, their nuclear arsenals.

Mr. President, in the 26 years of its existence, the NPT did not free the world from the threat of nuclear weapons, and it will not do so in the future. It did, however, establish a global norm for nations to limit the proliferation of nuclear weapons and it has enjoyed the widest adherence of any arms control agreement. It is for this reason, that I rise today in support of extending the NPT. Let me qualify my statement of support of the Treaty by saying that I take no position on whether the Treaty should be indefinitely extended, or, extended only for a fixed period of time. I am concerned that the United States did not make any efforts to improve the NPT and make it a more viable agreement by strengthening its enforcement and inspection mechanisms.

I went back and reviewed the Senate floor debate on the ratification of the NPT. Mr. President, despite wide adherence to the NPT, the world still faces the potential horrors of a nuclear exchange between regional states. The risk of the use of nuclear weapons by countries to suppress governmental factions, or settle old ethnic and religious disputes still exists today, as it did 26 years ago.

Representatives of the international community have been gathered in New York City at the United Nations for the past month to determine the future of the Nuclear Non-Proliferation Treaty. The Clinton administration supports indefinite and unconditional extension of the Treaty, while representatives from the non-aligned member states, led by Indonesia, Iran and Egypt, oppose indefinite extension.

On March 16, a majority of Members of the Senate expressed their support for the administration's position of indefinite and unconditional extension of the NPT. They also expressed concerns that the NPT would be seriously undercut if it is not indefinitely extended, dealing a major blow to global nuclear nonproliferation regimes. Mr. President, the treaty can be undermined at any time regardless of its duration because there are no enforcement mechanisms or automatic sanctions.

I remind my colleagues that as a non-nuclear weapons state to the NPT and member in good standing, Iraq, developed an illegal nuclear weapons program under the guise of a peaceful nuclear program, and it has been determined that Iran, under the guise of peaceful use of nuclear technology is pursuing an illegal nuclear weapons program. Likewise, North Korea, a non-nuclear weapons state to the NPT was determined to have violated the NPT. Of course, it was never determined to be a member in good standing of the treaty. Lastly, even though not

members of the NPT, India, Pakistan, and Israel, were able to secretly develop nuclear weapons programs.

Representatives and leaders of a number of developing countries, or nonaligned member states, do not support indefinite and unconditional extension of the treaty. They cite as reasons for their lack of support for the U.S. position, the lack of progress in concluding a comprehensive test ban. They claim that the nuclear weapons states have not fulfilled their nuclear disarmament obligations. They believe that the Treaty is discriminatory and that it sanctions the five nuclear powers' rights to hold on to their nuclear weapons and keep the non-nuclear weapon states as nuclear weapons "have-nots".

Mr. President, I reject the rationale offered by the non-aligned states for not supporting extension of the Treaty. For the past decade, the United States and Russia have made unprecedented reductions in their nuclear forces—beginning in 1985 with the Intermediate Range Nuclear Forces Treaty and more recently reducing strategic forces under START. Both President Clinton and President Yeltsin have agreed to discuss even further reductions to their nuclear weapons programs once START II is implemented. Prior to START entering into force, President Bush and President Gorbachev implemented unilateral reductions of United States and Russian tactical weapons. Since 1992, a testing moratorium has been in place in the United States, and the United States along with the other nuclear weapons states and members of the Conference on Disarmament have been negotiating a comprehensive test ban treaty.

Last month, the United States and the other four nuclear weapons states restated their support of negative security assurances in the United Nations. Additionally, negotiations will begin soon on a global ban on the production of fissile material for military purposes in the Conference on Disarmament. If these steps do not indicate a good faith effort on the part of the United States and other nuclear weapons states toward nuclear disarmament, I am not sure what else can be done.

Representatives of the non-nuclear weapons states who want to poke the United States in the eye by not supporting indefinite extension of the Treaty, because they believe we have not reduced our nuclear arsenals to zero, or completed the negotiations on a comprehensive test ban, would do well to focus attention on their own efforts at reducing the threat posed by nuclear weapons. How have they worked with their neighbors, and other countries, to build more positive relationships and confidence so that threat of attack and annihilation are reduced and countries do not feel compelled to acquire nuclear weapons for protection?

The Clinton administration and other NPT signatories should stop

wringing their hands over the period of time for which the Treaty should be extended. Instead they should be focused on using this month-long conference to enhance the viability of the NPT by making it a living document which enables and ensures multilateral enforcement of the Treaty's provisions. Parties to the NPT should have confidence that its members will comply with the provisions of the Treaty, be supportive of its goals and that the proliferation of nuclear weapons and nuclear technology is eliminated. And, when a determination of a violation has been made by the international monitoring agency through its inspections and the United Nations Security Council has been notified, meaningful and appropriate actions or sanctions should be undertaken immediately.

Mr. President, once again, I rise to say that I support extension of the NPT. I only regret that the administration did not believe the NPT was important enough to strengthen it to make it a more viable and effective arms control agreement.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER (Mr. SANTORUM). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

Mr. SPECTER. Mr. President, a vote has been scheduled at 6 o'clock by the managers on an amendment which has been offered by Senator CRAIG, Senator GRASSLEY, Senator BROWN, Senator KEMPTHORNE, and myself which would establish a sense of the Senate that hearings should be held on Ruby Ridge, ID, and Waco, TX, on or before June 30.

The purpose of the amendment is to set a date where there may be an inquiry by the full Judiciary Committee on those events because of the widespread reports of public unrest as to what occurred there.

I have attempted to get a hearing on the Waco incident since mid-1993. The incident there happened on April 19, 1993. It has always seemed to me that it is not sufficient to have the executive branch investigate itself when there is so much concern as to the propriety of the action which was taken there, with the assaults and with the rush and with the gases which were used.

There have been numerous reports and there is very substantial evidence of public unrest on what has happened there. It is speculative to an extent, or it may not be speculative, as to a connection between the Oklahoma City

bombing on April 19, which is 2 years to the day after the events at Waco, TX. The subcommittee has held a series of hearings and had planned to have an inquiry scheduled for April 18, and the full committee did convene on the first date which was set back on April 26. And I think it is entirely appropriate for the full committee to handle the matter as opposed to the terrorism subcommittee.

But after having a series of hearings—we had our third hearing today—I am more convinced than ever that there is real public tension as to the events in Waco, TX, and Ruby Ridge, ID. I think it is just inappropriate for the Senate to wait an indefinite period of time.

Senator HATCH has proposed that there be hearings in the near future, as he categorizes it, and has further articulated the near future to mean sometime in the current session, which would be at the end of the year. If there is unrest, and if there is a causal connection, or if there is any connection, however slight or however tenuous, between the incident at Waco and the Oklahoma City bombing, I suggest it is our duty to proceed to clear the air to the maximum extent possible and to demonstrate that ranking public officials at whatever level will be held accountable. It seems to me this is something which is very important to do.

In establishing the date of June 30, I would be prepared to be flexible until the August recess, to extend the time for another period until August 4, which would be acceptable from my point of view. There has been an issue raised as to the completion of the FBI investigation, and that certainly could be done by August 4.

Mr. President, I think I will relax the language and ask unanimous consent that the amendment be modified so that the date August 4 would be inserted in place of the date June 30.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 754), as modified, is as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) There has been enormous public concern, worry and fear in the U.S. over international terrorism for many years;

(2) There has been enormous public concern, worry and fear in the U.S. over the threat of domestic terrorism after the bombing of the New York World Trade Center on February 26, 1993;

(3) There is even more public concern, worry and fear since the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995;

(4) Public concern, worry and fear has been aggravated by the fact that it appears that the terrorist bombing at the Federal building in Oklahoma City was perpetrated by Americans;

(5) The United States Senate should take all action within its power to understand and respond in all possible ways to threats of domestic as well as international terrorism;

(6) Serious questions of public concern have been raised about the actions of federal law enforcement officials including agents from the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms relating to the arrest of Mr. Randy Weaver and others in Ruby Ridge, Idaho, in August, 1992 and Mr. David Koresh and others associated with the Branch Davidian sect in Waco, Texas, between February 28, 1993, and April 19, 1993;

(7) Inquiries by the Executive Branch have left serious unanswered questions on these incidents;

(8) The United States Senate has not conducted any hearings on these incidents;

(9) There is public concern about allowing federal agencies to investigate allegations of impropriety within their own ranks without congressional oversight to assure accountability at the highest levels of government;

(10) Notwithstanding an official censure of FBI Agent Larry Potts on January 6, 1994, relating to his participation in the Idaho incident, the Attorney General of the United States on May 2, 1995, appointed Agent Potts to be Deputy Director of the FBI;

(11) It is universally acknowledged that there can be no possible justification for the Oklahoma City bombing regardless of what happened at Ruby Ridge, Idaho, or Waco, Texas;

(12) Ranking federal officials have supported hearings by the U.S. Senate to dispel public rumors that the Oklahoma City bombing was planned and carried out by federal law enforcement officials;

(13) It has been represented, or at least widely rumored, that the motivation for the Oklahoma City bombing may have been related to the Waco incident, the dates falling exactly two years apart; and

(14) A U.S. Senate hearing, or at least setting the date for such a hearing, on Waco and Ruby Ridge would help to restore public confidence that there will be full disclosure of what happened, appropriate congressional oversight and accountability at the highest levels of the federal government.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that hearings should be held before the Senate Judiciary Committee on countering domestic terrorism in all possible ways with a hearing on or before August 4, 1995, on actions taken by federal law enforcement agencies in Ruby Ridge, Idaho, and Waco, Texas.

Mr. SPECTER. I do that, Mr. President, so that there may be a little more lead time as to the completion of the investigation by the FBI. I make that modification because of my discussion with the FBI Director that, as he put it, 8 to 10 weeks would give ample latitude for that to be completed. So I am prepared to move at that time. I think that it is important that a specific date be set so that there is an acknowledgement by the Senate that we do plan to move forward on a date and the date has been established.

I understand we are to vote at 6 o'clock, Mr. President. I yield the floor and 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. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the pending amendment, which is the Jeffords amendment, be set aside.

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

AMENDMENT NO. 754

Mr. CHAFEE. Mr. President, I move to table the Specter amendment and 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 amendment No. 754, offered by the Senator from Pennsylvania [Mr. SPECTER]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 23, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—74

Abraham	Feingold	Lieberman
Akaka	Feinstein	Lott
Bennett	Ford	Lugar
Biden	Frist	Mack
Bingaman	Glenn	Mikulski
Bond	Gorton	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Grams	Murkowski
Breaux	Gregg	Murray
Bryan	Harkin	Nunn
Bumpers	Hatch	Pell
Burns	Hatfield	Pryor
Byrd	Helms	Reid
Campbell	Inhofe	Robb
Chafee	Inouye	Rockefeller
Coats	Johnston	Roth
Cochran	Kassebaum	Sarbanes
Conrad	Kennedy	Shelby
Coverdell	Kerrey	Simon
Daschle	Kerry	Simpson
DeWine	Kohl	Snowe
Dodd	Kyl	Thomas
Domenici	Lautenberg	Thompson
Dorgan	Leahy	Thurmond
Exon	Levin	

NAYS—23

Ashcroft	Heflin	Packwood
Baucus	Hollings	Pressler
Brown	Hutchison	Santorum
Cohen	Jeffords	Smith
Craig	Kempthorne	Specter
Faircloth	McCain	Stevens
Gramm	McConnell	Wellstone
Grassley	Nickles	

NOT VOTING—3

D'Amato	Dole	Warner
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So the motion to lay on the table the amendment (No. 754) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I just want to inform all my colleagues—I do not need to take much time on this bill, but just a few minutes—that I called for hearings last year. I have only been chairman for a little over 4 months.

Every Member knows the Judiciary Committee has had a lot on its plate, and we have a lot more on our plate. However, there are very few things that I feel more deeply about than what happened at Waco and at Ruby Ridge.

These are people in States that I admire and love. Many of the people I know—at least in Idaho. I admire and love them. I have said that we will hold hearings on these important issues, and I will do so as expeditiously as I can.

Everybody does know that to do it properly, we are going to have to spend some time investigating this. We are already in the process of that. Recently, I lost my chief investigator who moved to another office.

We will do this as expeditiously as we can. We will do it in the best interests of the Senate. I want to tell my dear friend from Pennsylvania that his desires here are not going to go ignored. It is just that I want to do it the right way. I want to make sure that all of the issues are aired and that they are aired fairly and in front of the full committee, because no hearings could be held unless they are Department of Justice oversight hearings. That is what they will have to be.

I certainly committed the other day, and I will again reaffirm my commitment that these hearings will be held. Therefore, there was no reason to have a sense-of-the-Senate resolution. I understand the sincerity of my colleagues. I hope that they will not feel badly with this vote.

I also want to say that I am very concerned about making sure that every available agent, every available leader of the FBI, every person in law enforcement that we can bring to bear on the Oklahoma situation, is out there doing that, rather than up here testifying on Capitol Hill.

We want to get that solved, and I want it solved. I speak almost daily with members of the Justice Department, including the FBI. We are on top of this. We will do what has to be done here. I want to reaffirm that to the Senate.

I think when we do it, it will be done right, and I think people will be pleased with it in the end. I hope my colleague from Pennsylvania will be particularly pleased with it and, as a distinguished member of the committee, will have every opportunity to participate. And I expect him to do so. In fact, I invite him to do so and will work with him to see what we can do to bring this to a fruition that is satisfactory to everybody.

Having said that, I can say more. There are some things that have been very irritating to some of us with re-

gard to what has gone on here, but we will forget all that and just go forward and make the commitment to do this as expeditiously as we can, in good faith and in a good manner that hopefully will please everybody.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I had, frankly, hoped to avoid the necessity of a rollcall vote to spare my colleagues a vote on the matter. But I felt, and continue to feel very, very strongly, that it is incumbent upon the U.S. Senate and the Congress to have oversight hearings in order to show the American people—a lot of people think there has been a coverup on Ruby Ridge, ID, and Waco, TX—and to show those people we are willing to air all of the matters, let the chips fall where they may, and demonstrate that people at the highest ranks of Government will be held accountable.

No one is second to ARLEN SPECTER in concern that the FBI have a full opportunity to complete its investigation. I talked to Director Freeh, who said if he had 8 to 10 weeks more there would be ample time and the FBI would be in a position to cooperate. And this is more than the 8 to 10 weeks that Director Freeh asked for when the amendment was modified beyond the June 30 date, to provide for a date of August 4.

I believe that the potential for violence is enormous. We have had a number of wake-up calls. And it is no coincidence that the Oklahoma City bombing occurred on April 19, 2 years to the day after the incident at Waco, TX. If anything happens in the interim, if we have not had the ventilation, the safety valve, then there is a real issue as to whether the U.S. Senate is doing its job.

We have a lot of hearings in the Judiciary Committee. We have a lot of hearings in other committees. And there is not a single hearing being held which is more important than to air the public concern about Waco and about Ruby Ridge. I have been conducting hearings in the Subcommittee on Terrorism; I finished the third one today. It is an overwhelming problem.

The first hearing which was scheduled became a full committee hearing, which I thought was entirely appropriate, to allow more Senators to participate. But what I intend to do is to continue my own inquiry and my own speaking out on the facts as to what happened. I talked at length with Director Louis Freeh, and I have talked at length with Mr. Spencer, who is the attorney for the Weavers, and I intend to talk to the Weavers and I intend to review all the facts and to make periodic reports to the American people about what I find. Because I think it is totally inadequate to have an inquiry—a hearing sometime in the near future.

I felt strongly enough about it to bring the matter to the floor and I respect the conclusion of my fellow col-

leagues. But I intend to carry on this inquiry myself and to make these periodic reports.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, while the Senator from Pennsylvania is on the floor I want my colleagues to know that in the good old days, when I was chairman of the committee and the Democrats were in charge, the Senator from Pennsylvania shared the same view. I want the record to show that this is nothing new the Senator from Pennsylvania is suggesting. I have read some accounts that suggest that because the Senator from Pennsylvania may have other aspirations, this is propelling his interests. I want to vouch for the fact that I know that not to be true.

The fact of the matter is that when Waco occurred, shortly after Waco, the Senator did repeatedly talk to me about it and thought that, although I believe that we did have oversight hearings and everybody had an opportunity to ask about Waco—and a few did—that the Senator thought then, thinks now, and is totally consistent, whether he is seeking another office or not, in his view that this issue should be ventilated.

For those of us on this side of the aisle, this has been a little like watching a family quarrel. Both the Senators are my friends but I do not think I have a closer friend in the Senate than the Senator from Pennsylvania, and because a number of press people have come to me, and my colleagues have come to me, to ask me about issues relating to motivation—I can assert with absolute certainty, without any equivocation, that there has been absolutely no change in the intensity of the interest of the Senator from the time the matter occurred when I was chairman of that committee to the time I am the ranking member of that committee.

I just want that to be made clear, notwithstanding the fact I voted the other way. I voted to table the Specter amendment because of my consistent view as to how this should be handled.

The Senator may be right in terms of the value of the ventilation and when, and sooner than later. I have a slight disagreement with him on when. But I do not have any—any—any doubt, and I can confirm for my colleagues and anyone who is listening, that there is an absolute, total, unequivocal consistency to his position on this from the moment the tragedy in Waco occurred through this day.

I just want the record to reflect that. Not that anyone in particular has suggested otherwise, but I get a number of inquiries because people are looking to make press outside this institution. I just want the record to reflect it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I just want to bring this to a head. I would like to put into the RECORD, just so everybody understands, a letter we received today from Louis J. Freeh, Director of the FBI, to me.

DEAR MR. CHAIRMAN: Thank you for your inquiry concerning my views about congressional hearings on Waco and Ruby Ridge. I have no hesitancy about testifying on the issue.

And that is the position he has always taken with me.

I have often stated that a full and open hearing will provide an excellent forum for the Department of Justice and the FBI to bring all the facts before the American public. It undoubtedly would serve to debunk some of the "conspiracy" theories being discussed and provide the FBI with an opportunity to explain and distinguish our role in these incidents as well as provide our views concerning the proper role of federal law enforcement.

It is Congress' prerogative as to timing. It would be helpful, however, to remove any hearing from such close proximity to the Oklahoma bombing. All of our attention is focused on this heinous crime as we continue to investigate and prepare for prosecution. While I am looking forward to the opportunity, I believe to schedule the hearing in the immediate future will distract from our Oklahoma efforts and could preclude us from discussion of issues relevant both to Oklahoma and Waco.

Sincerely yours,

LOUIS J. FREEH,
Director.

I just want to put that in the RECORD because that is one of the things that has caused me great concern. We will hold hearings and we will do it in an expeditious and good way and hopefully to the satisfaction of all concerned, including my friend from Pennsylvania.

I ask unanimous consent it be printed in the RECORD.

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

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, May 11, 1995.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your inquiry concerning my views about congressional hearings on Waco and Ruby Ridge. I have no hesitancy about testifying on the issue.

I have often stated that a full and open hearing will provide an excellent forum for the Department of Justice and the FBI to bring all the facts before the American public. It undoubtedly would serve to debunk some of the "conspiracy" theories being discussed and provide the FBI with an opportunity to explain and distinguish our role in these incidents as well as provide our views concerning the proper role of federal law enforcement.

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discussion of issues relevant both to Oklahoma and Waco.

Sincerely yours,

LOUIS J. FREEH,
Director.

Mr. SPECTER. Mr. President, just a word or two. The letter which Senator HATCH has just read is entirely consistent with the representation I made earlier that I had talked to Director Louis Freeh this afternoon, who told me, as I said earlier, that if he had 8 to 10 weeks that would be ample time. And that is why, as I had said earlier, I modified the amendment from the date of June 30 to August 4, which would give more than the 8 to 10 weeks.

So, when Senator HATCH cites a letter about the immediate future, the 8 to 10 weeks was accorded to the Director and the hearings could have been held within the timeframe of the resolution as framed.

I yield the floor.

Mr. CHAFEE. Mr. President?

The PRESIDING OFFICER. The Senator from Rhode Island.

ORDER OF PROCEDURE

Mr. CHAFEE. Mr. President, for my colleagues I will just outline what in my judgment will take place this evening.

We will have a vote on the Jeffords amendment and I do not know how long that will take. If the Senator could give us some indication, that will be helpful.

But following the Jeffords amendment there will be no more rollcall votes. However, tomorrow it is my belief we will have a series of rollcall votes. There will be a cloture vote at 10 o'clock and there will be some other votes after that.

I would very much hope we could finish this bill tomorrow. I hope, with the negotiations that take place tonight, we will be able to do so. But there will be no votes after the Jeffords vote.

AMENDMENT NO. 867, AS MODIFIED

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I have a modification of my amendment at the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment is modified.

The amendment (No. 867), as modified, is as follows:

On page 64, between lines 2 and 3, insert the following:

"(f) STATE SOLID WASTE DISTRICT AUTHORITY.—A solid waste district or a political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if—

"(1) the solid waste district political subdivision or municipality within said district is currently required to initiate a recyclable materials recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent by the year 2005, and uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste, other than development of incineration; and

"(2) prior to May 15, 1994, the solid waste district political subdivision or municipality within said district—

"(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid wastes within its jurisdiction;

"(B) was authorized by State statute (enacted prior to January 1, 1992) to exercise flow control authority, and subsequently adopted or sought to exercise the authority through a law, ordinance, regulation, regulatory proceeding, contract, franchise, or other legally binding provision; and

"(C) was required by State statute (enacted prior to January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the district solid waste management plan was approved by the appropriate State agency prior to September 15, 1994.

Mr. CHAFEE. I wonder if we could enter into a time agreement?

Mr. JEFFORDS. I had several people who asked to speak. I do not see them present, but I think we could finish in 15 minutes on our side.

Mr. CHAFEE. Would the Senator be willing to agree to 10 minutes on that side and no more than 10 minutes on this side?

Mr. JEFFORDS. That is agreeable to me.

Mr. CHAFEE. Is there any objection to that agreement?

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

Mr. JEFFORDS. Mr. President, I hope this amendment will not take very long. I think it is a very sensible one. I will explain to my colleagues what the amendment does, and I believe they will find it acceptable.

I understand the position of the chairman of the committee, who is reluctant to grant any exceptions to the bill because there would be two other exceptions. But to my knowledge the exceptions are that the State of Vermont and some municipalities in two other States have a situation which I think this body would agree deserves an exception. Let me review very briefly what we are talking about here.

The U.S. Supreme Court handed down a decision which said the States themselves had no right to be able to control the flow of solid waste, that this has to be approved by the Federal Government because it was an interference with interstate commerce. That decision by the Supreme Court created a serious problem for the State of Vermont and some political subdivisions in West Virginia and Michigan.

The purpose, and what we are trying to accomplish in this Nation with respect to solid waste, is to do three things, basically. First of all, we are trying to reduce the amount of solid waste that we have. Second, we are trying to improve the ability to recycle and to build a system in this Nation which will recycle and, therefore, reduce the demand on resources and reduce costs. Third, to find an equitable way to do it looking toward those that

create the problem to have to pay for it; that is, those who create the trash ought to pay for it.

So Vermont, in view of these national purposes—and I was a member of the Environment and Public Works Committee, and I know we were trying very desperately to set standards for recycling to try to get this country to move up gradually. Vermont, in pursuance of that, passed a plan and program statewide that sets up districts for solid waste. In these districts, the system is set up which allows for haulers to get a tipping fee in order to take care of the additional costs of recycling the materials that were delivered to them. The only way it will work is if we have that ability. There is no other way they can do it other than to require the State of Vermont to provide the tipping fees and to take care of those people that are in those districts, and not others. And it would be very cumbersome. There are districts in West Virginia and Michigan that have a similar problem.

So all we are trying to do here is to make sure that this national goal, which everyone agrees ought to be reached, can be reached by the State of Vermont, which is leading the way in this. Right now we have a system which is recycling 25 percent of our waste. This amendment is limited and says that we might continue forward in pursuance of that goal, and we may continue with our present system, and, if we reach the goal, that we be permitted to do so. We have established a goal of 30 percent, which was the national goal which was in RCRA which was never passed.

Why should a State be penalized which has done what everyone in the Nation believes should be done, and then to turn around in an amendment by the committee to try to help those who have made investments but limit it to those on a temporary basis? In Vermont there are only two areas which qualify when the whole State is doing it. It makes no sense at all. I can understand the committee saying, if we give you an exception, then somebody else is going to come in for an exception.

I say if other communities have an exception like we do and like we are talking about which furthers the national goal, reduces waste, takes care and improves recycling, then sure, maybe they ought to have that. However, I do not know of any in that category.

So I would like to say that I hope the body will recognize that people who are trying to do what is right in this country should not be forced to buy onto a bill which is attempting to help in this area but just by the nature of things makes it impossible for those who are really leading out front doing what is in the national interest, and who would be foreclosed, destroys their system, and makes it impossible for the States to continue to pursue those goals.

I reserve the remainder of my time.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I wish to commend the Senators from Vermont for the amendment that they have offered and to suggest, just as the junior Senator from Vermont has said, that this is an example of federalism at its best. Vermont has some special concerns. It is a State with a very high level of environmental consciousness. It wants to be able to meet those needs in a manner that is appropriate to the specific circumstances of that beautiful State.

Yesterday, I spoke at some length about some of the special concerns that we have in our State of Florida, which are quite different from Vermont. Vermont is a mountainous State. We are a State where anything above 20 or 30 feet is considered to be a mountain. We have the very serious problem of our ground water supply and its vulnerability to contamination and have used the mechanisms which require flow control in order to be able to support effective and appropriate landfills and other technologies to dispose of our solid waste while also diverting a substantial amount of our solid waste into a recycling stream.

My basic concern with this legislation is that it goes beyond what is required to meet the Supreme Court's directive. The Supreme Court, as quoted on page 8 of the committee report, in the words of Justice O'Connor, who stated:

It is within Congress' power to authorize local imposition of flow control. Should Congress revisit this area and enact legislation providing a clear indication that it intends * * * States and localities to implement flow control, we will, of course, defer to that legislative judgment.

So, clearly, the decision is within our hands. It reminds me of the old story of the callow youth who held a bird behind his back and asked the wise, older man, "Is the bird dead or alive?" The wise man, with solemn wisdom, opined, "It is in your control." That is, the young man had the ability to open his hand and allow the bird to fly free or to crush the bird.

Well, we are somewhat in that same situation with the opinion of the Supreme Court. It is in our control to do, allowing States to have a wide range of options as to how to deal with this issue, or to narrowly constrain.

This is particularly focused on the question of whether there should be prospective operations for States. Should States be allowed in the future to utilize this important technique as a means of achieving the broader end result of public health and environmental sensitivity as that State and its local communities find to be most appropriate for their particular set of circumstances?

In an era in which we are applauding federalism, or seriously considering reversing a half century of the consolidation of power by allowing States and

local communities to have more control over issues such as health care financing, welfare, child care programs, it seems peculiar and strange in an area that has been as historically local as any in our Nation's history, the disposition of garbage, that we would now be nationalizing that issue.

So I join the Senator from Vermont. I applaud his creativity in crafting this amendment and hope that we will be wise enough to allow Vermont to take this initiative for the protection of that beautiful State and as a statement of our own sensitivity to the tremendous diversity in America and its desire to let the creativity of the local communities operate to the benefit of their local citizens.

Thank you, Mr. President.

Mr. CHAFEE. Mr. President, why are we here? We are here because of a Supreme Court decision a year ago, just a year ago, in the so-called Carbone case. So currently, the law of the land is that there cannot be these restrictive agreements that limit the delivery of municipal solid waste to one specific point. In other words, there cannot be what is known as flow control.

Now in our committee, we recognized that many communities across the States had made very, very substantial financial contributions or commitments to incinerators and to landfills, and they would be placed in a very difficult position if so-called flow control did not exist, if they were not able to tie up the entire waste from the community to go to a central point.

But we said we are going to limit this. We are going to limit it to the situations where they have problems arising from debt commitment, from bonded indebtedness, or that they already had flow control on their books and were used to functioning in that fashion.

In the Vermont situation, we have taken care of those communities where there is a commitment into a solid waste facility or—and they do not have incinerators for Vermont—to a landfill. They are taken care of.

But the Senator is stressing that, absent us giving an exception to the situation that exists in Vermont, Vermont will not be able to continue the excellent record it has had in connection with recycling. But, Mr. President, I do not think that necessarily follows. Who knows that recycling will fail because they do not have flow control?

Indeed, here is a report from the Office of Solid Waste in the EPA. The report is dated March 1995, 2 months ago. This is what the report says. There was a question.

Identify the impact of flow control on the development of State and local waste management capacity and on the achievement of State and local goals for source reduction, reuse, and recycling.

In other words, what flow control does for recycling. We are all for recycling. The conclusion is as follows, on page ES-5.

There is no data showing that flow controls are essential either for the development of new solid waste capacity or for the long term achievement of State and local goals for source reduction, reuse and recycling.

So the Senator's point, it seems to me from the study that has taken place here, just is not valid. He may feel strongly about it, and they have had considerable success in Vermont—although I suspect there are other communities across the Nation in States that have done extremely well likewise—but, at least from the data we have here, there is not a connection between having flow control and having a better recycling record.

But then we get back to the other point. Why did the Supreme Court decide the way it did? The Supreme Court decided the way it did because of the commerce clause.

And what does the commerce clause do? It says that it is good for the Nation to have competition, to permit commerce to flow. And that is exactly what flow control does not do.

Now, you might say, well, I argued earlier today for a situation where we had flow control. That is right. We did it, as I say, in those instances where a community made a commitment and was still involved with that commitment. But the overall thrust of this legislation is to take care of those specific situations that arose where the communities were harmed, financially harmed, as a result of the Carbone decision.

But we said, enough is enough. No matter how long the indebtedness is, no matter what the particular situation as far as bonded indebtedness, at the end of 30 years this privilege that we have given these communities to go against the commerce clause ends.

And so, Mr. President, for that reason, I strongly believe that the proposition from the State of Vermont, as advanced so ably by the junior Senator, is not valid in this particular situation.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, let me answer the arguments that have been put forth by my good friend from Rhode Island. I think if you examine our situation, it does not in any way fly in the face or raise any concerns.

The question is: Is our system working? It is. It is reducing waste, it is bringing about recycling, and most importantly, it does allow competition. There is competition among the haulers. The only thing is, every hauler has to pay the tipping fee. But there is no problem. We have haulers that are bidding on it. We have put contracts out for bid. There is no problem with any interference with competition.

Now, what the Supreme Court said was that the Federal Government can allow this, they just have to do it because a State cannot do it under the commerce clause without the authority of the Federal Government.

All we are asking for is a simple exception for a system that is working well. And there is no way it will work in rural areas unless you can have tipping fees; that is, getting the people in the areas sharing the cost of this to have a way to participate, in other words, in order to get the haulers to come in.

So I think this is a perfect example of what happens when Congress gets to look at a problem and gets carried away with some study done by EPA which is irrelevant to the situation and tramples on States rights to do what is right for the Nation and right for Vermont.

I understand—and this is the basic problem—that my colleagues are afraid of opening this bill up for exceptions. Well, if anybody can come with an exception as we have, fine. But I do not think you will find anybody.

Mr. DASCHLE. Will the Senator yield?

Mr. JEFFORDS. I am happy to yield to my good friend from South Dakota.

Mr. DASCHLE. I thank the Senator for yielding.

I just ask for a moment to associate myself with the remarks of the Senator from Vermont, as well as the other Senator from Vermont, Senator LEAHY.

Obviously, Vermont has had a very good experience with flow control. It has been able to promote programs for recycling and disposal of household hazardous waste. This amendment recognizes that fact and address the issue of flow control as it pertains to these Vermont programs. It recognizes that Vermont may be unique in this regard and gives that state the opportunity to continue to make those programs work.

That is all we are saying with this amendment. Let us give Vermont a little more flexibility. Let us defer to that State with regard to flow control, if it is going to be able to respond to this issue effectively.

So I applaud the Senator's amendment. I certainly hope that our colleagues on both sides of the aisle will support it.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. I yield to the Senator whatever time I have remaining.

Mr. BAUCUS. Mr. President, I encourage Senators to not support this amendment, very simply because the committee has worked long and hard to try to find a balance here, to balance out interests of those communities on the one hand that want to have the right to control the flow of trash, garbage, dedicated facilities in their communities, and, on the other hand, the rights of companies, entrepreneurs, to ship trash to whatever location seems to make the most sense to let the free market work. It is a classic battle between those who want to control by statute and law in the market on the one hand, and those, on the other hand, who want total free market.

As is always the case, the right answer is somewhere in between. The solution crafted by the committee, we think, is a good solution in between.

Frankly, Mr. President, if the amendment offered by the Senator from Vermont were to pass, I believe we are going to start to find this compromise begin to unravel, and it would, therefore, very strongly jeopardize this bill.

If this bill does not pass, then we are not going to be able to have any kind of flow control because of the Carbone decision. At the same time, States will not be able to limit out-of-State trash coming into their State because of another Supreme Court decision.

So I urge Senators to vote against the Jeffords amendment.

Mr. CHAFEE. Mr. President, is the Senator ready to conclude debate on this?

Mr. JEFFORDS. Senator LEAHY wishes to speak.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. What is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Vermont has 2 minutes remaining.

Mr. LEAHY. Mr. President, I hope that my colleagues will support the Jeffords-Leahy amendment. If you defeat this amendment, you help nobody in the country, but you hurt one State, the State of Vermont. This simply says that Vermont, provided we want to operate beyond what may be required under Federal laws, would be allowed to do so; that if we want to set up a procedure that fulfills everything that the Federal law might require but does even better but fits our small very special State, that we be allowed to do so.

Basically, we are saying to every Member of the Senate who has given speeches over the last year that States can design programs better, we agree and let us do that. We are making sure that we violate no Federal law, that we have followed every Federal rule, but we be allowed to design something that fits our State.

Every single Senator, I am willing to wager, Mr. President, in this body, has given a speech saying, "If we can do it better, allow us to do it, allow us to design it."

Basically what the Senator from Vermont [Mr. JEFFORDS] and I are saying is that is what we want to do. So let us adopt this. This is no different than taking care of a unique situation for Alabama yesterday in the product liability bill. This takes care of Vermont. It hurts nobody, but it helps us.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Vermont. Let me advise the Senator, time has expired.

Mr. JEFFORDS. 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.

Mr. CHAFEE. I have some time remaining; is that correct?

The PRESIDING OFFICER. That is correct, the Senator has 3 minutes 7 seconds.

Mr. CHAFEE. I will just use a couple minutes of that.

Mr. President, there are a couple of points I briefly want to make. The present situation is that it is against the Constitution of the United States to do what Vermont is suggesting. So what we have done is we have crafted an amendment which will help Vermont and all the other States in the Nation that have made these financial commitments, but it still says when all is said and done, that they cannot go against the Constitution in these other areas.

It is not correct to say that this is just a little something for Vermont. If this is adopted, there is no way in the world that we could keep flow control from being adopted universally across the Nation, because the Vermont case is what you might call a weak case.

So, Mr. President, if this amendment is adopted, then, I suspect, the whole effort to deal with this goes down the tube and then there will be no exceptions to the Constitution as provided.

So I am going to move to table the amendment, and I very much hope my colleagues will join with me.

Mr. President, I yield back the remainder of my time and move to table the amendment and 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 amendment No. 867, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—46

Ashcroft	Faircloth	Yel
Baucus	Frist	Lautenberg
Bennett	Gramm	Lieberman
Bond	Grams	Lott
Bradley	Grassley	Lugar
Breaux	Gregg	McCain
Brown	Hatch	McConnell
Burns	Hatfield	Moynihan
Chafee	Helms	Nickles
Coats	Hutchison	Packwood
Coverdell	Inhofe	Pell
Craig	Johnston	Pressler
Dodd	Kassebaum	
Domenici	Kempthorne	

Santorum
Shelby

Smith
Thomas

Thompson
Thurmond

NAYS—51

Abraham
Akaka
Biden
Bingaman
Boxer
Bryan
Bumpers
Byrd
Campbell
Cochran
Cohen
Conrad
Daschle
DeWine
Dorgan
Exon
Feingold

Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Mack

Mikulski
Moseley-Braun
Murkowski
Murray
Nunn
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Simon
Simpson
Snowe
Specter
Stevens
Wellstone

NOT VOTING—3

D'Amato

Dole

Warner

So the motion to lay on the table the amendment (No. 867), as modified, was rejected.

Mr. FORD. Regular order, Mr. President.

The PRESIDING OFFICER. The question is on the amendment.

Mr. LEAHY. Mr. President, I ask unanimous consent we vitiate the request for the yeas and nays.

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

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 867), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. CHAFEE. Mr. President, I request now that we proceed to morning business.

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

RUSSIA SUMMIT

Mr. DOLE. Mr. President, President Clinton is now in Ukraine. I support his decision to visit Kiev. Economic and political reform in Ukraine are proceeding very well. There is strong bipartisan support for United States assistance to Ukraine. It is in the American national interest to strengthen our relations with Ukraine. I hope the President has a successful and productive summit with President Kuchman.

The report cards are now being filed on the Moscow Summit. As I said yesterday, I was disappointed at the lack of progress on the two key summit issues: Nuclear sales to Iran and the conflict in Chechnya. It seems pretty clear the American agenda at this summit did not fare well. My staff spoke to State Department and National Security Council officials yesterday afternoon. The White House provided my office with copies of all the joint state-

ments from the Moscow Summit. To conclude that the summit made little progress in advancing American interests is not politics, and it is not partisan. It is simply a review of the facts.

On Iran, Russia did not agree to cancel its sale of nuclear reactors to Iran. If President Yeltsin cannot make the decision to stop the sale, I do not have great confidence that it will be made later at a lower level. With respect to the much-publicized concession on not selling advanced gas centrifuge technology, it seems clear this was floated as a bargaining chip. As recently as last Friday, I note the Washington Post headline: "Russia denies plan to sell gas centrifuge to Iran." It seems this was a plan designed to be a concession from the start.

Just last week, when asked if a halt in the gas centrifuge sale would be enough, Secretary of State Christopher said, "not at all. We would not be satisfied with that". I agree with the Secretary's assessment. We should not be satisfied. The bottom line is Russia still intends to proceed with a sale of nuclear technology to the outlaw regime in Tehran. This flies in the face of the summit's joint statement on proliferation which pledges "To work together closely to promote broad non-proliferation goals."

On Chechnya, President Yeltsin rejected any effort to address the legitimate concerns of the international community over human rights violations. In President Yeltsin's statement about Chechnya, there is an unfortunate ring of former soviet leaders rejecting western concerns over human rights as meddling. And whatever the political leaders were saying in Moscow, the Russian army kept attacking. Literally within minutes of yesterday's press conference, Russian helicopters attacked Chechen civilian targets.

The situation in Chechnya also raises the issue of the flank limits in the Conventional Forces in Europe [CFE] Treaty. In the fall, if Russian forces are still in Chechnya, the Russian Government will be in violation of these flank limits. The Moscow summit did not result in any assurances of Russian compliance with the CFE limits.

On missile defenses, the administration continued down the same path of seeking Russian permission on the deployment of theater missile defenses—despite the fact that Russian insistence on providing nuclear technology to Iran increases the proliferation threat. The fact is that theater missile defenses are not prohibited by the cold-war era ABM Treaty. Moreover, the United States must not allow Russia to have a veto over matters of national security.

The summit also failed in what was not on the agenda—namely, Bosnia. As the two Presidents were meeting, Sarajevo was being heavily shelled. There was no U.N. response, no NATO response, and no summit response.