

SENATOR CHAMBERS: Have you seen, and I'm not clear on this, any cases where states with such facilities have tried to prevent others from bringing waste there and a court ruled that they could not stop these states from doing that?

SENATOR BEUTLER: I'm not aware of those cases, Senator, but, again, I haven't researched that particular question.

SENATOR CHAMBERS: Now here's one that leads up to that. Have you seen instances where the courts have said a state cannot prevent the movement of this type of waste through the given state?

SENATOR BEUTLER: Yes, yes.

SENATOR CHAMBERS: In other words, a state can...

SENATOR BEUTLER: Yes.

SENATOR CHAMBERS: Okay. So we've seen where the courts have said that there is some restrictions on what the state can do with reference to movement of this material, but I don't know either about what the states might could be required to do by Congress, and that's all that I'm going to ask you...

SENATOR BEUTLER: I'm not sure there's any case on that, Senator, or any...

SENATOR CHAMBERS: Right, and I don't think the situation has really arisen yet, but here's what I'm getting to now. Nebraska, weak politically, there are only five representatives from Nebraska in Congress, three in the House, two in the Senate, none of them are going to have... is going to have much in the way of political clout because all five of them together don't have that much. Suppose Nebraska has built this facility and then says, but you're not going to be able to bring any waste here...

SENATOR BERNARD-STEVENS: One minute.

SENATOR CHAMBERS: ...until you agree to accept this joint liability. And Congress passes a law saying that any state, which has one of these facilities, shall be required to accept