

116TH CONGRESS
1ST SESSION

S. 1396

To amend the Internal Revenue Code of 1986 to modify the definition of municipal solid waste.

IN THE SENATE OF THE UNITED STATES

Ms. STABENOW introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Internal Revenue Code of 1986 to modify the definition of municipal solid waste.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Protect America's
5 Paper for Recycling Act".

6 **SEC. 2. MODIFICATION TO DEFINITION OF MUNICIPAL**
7 **SOLID WASTE.**

8 (a) IN GENERAL.—Paragraph (6) of section 45(e) of
9 the Internal Revenue Code of 1986 is amended to read
10 as follows:

1 “(6) MUNICIPAL SOLID WASTE.—

2 “(A) IN GENERAL.—The term ‘municipal
3 solid waste’ has the meaning given the term
4 ‘solid waste’ under section 1004(27) of the
5 Solid Waste Disposal Act (42 U.S.C.
6 6903(27)), except that such term does not in-
7 clude—

8 “(i) paper which is commonly recycled
9 and which has been segregated from other
10 solid waste (as so defined), or

11 “(ii) solid waste (as so defined) which
12 is collected as part of a system which com-
13 mingles commonly recycled paper with
14 other solid waste which is not commonly
15 recycled at any point from the time of col-
16 lection through any materials recovery.

17 “(B) SPECIAL RULE WITH RESPECT TO IN-
18 CIDENTAL AND RESIDUAL WASTE.—Subpara-
19 graph (A)(ii) shall not apply to—

20 “(i) solid waste (as so defined) which
21 only contains an incidental amount of com-
22 monly recycled paper, and

23 “(ii) solid waste (as so defined) which
24 is residual waste generated at a materials
25 recovery facility that receives and processes

1 only paper and other recyclable materials
2 containing no more than an incidental
3 amount of non-recyclable solid waste.

4 “(C) NO EFFECT ON EXISTING PROC-
5 ESSES.—Nothing in subparagraph (A) shall be
6 interpreted to require a State or a political sub-
7 division of a State, directly or indirectly, to
8 change the systems, processes, or equipment it
9 uses to collect, treat, dispose, or otherwise use
10 municipal solid waste, within the meaning of
11 the Solid Waste Disposal Act (42 U.S.C. 6903
12 et seq.), nor require a change to the regulations
13 that implement subtitle D of such Act (42
14 U.S.C. 6901 et seq.).”

15 (b) RULES WITH RESPECT TO ELECTRICITY PRO-
16 DUCED FROM SOLID WASTE.—Subsection (e) of section
17 45 of the Internal Revenue Code of 1986 is amended by
18 adding at the end the following new paragraph:

19 “(12) SOURCE OF MUNICIPAL SOLID WASTE
20 FEEDSTOCK.—In the case of a qualified facility that
21 produces electricity both from municipal solid waste
22 and other solid waste that is not a qualified energy
23 resource—