

Around 68 million United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones, most aware of neither the options nor the consequences.

Life insurance packages can help families protect themselves from additional burdens after the death of a family member by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care.

It is not, however, sufficient to simply encourage consumers to buy life insurance. There is an implicit responsibility in the business of insurance to conduct benefits with honesty, integrity, and decency. I have been shocked and appalled over the last year to see that those who so desperately needed assistance in the gulf region were denied coverage on specious reasoning.

Many of my constituents, both newly arrived and long-term residents, continue to try to rebuild their lives after last year's hurricanes. Many insurance policies distinguish between rain, wind, and flood damage. Government-issued policies do insure against flood damage, but most homeowners don't have them. In the Katrina-hit region, only about one-third of homes and one-fourth of businesses carried this Federal policy.

Just 2 weeks ago, a judge issued the verdict on the first of many pending lawsuits by homeowners trying to recover the costs of their lost homes. In Leonard v National Mutual Insurance Co., the homeowners, Paul and Julie Leonard, stated that their agent implied that they did not need flood insurance if they purchased wind and rain coverage. They thought storm surges and other water damage were covered if caused by a hurricane's wind.

Aside from the fact that it is unkind to exclude flood insurance in an area prone to flooding, yet it is immoral, and should be illegal to dissuade homeowners away from flood insurance by erroneously describing policy. Flooding exclusion language may make a few rich business people happy, but it irreversibly harms our neighbors and constituents.

Katrina cost insurers about \$41 billion in claims, the largest event in the history of the industry, with homes accounting for nearly half of the total. More than 100,000 homes were damaged or destroyed by Katrina in what has been called the worst natural disaster in U.S. history.

The predicament of the Leonard family is not unusual, and a major public policy problem. Life insurance, and other insurance policies, must dutifully act as the crutch they are needed to be in times of crisis. Insurance companies should be ashamed of any activity that results in misleading, tricking, or deceiving its customers out of needed benefits.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I urge all Members to support the adoption of H. Res. 912, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and agree to the resolution, H. Res. 912.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of

those present have voted in the affirmative.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

#### RECOGNIZING THE LIFE AND CONTRIBUTIONS OF PRESTON ROBERT TISCH

Ms. FOXX. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 605) recognizing the life of Preston Robert Tisch and his outstanding contributions to New York City, the New York Giants Football Club, the National Football League, and the United States.

The Clerk read as follows:

##### H. RES. 605

Whereas Preston Robert "Bob" Tisch was born on April 29th, 1926, in the Bensonhurst neighborhood of Brooklyn to a middle class family;

Whereas Bob Tisch attended Erasmus Hall High School in Brooklyn for 3 years and DeWitt Clinton High School in the Bronx for one year;

Whereas Bob Tisch earned a Bachelor of Arts degree in economics from the University of Michigan in 1948;

Whereas in 1948 Bob Tisch joined a family hotel business venture, the Laurel-in-the-Pines in Lakewood, New Jersey, establishing the foundation for his success;

Whereas from 1946 through 1959 Bob and Larry Tisch built a thriving hotel chain spanning New York, New Jersey, and Florida;

Whereas in 1959 Bob and Larry Tisch acquired a controlling interest in Loew's Theatres, consisting of 102 movie theatres and a New York radio station, WMGM;

Whereas the investment in Loew's Theatres formed the basis for the modern-day Loews Corporation, which was created in 1969;

Whereas Bob and Larry Tisch built Loews Corporation into one of the largest diversified financial corporations in the United States;

Whereas in 1986 Bob Tisch was appointed by the Board of Governors of the United States Postal Service as Postmaster General under the administration of President Ronald Reagan;

Whereas in 1991 Bob Tisch purchased a 50 percent share in the New York Giants Football Club;

Whereas Bob Tisch helped create the Meals-on-Wheels program and served as its president for over 10 years, frequently delivering meals himself;

Whereas Bob Tisch founded the Take the Field program, a program which during the 1990s raised over \$100,000,000 in public and private funds to rebuild 43 athletic fields in New York City for the use of hundreds of thousands of public school students;

Whereas Bob Tisch gave countless millions of dollars to hospitals, charities, and universities in the spirit of improving the lives of Americans;

Whereas on November 15, 2005, Bob Tisch died of a brain tumor at the age of 79; and

Whereas the life of Bob Tisch serves as a model for self-made success and positive American philanthropy: Now, therefore, be it

*Resolved*, That the House of Representatives, on the occasion of the death of Preston Robert Tisch—

(1) expresses its deepest condolences to his wife of 57 years Joan and their 3 children; and

(2) recognizes the outstanding contributions Preston Robert Tisch made throughout his life to New York City, the New York Giants Football Club, the National Football League, and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

##### GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Preston Robert Tisch realized a long-term dream in 1991 when he completed negotiations with Timothy Wellington Mara for a 50-percent interest in the New York Giants Football Club. Tisch played an active role in the organization as a member of the National Football League's Finance and Super Bowl Policy Committees, attaining a prominence in the sports arena equal to his position in the world of business.

Owning the Giants was one of many careers Tisch pursued simultaneously. He was the chairman and a director of the Loews Corporation, one of the country's most successful financial companies. From 1990-1993, Tisch served as chairman of the New York City Partnership, Inc., and the New York Chamber of Commerce and Industry, where he was instrumental in developing the campaign to enhance New York's position as an international business center.

After completing his term as chairman, Tisch remained on the Board of Directors of both organizations, now merged, and continued serving as a trustee of New York University. However, co-owning the New York Giants was his true love. As a life-long sports fan, he attended every Giants game, home and away, and spent as much time working in his stadium office as possible.

I urge all Members to honor a man that promoted excellence in business and took every opportunity to give back to the community by adopting H. Res. 605.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Res. 605, which recognizes

the life and achievements of Preston Robert Tisch.

The New York Giants begin the 2006 football season next week absent the front office presence of Bob Tisch for the first time in 15 years. The Giants have been one of the National Football League's most successful franchises, and this is due in no small part to Tisch's leadership. The New York Giants grieve the passing of their former owner, but they do not grieve alone.

In addition to the New York Giants, Bob Tisch and his family own the Loews hotels and movie theaters and many other successful businesses.

However, Tisch will be remembered by many for his philanthropic ventures. Many organizations and educational institutions, such as the University of Michigan, his alma mater, and New York University, benefited from Tisch's generosity.

Tisch established the overwhelmingly successful Take the Field program. During the 1990s, the Take the Field program raised over \$140 million to help rebuild dozens of athletic fields used by public school children in New York City.

Tisch also created the Meals on Wheels program and served as president of the program for a decade. It was not uncommon to find Bob Tisch delivering meals to those in need.

Bob Tisch was also a devoted and successful public servant. From 1986–1988, Tisch served as Postmaster General of the United States. He served honorably in his role at the United States Postal Service and created the Department of Philatelic Affairs. This department revolutionized the sale of stamps in postal facilities.

On November 15, 2005, Preston Robert Tisch lost his battle against brain cancer at the age of 79. In one last demonstration of his eminent generosity, Tisch donated \$10 million to the Duke University Cancer Center that had treated and cared for him in his final days.

Mr. Speaker, I urge my colleagues to join me in strong support of H. Res. 605 in recognition of the life and work of Preston Robert Tisch.

Mr. Speaker, it is not unusual for individuals to become wealthy and to become successful. It is not even unusual for some of them to share some of what they have been able to accumulate with others. But in looking at the history of Preston Robert Tisch, it is difficult to find a more magnanimous individual who made greater use of his time, his energy, his efforts, and, of course, his wealth.

When you think of the Meals on Wheels program and the large numbers of senior citizens who have benefited so greatly from such a great program, you realize how great Mr. Tisch was and how long his legacy will continue to live.

Mr. Speaker, it is my pleasure to yield such time as she may consume to the Democratic Leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman from Illinois for yielding and thank all who were responsible for bringing this important tribute to the floor of the House.

Mr. Speaker, I rise with very mixed emotions about this. I am absolutely delighted that Bob Tisch is receiving the recognition that he deserves, and he deserves even more, but sad that it has come at a time when he has passed on.

I rise proudly to pay tribute to Preston Robert Tisch, known to all of us fortunate enough to call him "friend" as Bob. My friendship with him goes back to 1976; that would be 30 years, Mr. Speaker, a long, long time. It was at the time when he was the chair of the host committee for the Democratic National Convention in New York.

I later became the chair of its host committee for the convention in San Francisco and, as such, went to visit him to get some advice on how to make our city shine when all of that attention was focused on us. His advice was always excellent, professional and, in fact, nonpartisan. It was very important, he said, for this to be about your community. It isn't about the Democrats. It is about your city, your State and your welcome to a convention that is part of the democratic process. But your role is not a political one.

He was bipartisan in so much of what he did. He was a mentor to many, and I was very honored to receive advice from him now for the past 30 years.

Bob Tisch and his family, his brother Larry, are well-known to many of us on both sides of the aisle, and there wasn't anything that was wonderful in our community and our society and our economy that they weren't part of, whether it was the arts, the media, education, sports, again, very important factors in the economy.

But I guess the last note I received from Bob Tisch, he was on his way home from a football game, and I guess dictated it or something, but football was such a love for him. He found a way to combine his love for football with his philanthropic spirit by founding the Take the Field program. This is a wonderful, wonderful venture, a non-profit organization dedicated to renovating and rebuilding the athletic fields at New York City's public high schools.

Bob believed in giving back to New York City public high schools, the public high schools that educated him, giving student athletes fields of play and single-handedly raising more than \$147 million to do so.

Across the country, there is other evidence of Bob Tisch's generosity. His name graces both a medical center and an arts school at New York University, a gallery at the Metropolitan Museum of Art, and the Children's Zoo at Central Park.

Bob helped found Meals on Wheels and served as its president for 20 years. He delivered many meals personally to elderly patrons.

I wanted to just mention football, because he loved it so much. Many know Bob Tisch realized his lifelong dream in 1991 when he became chairman and co-CEO of the New York Giants. The Giants brought him great joy. He attended every game, both home and away, and spent as much time working in his stadium office as possible.

Bob was a tremendously talented businessman, as we discussed, a dedicated public servant who served as our Nation's Postmaster General, again, under a Republican President, a Democratic Postmaster General, and one of the most generous philanthropists our country has known.

As we pay tribute to Bob, we must remember the many people who loved him and grieve his death, especially his wife of 57 years, Joan Tisch; his children, Steven, Laurie and Jonathan; and his nine grandchildren.

The last time I saw Bob Tisch, he was having brunch, Sunday brunch, at the Regency Hotel with his family and some of his grandchildren. He held court there. Many of us would see him when we were in New York. He held court there, and it was just always a wonderful, wonderful, wonderful experience to see him. He was always so full of optimism and hope, even though, at some point, we didn't know how long he would be with us.

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I think the former mayor of New York City, David Dinkins said it best of Bob: When you think of Bob Tisch, you smile. Though we grieve the loss of Bob today, we smile as we remember his brilliant life.

Again, I hope it is a comfort to Joan, to Jonathan, to Steven and to Laurie, my friend, that so many people mourn their loss and are praying for them. He has been gone for a number of months, but we continue to pray for them and to sing the praises of this great man, Bob Tisch.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she might consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank my colleague for yielding, and I join my voice with the Democratic leader and Mr. FOSSELLA and many others in honoring Robert Tisch.

When Preston Robert Tisch passed away on November 15, 2005, America lost one of its preeminent and most successful business people. Anyone who followed his career or worked with him knew of his brilliant business sense, and anyone who has seen a movie in a Loews theater or stayed in a Loews hotel can attest to it.

But as much as Bob Tisch will be remembered for his many business successes, he will be remembered and honored for being one of our most caring and giving philanthropists and humanitarians. Anyone who has benefitted from the vital city Meals on Wheels program is a testament to his many efforts. In his business career, Bob was

an enormous success, and he used his wealth and intelligence to assist those who need help the most. For that, we greatly admire him, and we honor him with this resolution today.

I am particularly proud, as is my colleague, VITO FOSSELLA, who introduced this resolution, that Bob Tisch was born and resided in our hometown, New York City. We were able to see the success and many good deeds up close, and our city has been the beneficiary of many of his best and most heartfelt ideas and programs. The City of New York thanks him and misses him.

Bob Tisch, the son of Russian immigrants and a native of Bensonhurst, Brooklyn, served our country in the Army during World War II. He graduated from the University of Michigan with a degree in economics and would go on to become the chairman and director of the highly successful Loews Corporation.

During the financial crisis of the 1970s, he organized business leaders from New York and around the country to earn the support of the Federal Government for New York City, and he helped rebuild our city. He helped our city go from bust to boom.

Bob Tisch served as the Postmaster General under President Reagan from 1986 to 1988 and, likewise, served as the chair of the National Democratic Convention. He was a man who was admired by both parties, admired by all people. He was chairman of the New York City Convention and Visitors Bureau for 19 years, and he was appointed by former Mayor David Dinkins to be the city's ambassador to Washington in 1990. You would often see him here in Washington visiting, talking, promoting New York City.

Perhaps his greatest feats, though, were his philanthropic efforts. Aside from the countless of millions of dollars he gave to charities, hospitals, universities and the Metropolitan Museum, Bob Tisch helped create city Meals on Wheels and was president for more than 20 years. The program provides food to the elderly and to the homebound, New Yorkers in need, allowing them to get nutrition and stay healthy in their homes.

More recently, Bob Tisch's Take the Field campaign raised more than \$140 million to refurbish unkempt athletic fields of New York City's public schools.

Since 1991, Bob Tisch, a lifelong sports fan, owned 50 percent of the New York Giants Football Club, sharing it with another great New Yorker whom we recently lost, Wellington Mara.

Few Americans have done more in their lives or have helped more people than Bob Tisch. He is missed tremendously, especially in New York. As the companies he ran endure and as the philanthropic programs he created continue to help those in need, Bob Tisch will not be forgotten.

The good work he began continues even today, and our hearts and our thoughts are with his wife, Joan; his

children, Steven, Laurie and Jonathan, all of whom have continued with his philanthropic work. And they have greatly, in their own way, benefitted our city, State and our country.

Overall, Bob Tisch was just a good man. He was a terrific person. He is deeply missed, and I am so pleased for his family and for his city that Congress has thought to honor him today.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield such time as he might consume to the Dean of the House of Representatives, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. I thank my dear friend for yielding to me.

Mr. Speaker, like many others in this chamber, I had the opportunity of knowing Bob Tisch, wonderful gentleman, great patriot, public servant, a man concerned about the well-being of his community and a man who greatly loved his family and the Nation of which he was a part. He was also a man who was extraordinary in his charity to America, to its people and to those of almost all parts of the country. He was a great human being, a wonderful friend. He will be missed.

I am delighted that we are honoring him. I thank the committee for what they are doing. I extend with them my condolences to the wonderful family of our dear friend Preston Robert Tisch, but I also rejoice that we are honoring a great American well deserving of that today, and I thank my colleagues.

Mr. ENGEL. Mr. Speaker, I rise today to honor a great American and a great New Yorker, Preston Robert Tisch. I am a friend of the Tisch family, and I am proud to stand here today and speak about Bob Tisch's many accomplishments.

Bob Tisch was a businessman, a philanthropist, and an entrepreneur. He made a positive impact on every organization he was affiliated with. Bob built the Loews Corporation into one of the largest diversified financial companies in the Nation, headed the New York Giants football franchise, and was one of the most generous philanthropists in New York. In every venture of his life he made he made a positive and indelible mark.

Bob and his brother Larry started a small hotel in New Jersey called Laurel-in-the Pines. The two brothers eventually built this business into the Loews chain of hotels. Their company acquired numerous other businesses to become the Loews Corporation that exists today.

After leaving Loews, Bob followed his dream and became the owner of the New York Giants football team. He was a true fan, attending every home and away game. He also brought his considerable talent and experience from the business field to the Giants organization.

However, Bob's most impressive accomplishments were his philanthropic ventures. In 2000, he helped create Take the Field, which raised money to rebuild the athletic fields of the public high schools in New York City. In only 4 years, he raised over \$147 million for that cause. Additionally, he donated millions of dollars to universities around the country. New York University's Tisch School of the Arts, NYU Medical Center's Tisch Hospital, and even Tisch Hall at the University of Michigan

are all testaments to the generosity of Bob Tisch.

Bob's gifts continued even after his passing. The Tisch Foundation, created by Bob and his wife Joan, has made substantial contributions to Play It Smart, an organization dedicated to training academic coaches to work with high school football teams in underserved neighborhoods. This program has achieved amazing success, with 98 percent of their students graduating high school and 80 percent enrolling in college. Both of these statistics are well above the national average.

Bob Tisch dedicated his life to improving the lives of others. He was a true American in the best sense of the word. For all these reasons, I strongly support H. Res. 605 and I urge my colleagues to do the same.

Mr. FOSSELLA. Mr. Speaker, on November 15th, 2005, America lost one of its greatest entrepreneurs, the great Preston Robert "Bob" Tisch, the former Postmaster General and owner of the New York Giants Football Club.

Bob Tisch grew up in Bensonhurst, Brooklyn, to middle-class parents who had emigrated from Russia. He had a vision that anyone could succeed in life if they worked hard enough to achieve it. He once mentioned that "perseverance is at the heart of meeting any challenge." This is a motto he would live by for the rest of his life. In 1943 Bob Tisch joined the U.S. Army and fought in World War II. Shortly after he left the military, he earned his bachelor's degree in economics from the University of Michigan in 1948. That same year he began what he would later become famous for: he joined his family hotel business at the Laurel-in-the-Pines in Lakewood, New Jersey.

Later in life he would move on to gain total control of the Loews Theater Corporation and in 1962, would build the Summit Hotel in Bal Harbour, Florida. At over 50 stories, it was the world's tallest hotel at the time. Throughout his life he would find success in all that he did. This would continue into the later years of his life. At the age of 60, President Ronald Reagan appointed him the United States Postmaster General, a post he would hold for two years. And finally in 1991, he purchased a 50 percent share of the New York Giants Football Club, an ownership he would happily share with the late Wellington Mara.

Recognizing the financial crisis that New York City was experiencing in the 1970s, Bob Tisch organized regular breakfasts at his Regency Hotel with some of the city's most influential movers and shakers. These breakfasts helped attract influential businessmen and women from all over the country and turned New York City's financial crisis into a burgeoning economy.

Bob Tisch had an incredible record of charity work. He helped create the Meals-on-Wheels program and would serve as its president for over 20 years. His final campaign was called the "Take the Field" initiative which was established to revitalize the ragged athletic fields of the city's public high schools which raised over \$140 million. He also gave countless millions of dollars through his philanthropic works to hospitals, charities, and universities in the spirit of improving the lives of Americans.

While we mourn his loss, we as a Nation should smile proudly at his life and his deeds, for there is no greater credit to his accomplishments than having left this Nation and our world better than he had found it.

Mr. MARKEY. Mr. Speaker, Bob Tisch was my friend. He did many things in life for which he will be remembered, but for me it was that he created a family of unsurpassed excellence. It was an honor for me to know him, and his family should know how many people like me came to admire him.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

Ms. FOXX. Mr. Speaker, I urge all Members to support the adoption of H. Res. 605, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the resolution, H. Res. 605.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

#### INTERNATIONAL SOLID WASTE IMPORTATION AND MANAGEMENT ACT OF 2006

Mr. GILLMOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2491) to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2491

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "International Solid Waste Importation and Management Act of 2006".

##### SEC. 2. INTERNATIONAL TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

(a) IN GENERAL.—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. INTERNATIONAL TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

"(a) STATE AUTHORITY TO ADDRESS IMPORTATION AND MANAGEMENT OF MUNICIPAL SOLID WASTE.—

"(1) IN GENERAL.—Until the date on which all final regulations issued by the Administrator to implement and enforce the Agreement (including notice and consent provisions of the Agreement) become effective, a State may enact a law or laws or issue regulations or orders imposing limitations on the receipt and disposal of foreign municipal solid waste within the State. Laws, regulations, and orders enacted or issued before that date may continue in effect according to their terms after that date.

"(2) EFFECT ON INTERSTATE AND FOREIGN COMMERCE.—No State action taken as authorized by this section shall be considered to impose an undue burden on interstate and foreign commerce or to otherwise impair, restrain, or discriminate against interstate and foreign commerce.

"(3) TRADE AND TREATY OBLIGATIONS.—Nothing in this section affects, replaces, or amends prior law relating to the need for consistency with international trade obligations.

"(b) AUTHORITY OF ADMINISTRATOR.—

"(1) IN GENERAL.—Beginning immediately after the date of enactment of this section, the Administrator shall—

"(A) perform the functions of the Designated Authority of the United States described in the Agreement with respect to the importation and exportation of municipal solid waste under the Agreement; and

"(B) implement and enforce the notice and consent and other provisions of the Agreement.

"(2) REGULATIONS.—Not later than 24 months after the date of enactment of this section, the Administrator shall issue final regulations with respect to the Administrator's responsibilities under paragraph (1).

"(3) CONSENT TO IMPORTATION.—In considering whether to consent to the importation under article 3(c) of the Agreement, the Administrator shall—

"(A) give substantial weight to the views of the State or States into which the municipal solid waste is to be imported, and consider the views of the local government with jurisdiction over the location where the waste is to be disposed;

"(B) consider the impact of the importation on—

"(i) continued public support for and adherence to State and local recycling programs;

"(ii) landfill capacity as provided in comprehensive waste management plans;

"(iii) air emissions from increased vehicular traffic; and

"(iv) road deterioration from increased vehicular traffic; and

"(C) consider the impact of the importation on homeland security, public health, and the environment.

"(4) ACTIONS IN VIOLATION OF THE AGREEMENT.—No person shall import, transport, or export municipal solid waste for final disposal or for incineration in violation of the Agreement.

"(c) COMPLIANCE ORDERS.—(1) Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of this section, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) Any order issued pursuant to this subsection shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed \$25,000 per day of noncompliance for each violation. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

"(d) PUBLIC HEARING.—Any order issued under this section shall become final unless, not later than 30 days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any pro-

ceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

"(e) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than \$25,000 for each day of continued noncompliance with the order.

"(f) DEFINITIONS.—For purposes of this section:

"(1) AGREEMENT.—The term 'Agreement' means—

"(A) the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, signed at Ottawa on October 28, 1986 (TIAS 11099) and amended on November 25, 1992; and

"(B) any regulations promulgated and orders issued to implement and enforce that Agreement.

"(2) FOREIGN MUNICIPAL SOLID WASTE.—The term 'foreign municipal solid waste' means municipal solid waste generated outside of the United States.

"(3) MUNICIPAL SOLID WASTE.—

"(A) WASTE INCLUDED.—Except as provided in subparagraph (B), the term 'municipal solid waste' means—

"(i) all waste materials discarded for disposal by households, including single and multifamily residences, and hotels and motels; and

"(ii) all waste materials discarded for disposal that were generated by commercial, institutional, municipal, and industrial sources, to the extent such materials—

"(I) are essentially the same as materials described in clause (i); and

"(II) were collected and disposed of with other municipal solid waste described in clause (i) or subclause (I) of this clause as part of normal municipal solid waste collection services, except that this subclause does not apply to hazardous materials other than hazardous materials that, pursuant to regulations issued under section 3001(d), are not subject to regulation under subtitle C.

Examples of municipal solid waste include food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, and household hazardous waste. Such term shall include debris resulting from construction, remodeling, repair, or demolition of structures.

"(B) WASTE NOT INCLUDED.—The term 'municipal solid waste' does not include any of the following:

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

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

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

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

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

"(iii) 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.

"(iv) Scrap rubber to be used as a fuel source.

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