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 proceeding 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.

''(vi) Any solid waste that is—

''(I) generated by an industrial facility; and

''(II) transported for the purpose of treatment, storage, or disposal to a facility or unit thereof that is owned or operated by the generator of the waste, located on property owned by the generator or a company with which the generator is affiliated, or the capacity of which is contractually dedicated exclusively to a specific generator, so long as the disposal area complies with local and State land use and zoning regulations applicable to the disposal site.

''(vii) Any medical waste that is segregated from or not mixed with solid waste.

''(viii) Sewage sludge and residuals from any sewage treatment plant.

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

''(x) Solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following new item:

''Sec. 4011. International transportation and disposal of municipal solid waste.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. GILLMOR) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. GILLMOR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to insert extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GILLMOR. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I want to begin by thanking several cosponsors of this bill from Michigan, Mr. ROGERS, Mr. DINGELL, Mrs. MILLER, Mr. STUPAK, Mr. UPTON, Mr. CAMP and many others. The legislation the House is considering today is the version of H.R. 2491 unanimously reported by the Committee on Energy and Commerce with two minor technical amendments; one to correct the year expressed in the bill's title from 2005 to 2006, and the second one to clarify the committee's position as stated in its filed report that this legislation does not cover solid waste generated incident to the provision of service in interstate, intrastate, foreign or overseas air transportation.

Today's consideration of H.R. 2491 has been a long time in coming. This legislation gives States and localities some control over the amount of waste that is generated outside of the United States that they must accept.

To give you an idea of the scope of the problem, we now have almost 4 million tons of municipal solid waste coming into landfills in the United States from outside the country. My staff has calculated that is more than 425 truckloads per day.

Current law basically punishes the environmentally responsible and rewards the environmentally irresponsible. Those States which go to the expense and the effort to create landfill space are finding their landfills clogged with waste from those who do not make and will not make this financial and legal commitment.

While there are many issues in the area of waste from and between jurisdictions, this bill deals only with the international waste, and great care has been taken to be sure to only limit itself to international waste.

Quite simply, this bill gives States the authority, only if they want to use it, to place limits on municipal solid waste generated in another country and exported for disposal in the United States.

In addition, the bill provides the necessary legal authority for the United States to fully implement the U.S.-Canada Waste Agreement. EPA has testified before the House Energy and Commerce Committee that such legal authority was necessary for our country to fully meet its commitments under this pact.

The steps in this bill are ones that must be taken to give meaningful and needed powers to both Federal and State governments. They are consistent with the powers granted in the United States Constitution and the U.S.-Canada Waste Trade Agreement.

We have worked hard to assure that they do not violate any of our international trade obligations like those in the North America Free Trade Agreement.

I urge all Members to support this bill, to send a message to other countries that the United States is not going to be their wastebasket. I would urge Members to support H.R. 2491.

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

Mr. DINGELL. Mr. Speaker, I yield myself 4 minutes.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 2491, the International Solid Waste and Management Act of 2005. I want to express my particular gratitude and commendations to the gentleman from Ohio (Mr. GILLMOR) and for his leadership and the fine way in which he has handled this legislation. We in Michigan are grateful to the gentleman from Ohio and want him to know that he has our appreciation.

This is long overdue. It has been sponsored with great energy by the Members of this delegation in a bipartisan fashion, Mr. ROGERS, Mr. STUPAK, Mr. UPTON, Mr. LEVIN, Mr. SCHWARZ of Michigan, Mr. HOEKSTRA, Mr. KILDEE, Mrs. MILLER, Ms. KILPATRICK, Mr. EHLERS and Mr. CAMP have all worked very hard to bring this legislation to the floor in the shape in which it is.

The legislation came out of the Energy and Commerce Committee a year ago. It requires the Administrator of the Environmental Protection Agency to enforce the notice and consent provisions of the bilateral U.S.-Canadian Agreement, an Agreement that the United States signed in 1986, to govern the transboundary movement of hazardous waste, and amended in 1992 to include municipal solid waste.

Unfortunately, the Administration has made no effort to implement the bilateral agreement. Legislation was promised ''soon'' by this Administration more than 3 years ago. It has yet to arrive. The bill provides criteria to ensure that the views of State and local governments are properly taken into account in implementing the bilateral agreement and adds the necessary statutory enforcement authority.

□ 1515

The situation in Michigan with regard to Canadian waste continues to get worse. Since 1996, when Michigan started collecting data, the amount of Canadian waste being disposed of in Michigan has risen by 335 percent. Essentially, our State is being used as a dumping ground by the Canadians.

Now, I note that the Administration should be complying with the notice and consent provisions of the bilateral agreement which requires that both countries use ''best efforts'' absent regulations. The bilateral agreement is especially important because Canada is a party to the Basel Convention and the United States is not. The Basel Convention specifically prohibits Basel parties from exporting waste to a nonparty. Thus, the United States-Canadian bilateral agreement is the only way waste can travel between the two countries at all.

Unfortunately, despite several letters that I, along with our two capable and hardworking Michigan Senators, Senators LEVIN and STABENOW, have sent to the Administration, the White House has decided to turn a blind eye to the needs of Michigan.

More than 400 trucks carry waste into Michigan every day from Canada. These are more than just a nuisance. The trucks and the cargo pose an environmental risk, a security risk, a potential hazard to health, as well as being detrimental to our roads. And they have even been used to smuggle narcotics into Michigan.

The citizens of Michigan need action by this Congress, and I am pleased that we are moving forward in the House. This legislation must be made a priority in the Senate. It will do much to help a situation that is intolerable.

While I am pleased with the bill coming to the House floor, and while Canadian waste makes up the majority of waste imports into Michigan, we have a significant amount of waste coming in from other States; and as such, I

look forward to working with my colleagues on a comprehensive bill giving the States the right to regulate unwanted trash imports into their borders.

I urge my colleagues to support the passage of H.R. 2491.

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

Mr. GILLMOR. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I thank our chairman and Mr. DINGELL for working so hard and so long to help us put this bill together, as did Mrs. MILLER and Mr. STUPAK.

When many people across the country think of Canada, they think of great trading partners and great allies. They think of hockey great Wayne Gretzky, Michael J. Fox, Shania Twain, all great contributions to our society here and good neighbors.

But when the people from Michigan think about Canada, we don't have that luxury. We think about trash and Canadian trash. We think about PCBs, soiled coffin waste and medical waste. We think of the loss of half of our landfill capacity in Michigan to Canadian imports of household municipal waste.

That is what it looks like and that is where it comes, to the great State of Michigan. There is no value added to it. It comes and is thrown into a hole. Because of the fact that they are consuming our landfill capacity, and coming to a neighborhood near you, my great State of Michigan is a landfill.

This bill, with the work of so many people, will stop the flow of Canadian waste. It will give Michigan citizens, and every citizen across the country in their own States, the ability to make the determination if they want to take this trash in their landfills.

Just a week ago they talked about, as they have since this bill was first introduced in 2001, the Canadians said we will reduce the trash and try to get to our 100 percent recycling rate and we will get back to you. The problem was since that last verbal promise to do that, 5,500 equivalent garbage trucks have come over the bridge in the last week. That is 288,000 garbage truck equivalents coming across our bridge every year for the foreseeable future. It is 11 million cubic yards a year ending up in Michigan landfills.

Why are we concerned about that? You can see on the far chart there is human blood dripping out of the back of that truck. You can imagine what chaos that caused when that truck was coming across the bridge. We had testimony by a Michigan State police officer that they believed that there may have even been a human body in that truck. They stopped it and searched it, and what they found was not a human body, but human medical waste. That is one mosquito away from an epidemic. It is dangerous and illegal. We have no way of knowing what other medical waste is in those trucks. It is impossible to inspect them.

This is really a good-neighbor policy. This says we love our Canadian friends to the north. We want to continue with the most robust trading partner we have in the world, but good neighbors don't throw their trash in another person's yard; and they have been doing it for a long time.

This bill is important for a couple of reasons. It is balanced. It is balanced because it directs the EPA to implement the existing U.S.-Canadian Transboundary agreement; but it also, more importantly, gives the State of Michigan and every State the ability to make their own determination if those trucks should continue at that rate coming into our landfills in the great State of Michigan. It allows Michigan citizens to be good stewards of their environment. There is no better place to place that trust and legal authority and that binding agreement than in the hands of these Michigan citizens.

Mr. Speaker, those PCBs, that blood, we even found illegal drugs coming across in those trucks, as well as soiled coffin waste. It is all living proof of what we have endured over these last years.

Today is the day we will stand up and tell our good friends the Canadians we are tired of getting their trash in the State of Michigan. Let us be good stewards of our environment.

Mr. Speaker, I thank the chairman for his hard work and all he has done to bring us to this point and put all of the right people in the room to make this happen. I thank Mr. DINGELL for working with us and CANDICE MILLER for pushing this vote. This is a vote that will send a very clear signal to our Canadian friends that we won't put up with political promises, that we want real action and we want it now.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I thank Mr. DINGELL and Mr. GILLMOR and others from the Michigan delegation for bringing forth this bill. It has been a long time.

I rise in support of H.R. 2491, the International Solid Waste Importation and Management Act, or what is commonly referred to as the Canadian trash bill. I encourage my colleagues to support this legislation which is needed to help control over 400 trucks a day that cross the border from Canada, bringing tons of trash mostly into Michigan, but also to other States.

The unregulated flow of trash into Michigan and other States creates significant environment and public health concerns. Even more alarming, a January 2006 audit conducted by the Department of Homeland Security has shown that these trucks are often found containing human blood, medical waste, illegal drugs, and illegal currency. The report raises significant border security and national safety concerns that must be addressed.

Currently, States and local governments are not allowed to control the trash coming in from out of their State. This Canadian trash bill will give residents of Michigan and other States the power to limit the trash from outside of the United States that they are forced to accept.

I have repeatedly requested that President Bush and the Republican leadership support this legislation. I am pleased that the Republican leadership is finally allowing its consideration more than a year after our Energy and Commerce Committee unanimously approved this bill in our committee.

I will continue to work to encourage the administration to finally support us in addressing Michigan's ongoing problem with imported waste from Canada.

Last week Senators STABENOW and LEVIN announced a landmark agreement that will go a long ways toward eliminating Canadian trash imports. By 2010, Ontario has agreed to stop the shipment of all municipal garbage to Michigan. This is a significant step forward in eliminating trash imports to the United States, and I commend Senators STABENOW and LEVIN for their fine work.

Along with this agreement, the Canadian trash bill we are currently considering will help limit the flow of trash from Canada. Given the environment, public health, border security and national safety concerns, it is especially important that we act immediately to limit the flow of municipal waste from Canada.

I urge my colleagues to vote ''yes'' on H.R. 2491. I thank the gentleman for yielding me this time.

Mr. GILLMOR. Mr. Speaker, I yield 3 minutes to Mrs. MILLER from Michigan.

Mrs. MILLER of Michigan. Mr. Speaker, the nation of Canada is really a great friend to America in so many ways, but it is not very neighborly to unapologetically dump your garbage on your neighbor, and that is what has been happening in Michigan for decades.

Every day in Michigan, hundreds of huge trucks loaded with Canadian garbage come across the Blue Water Bridge in my district, and they dump their garbage in Michigan landfills. For decades, the Michigan legislature, both Republicans and Democrats, have tried to pass laws that would stop this ridiculous situation, but we have always been told that only Congress has the authority to stop it by passing legislation in both the House and the Senate.

Mr. Speaker, I, along with my colleagues in the House, both Republicans and Democrats, have pushed and prodded and persuaded the House leadership to allow us to vote on this legislation.

This legislation will allow the State legislatures the right to block foreign trash while the EPA promulgates a rule over a 2-year period to make the ban permanent. If the House passes this bill today, and I sincerely hope

that we do, the House will have done its duty.

But according to Michigan's two United States Senators, companion legislation which has been languishing in the Senate has little, if any, chance of going forward because you see, Mr. Speaker, Michigan's two Senators secretly negotiated a personal agreement with the Province of Ontario that effectively stops our ability to stop Canadian trash. Michigan's two Senators agreed not to push any legislation in the Senate and not to push any inspection fees of those trucks and agreed not to do anything apparently on this issue for the next 4 years.

And in return, the Canadians have agreed to phase out over the next 4 years about one-third of the garbage that they dump in Michigan today. What about the other two thirds? Apparently there is no problem. We are going to just stand back and let those trucks keep coming.

No wonder the Canadians have been celebrating in the last week. They cannot believe their good luck. Just when the United States Congress finally is set to pass legislation that will stop Canadian trash, the two Senators from Michigan save them.

I am not going to question the motives of my two Senators. Obviously, they want to stop Canadian trash, but the motivation of the Canadians is very clear. In fact, when asked by the Canadian media why they would have agreed to this deal, the environmental ministry spokesperson said, ''Our garbage trucks could have been turned back from the border as early as January of 2007. We needed to find a solution to avert that.''

The Canadians knew very well we were going to have this vote today. They needed a solution. I hope they haven't found it.

In fact, I had one reporter tell me in fairness to the Senators, they thought their agreement was for all of the trash. They didn't realize it was only for one-third. Well, we should have had some other people included in the secret negotiation with the Canadians, and somebody could have pointed that fact out.

Mr. Speaker, I urge my colleagues, both Democrats and Republicans, to vote ''yes'' on this bill and to work together to encourage action in the Senate.

Mr. DINGELL. Mr. Speaker, I yield 6 minutes to Mr. LEVIN from Michigan.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, as one of the cosponsors of H.R. 2491, I rise in strong support of this measure.

This issue of waste coming into Michigan from Ontario is one of great concern to the people I represent and to others; and I appreciate, Mr. DINGELL, your efforts and that of others to move this legislation.

Let me just try to put this in perspective.

Recently, a breakthrough occurred after years of inaction, years of inaction. It is the agreement announced by our two Senators from Michigan with the Government of Ontario. Under this agreement, there is a phasing out of municipal waste shipments from Canada over the next 4 years. Under the agreement, some 2.78 million metric tons of waste will stay in Canada and not come to Michigan over the first 4 years alone.

We for a long time have been asking for action on the bill before us today.

□ 1530

A bipartisan group of ten representatives wrote to Speaker HASTERT last November to urge expeditious consideration. That bill had been approved by the full Energy and Commerce Committee 14 months ago. We wrote twice to Speaker HASTERT to urge him to schedule this legislation. As mentioned, there was a letter November 3, and all but one member of the Michigan delegation signed a second letter to the Speaker on May 16.

I will insert these two letters into the CONGRESSIONAL RECORD.

WASHINGTON, DC,
November 3, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER. We write today to request that H.R. 2491, the International Solid Waste Importation and Management Act of 2005, be brought to the floor for consideration as expeditiously as possible before our target adjournment date of November 18.

As you know, in June H.R. 2491 passed both the Energy and Commerce Subcommittee on Environment and Hazardous Materials and the full Committee by voice vote.

The issue of waste coming into Michigan from Ontario, Canada for disposal is one of great concern to the people we represent. Currently, more than 400 trash trucks come across the bridge into the Michigan each day. The goal of H.R. 2491 simply is to implement and enforce an existing bilateral agreement that has been too long ignored and to give states some tools to manage foreign municipal solid waste being disposed of within its borders.

As you know, H.R. 2491 is the bipartisan product of hard work and tough negotiations. We made every attempt to provide the people of Michigan, as well as other states, with some relief while not affecting or amending any prior law relating to the need for consistency with international trade agreements. H.R. 2491 is a good bill that meets the needs of all concerned.

Thank you for your attention to this matter.

Sincerely,

John D. Dingell, Sander Levin, Peter Hoekstra, Dave Camp, Bart Stupak, Carolyn C. Kilpatrick, Mike Rogers, Dale Kildee, Fred Upton, Joe Schwarz.

WASHINGTON, DC,
May 16, 2006.

Hon. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER. We write again today to request that HR 2491, the International Solid Waste Importation and Management Act of 2005, be brought to the floor for consideration as expeditiously as possible. You will remember that we wrote you in November 2005 with the same request. Unfortunately, the bill did not make it to the floor by the end of last year as we had urged in our last letter.

In June, HR 2491 passed both the House Energy and Commerce Subcommittee on Environment and Hazardous Materials and the full Committee by voice vote. As you know, voice votes are traditionally saved for only the most non-controversial bills.

The issue of waste coming into Michigan from Ontario, Canada for disposal is one of great concern to the people we represent. Currently, hundreds of trash trucks come across the bridge into Michigan each day. Just recently, human waste was spilled onto a Michigan road from a Canadian trash truck. This is the second such incident since March 2005.

This is also a national security issue. In January, the Department of Homeland Security Office of Inspector General issued a report—originally labeled ''For Official Use Only''—which found that U.S. Customs ''does not have an effective method to screen and inspect the 350 truckloads of municipal solid waste that enter the U.S. daily through the Detroit and Port Huron ports of entry.'' The report was released to the public by Senate Permanent Subcommittee on Investigations Chairman Norm Coleman and Ranking Member Carl Levin.

The goal of HR 2491 simply is to implement and enforce an existing bilateral agreement that has been too long ignored and to give states tools to manage foreign municipal solid waste being disposed of within its borders.

As you know, HR 2491 is the bipartisan product of hard work and tough negotiations. We made every attempt to provide the people of Michigan, as well as other states, with some relief while not affecting or amending any prior law relating to the need for consistency with international trade agreements. HR 2491 is a good bill that meets the needs of all concerned.

Thank you for your attention to this matter and we look forward to expeditious floor consideration.

Sincerely,

John D. Dingell, Sander Levin, Dale Kildee, John Conyers, Joe Schwarz, Carolyn C. Kilpatrick, Thaddeus McCotter, Dave Camp, Vern Ehlers, Fred Upton, Pete Hoekstra, Bart Stupak, Mike Rogers, Joe Knollenberg.

Mr. LEVIN. Mr. Speaker, I do not understand, in view of the importance of this legislation and, indeed, the light workload of the House this year, why this bill was not brought up months and months ago. Now it is being brought up at the 11th hour, with only 14 or 15 legislative days left before Congress adjourns for the elections. Fourteen months were wasted before this bill was brought up.

And it is not clear at all that the legislation can move in the Senate. Indeed, in an article just this morning in the Congress Daily, a spokesman for the chairman, the Republican chairman, of the Senate Environment and Public Works Committee indicated that the committee has no plans to hold a hearing on this legislation before Congress adjourns or recesses for the election.

Here is a consideration in addition regarding H.R. 2491, and I have read it. If it were to be made a law through passage in this Congress, I think it is likely that there would be lengthy litigation and therefore a further delay in meaningful reduction of trash exports

to Michigan for years. So this bill says the EPA has 2 years, up to 2 years, and in the meanwhile, States could take action, but I think there is a real probability that there would be litigation in the meanwhile. And so because of what the Senate spokesman has said, with no likely action in the Senate, and other problems, we have before us a bill that I strongly support, but it should not be the basis for an attack on what was done by the two Senators from our State of Michigan. No basis whatsoever.

There has also been a mischaracterization of what our two Senators said. They did not say they do not support 2941. They said they support it. They had presented some amendments to the Homeland Security bill, and that helped to instigate action by Ontario to do something. To do something. And now there is an agreement that will lead to a substantial reduction of the trash that is coming in from Ontario.

So, look, I would hope that there would be some limitation, some limitation, on partisanship within this House. Apparently there continues to be little, if none. That agreement was a step forward. It was not everything, but after years of inaction in this House, after at least months after action by the committee, something has happened that will bring about a reduction under this agreement.

So what we should be doing today, instead of engaging in partisanship, is saying, look, there is an agreement. It is a step forward. Congratulations. We have this bill. It would go beyond it. We hope the Senate will act. We are sorry that the Senate Republican spokesman said they would not take it up. Let us unite to see if we can get action by the Senate.

So under those conditions, I very much rise in support of this bill and hope the full picture will be understood, not misrepresented.

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

Just a couple of points. I have been advised that when the Canadians entered into this so-called agreement, they referenced the passage of this bill, H.R. 2491, as a reason for doing that. I am also a little confused by the position of the gentleman from Michigan, who first said he supported the bill and then said if we passed the bill, it could result in litigation that would delay the stopping of the garbage. So I am not sure what his position is.

Mr. LEVIN. Mr. Speaker, will the gentleman yield?

Mr. GILLMOR. I yield to the gentleman from Michigan.

Mr. LEVIN. Look, I said the EPA would have up until 2 years, and in the meanwhile, States could act, and I said it is thought by many observers that there would be litigation. I don't favor litigation. But there might well be litigation in terms of the power of the States as delegated from this House.

All I am saying, sir, is, look, there was reference to this legislation. There was also reference to the reality that there were amendments in the Senate that were going to put a squeeze on Ontario.

I acknowledge the importance of this bill. I am sorry it did not occur earlier, and it comes up at the 11th hour after a number of us wrote to the Speaker saying, bring it up, and most of us, not all of us, signed those letters. And here it is, the 11th hour, and now it is being brought up. Good. It is better late than never. It would also be nice if we could have an agreement from the Senate to act. And the two Senators from Michigan have said, when they announced this agreement with Ontario, they supported this bill. So no one should get up on the floor and say otherwise.

Mr. GILLMOR. Mr. Speaker, reclaiming my time, let me just point out that in the Detroit News, it was reported on September 1 that the environmental ministry spokesman from Ontario, Kate Jordan, said the deal was prompted by fear of this bill's becoming law and that Michigan might stop all trash shipments within 30 days.

Now, I am not critical of the Senators, and I haven't been, for trying to negotiate a deal. But I do want to point a couple things out. First of all, anybody could sue for anything; so you may have litigation. But the fact of the matter is we went to great lengths to be sure that this complied with both NAFTA and the U.S.-Canadian transboundary agreement.

The other point is that the so-called deal with the Canadians is not in any way legally enforceable. All you have is a promise that they will do that. They can turn around tomorrow or next week or next month and take that back.

So there is one legally enforceable way to protect Michigan and the other States, and that is passage of H.R. 2491.

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

Mr. DINGELL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this has been, I think, a very useful and very respectful debate. It has been one which does credit for all concerned, and I repeat my commendations to my colleagues who have done such a fine job of bringing this legislation to the floor, and I particularly commend my friend from Ohio, Mr. GILLMOR, for his labors.

We have before us in Michigan a situation which we clearly find intolerable. It is one which has to have something done. Happily, over here, we have been able to get this legislation to the floor. I hope that this bill will be taken up by the Senate in proper fashion and time so that it can go to the President and can be signed and become law. That would be wonderful.

I also hope that the deal which has been cut by our two Senators will be able to bear fruit because it will result in termination of a massive amount of waste coming in from Canada if it is implemented according to its terms.

I want to commend also our Senators, and I think our people back home are very appreciative of what the Senators did because what they have accomplished is to give us something which will have immediate effect if the agreement is honored by the Canadians. I have received assurances from our senior Senator that our Senators will do everything possible to get this legislation which we are now considering, H.R. 2491, enacted into law in the Senate.

We have two arrows rather than one for our bow. We are able to move forward towards the implementation of the agreement achieved in the Senate; and we are able, with the help of everybody concerned, including the leadership in the Senate, to move forward on a piece of legislation which will offer significant relief to our State. Much more will remain to be done after we have concluded, but at least we are beginning to make strides forward, and we are doing so in two ways, in two places, with prospects of success for each.

I urge us not to fall into any partisan arguments here.

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

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

I had some other speakers but they are not here. So let me just say that I hope we can pass this bill. And I want to echo what my colleague from Michigan (Mr. DINGELL) said. This is not a partisan issue. And I very much appreciate the way that Members, particularly of our Committee on Energy and Commerce, have been able to come together and move this bill unanimously, and hopefully we can see it move further in the other body.

Mr. DINGELL. If the gentleman will yield, to that I say a very pious amen.

Mr. KNOLLENBERG. Mr. Speaker, I rise to express my strong support for H.R. 2491, the International Solid Waste Importation and Management Act of 2005.

For many years, Canada has shipped significant amounts of solid waste into the United States each year, with a large percentage of it going to the State of Michigan. In 2004, Canadian trash imports represented 18 percent of all the trash disposed of in Michigan. The State of Michigan receives approximately 350 truck loads of trash every day—or over 12,000 truck loads a year—from Ontario.

Despite heightened border security that has been imposed following the September 11, 2001, terrorist attacks, which include stricter inspections of all truck shipments passing through international borders, the importation of substantial amounts of solid waste into the United States each year from Canada poses a serious security threat to the State of Michigan and other border States which accept imported trash. Moreover, it poses environmental and health risks to these States.

States must have the ability to address these matters as they deem fit. H.R. 2491 is necessary in order to provide States with the power to address these issues, as the U.S. Supreme Court and other Federal courts have consistently ruled that, pursuant to the Interstate Commerce Clause of the U.S. Constitution, States cannot restrict out-of-State trash from their landfills.

Previous agreements regarding the import of trash from Canada have had no legal standing and were not enforceable. This legislation will finally allow the U.S. and the State of Michigan to set for themselves legal, enforceable boundaries for the importation of municipal solid waste.

I urge all of my colleagues to support the passage of H.R. 2491.

Mr. CONYERS. Mr. Speaker, I rise in strong support of H.R. 2491, the International Solid Waste Importation and Management Act of 2005. Riverview and other downriver communities in my district have had to cope with hundreds of trucks full of Canadian trash rumbling down their streets on a daily basis for years. These trucks pass through our communities en route from the Ambassador Bridge to traffic dumps to the west. You can imagine the traffic congestion, environmental, and quality-of-life problems these truckloads of trash have created.

Local activists like Mr. George Read of Trenton and State Representative Kathleen Law have been working tirelessly alongside our congressional delegation to put an end to this never-ending flow of trash, and I am very pleased that the House today is taking a step toward that goal. If adopted, H.R. 2491 would give States the power to restrict the importation of foreign waste. Under current law, only the Federal Government is able to make such restrictions.

Mr. Speaker, let us not overlook the fact that H.R. 2491 has been awaiting floor consideration since it passed the Energy and Commerce committee 14 months ago. Our delegation has had to send two letters to get Speaker HASTERT to finally bring this important legislation to the floor. We now have only about 15 days left in session before we break for the elections, and it will be a tall order for this bill to make it through committee and the full Senate during that time. Indeed, the Republican chairman of the Senate Committee on Environment and Public Works has already announced that he does not foresee consideration of this legislation any time soon.

I want to commend Senators LEVIN and STABENOW and Congressman DINGELL for the deal they have worked out with Ontario's Minister of the Environment to halt the importation of Canadian municipal waste over the next 4 years. The Bush administration and the Republican Congress have wasted many years and numerous opportunities to address this issue both through legislation and by implementing a bilateral agreement between the U.S. and Canada already on the books since 1992. Our constituents were fed up with this inaction, so our Michigan Democratic legislators took the initiative to negotiate an agreement that will reduce the importation of Canadian municipal trash immediately, and end it completely in 4 years. Republicans can complain about our legislators taking matters into their own hands, but the fact is that the Republicans have failed to do a thing to address this serious problem. The negotiated agreement is a step in the right direction, as is passage of this bill.

Mr. CAMP of Michigan. Mr. Speaker, as a strong supporter and cosponsor of the International Solid Waste Importation and Management Act, I am pleased that the House of Representatives will soon vote on this important bill.

My home State of Michigan continues to be on the receiving end of millions of tons of imports of Canadian trash. According to data from the Congressional Research Service, in 2004 nearly two-thirds of Michigan's total waste imports, about 2.8 million tons, came from the Canadian province of Ontario. In response to this growing problem, H.R. 2491 provides States the authority to enact laws or regulations to limit the transportation and disposal of foreign municipal solid waste. Residents in Michigan have long sought a legally binding and enforceable solution that stops the flow of Canadian trash into the State.

For too many years Michigan has been a dumping ground for waste coming in from Canada. When the city of Toronto closed its landfill in 2002, the city sent its trash to Michigan instead of building a new landfill or transporting it to another Canadian location. Toronto's actions compounded the trash flow problem in Michigan and further incensed the State's residents who consider this issue an environmental concern, a transportation problem, and a public health worry. The State of Michigan and other States should have the authority to protect its citizens. Governments at all levels, Federal, State, and local should have the tools to safeguard residents from potential public health and safety risks. Foreign municipal trash is flooding Michigan's borders with virtually no inspection. Hospital waste and other hazardous waste can, and does, make its way to Michigan. I am a fervent supporter of policies that ensure a free-flow of commerce at the U.S. and Canada border. But, States should have the ability to protect residents from shipments that may pose risks to public health and the environment.

The International Solid Waste Importation and Management Act is the right answer to stopping foreign shipments of municipal waste. While negotiating contracts with landfill operators may sound like a good solution, it does not go far enough. Congressional approval of H.R. 2491 will ensure that States have the authority to prevent foreign waste from crossing our borders. Governors should have control over what enters their state. Such decisions should not be left to private business interests. Importantly too, passage of H.R. 2491 will carry the force of U.S. law.

Instead of clogging Michigan bridges and roads with dump trucks destined for Michigan landfills, it is high time Canada keep its own trash. I urge my colleagues to vote for H.R. 2491 and allow States to reject foreign shipments of municipal waste.

Mr. KILDEE. Mr. Speaker, I rise today to offer my support for H.R. 2491, the International Solid Waste Importation and Management Act. I am a cosponsor of this important bill.

Mr. Speaker, the importation of all foreign trash is an issue that is of great concern to the people of Michigan. Time and again the people of my state have made it clear they do not want foreign trash coming into Michigan. Congress has had numerous opportunities to address this problem, either through legislation or the implementation of a bilateral agreement between the U.S. and Canada from 1992, which would allow Michigan to manage foreign waste being disposed of within its borders.

The growing amount of foreign trash coming into Michigan is clogging our roadways, increasing the health and safety risks in our state. In the last 3 years, the number of trucks coming from Canada has roughly doubled, from 180 per day to over 350 per day. Since that time, multiple incidents have occurred where Canadian trash trucks have spilled waste onto Michigan roadways. Owners of two major Michigan landfills are near capacity and state officials claim that in 20 years, there won't be any more landfill space available. It is no overstatement to say the Great Lakes heritage we take so much pride in is at risk if something is not done. We need to protect our environment.

The escalating importation of Canadian trash also constitutes a security threat. In January, the Department of Homeland Security Office of Inspector General issued a report, later released to the Senate Permanent Subcommittee on Investigations, which found that U.S. Customs does not have an effective method to screen and inspect the hundreds of truckloads of municipal solid waste that enter the U.S. daily through the Detroit and Port Huron ports of entry. In this day and age, Mr. Speaker, such lack of inspection is unacceptable.

H.R. 2491 has broad, bipartisan support, reinforced by its clear passage through the House Energy and Commerce Committee in 2005 by a voice vote without objection.

Once again, Mr. Speaker, I add my support for H.R. 2491 and call for its passage.

Mr. DINGELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. GILLMOR) that the House suspend the rules and pass the bill, H.R. 2491, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

YOUTHBUILD TRANSFER ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3534) to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program.

The Clerk read as follows:

S. 3534

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 ''YouthBuild Transfer Act''.

SEC. 2. YOUTHBUILD PROGRAM.

(a) ESTABLISHMENT OF YOUTHBUILD PROGRAM IN THE DEPARTMENT OF LABOR.—Subtitle D of title I of the Workforce Investment Act of 1998 is amended by inserting before section 174 (29 U.S.C. 2919) the following new section:

''SEC. 173A. YOUTHBUILD PROGRAM.

''(a) STATEMENT OF PURPOSE.—The purposes of this section are—

''(1) to enable disadvantaged youth to obtain the education and employment skills necessary to achieve economic self-sufficiency in occupations in demand and post-secondary education and training opportunities;

''(2) to provide disadvantaged youth with opportunities for meaningful work and service to their communities;