

“(II) any good faith efforts of the person against which the penalty is assessed to comply with applicable requirements.

“(e) PUBLIC HEARING.—

“(1) IN GENERAL.—Any order issued under this section shall become final unless, not later than 30 days after the date of issuance of the order, the person or persons against which the order is issued submit to the Administrator a request for a public hearing.

“(2) HEARING.—On receipt of a request under paragraph (1), the Administrator shall promptly conduct a public hearing.

“(3) SUBPOENAS.—In connection with any hearing under this subsection, the Administrator may—

“(A) issue subpoenas for—

“(i) the attendance and testimony of witnesses; and

“(ii) the production of relevant papers, books, and documents; and

“(B) promulgate regulations that provide for procedures for discovery.

“(f) VIOLATION OF COMPLIANCE ORDERS.—If a person against which an order is issued fails to take corrective action as specified in the order, the Administrator may assess a civil penalty of not more than \$25,000 for each day of continued noncompliance with the order.”

(b) TABLE OF CONTENTS.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end of the items relating to subtitle D the following:

“Sec. 4011. Canadian transboundary movement of municipal solid waste.”

Ms. STABENOW. Mr. President, I am pleased to join with Senator LEVIN in reintroducing this bill to address the growing problem of Canadian waste shipments to Michigan.

In 2001, Michigan imported almost 3.6 million tons of municipal solid waste, more than double the amount that was imported in 1999. This gives Michigan the unwelcome distinction of being the third largest importer of waste in the United States.

My colleagues may be surprised to know that the biggest source of this waste was not another state, but our neighbor to the north, Canada. More than half the waste that was shipped to Michigan in 2001 was from Ontario, Canada, and these imports are growing rapidly. On January 1, 2003, as another Ontario landfill closed its doors, the city of Toronto switched from shipping two-thirds of its trash, to shipping all of its trash, 1.1 million tons, to Michigan landfills. Experts predict that soon there will be virtually no local disposal capacity in Ontario, which could mean even more waste being shipped across the border to Michigan.

Not only does this waste dramatically decrease Michigan's own landfill capacity, but it has a tremendous negative impact on Michigan's environment and the public health of its citizens. The Canadian waste also hampers the effectiveness of Michigan's State and local recycling efforts, since Ontario does not have a bottle law requiring recycling.

Currently, 110-130 truckloads of waste come into Michigan each day from Canada. These trucks cross the Ambassador Bridge and Blue Water Bridge and travel through the busiest

parts of Metro Detroit, causing traffic delays, and filling our air with the stench of exhaust and garbage. These trucks also present a security risk at our Michigan-Canadian border, since by their nature trucks full of garbage are harder for Customs agents to inspect than traditional cargo.

Michigan already has protections contained in an international agreement between the United States and Canada, but they are being ignored. Under the Agreement Concerning the Transboundary Movement of Hazardous Waste, which was entered into in 1986, shipments of waste across the Canadian-U.S. border require government-to-government notification. The Environmental Protection Agency, EPA, as the designated authority for the United States would receive the notification and then would have 30 days to consent or object to the shipment. Not only have these notification provisions not been enforced, but the EPA has indicated that they would not object to the municipal waste shipments.

This legislation will give Michigan residents the protection they are entitled to under this bilateral treaty. The bill would give EPA the authority to implement and enforce this treaty, and would create civil penalties for those who ship waste in violation of the treaty. In addition, it would create criteria for the EPA's determination of whether or not to consent to a shipment, such as the State's views on the shipment, and the shipment's impact on landfill capacity, air emissions, public health and the environment. These waste shipments should no longer be accepted without an examination of how it will affect the health and welfare of Michigan families.

Again, I thank my colleague, Senator LEVIN, for introducing this bill and I look forward to working with him to move it through the Senate.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 24—DESIGNATING THE WEEK BEGINNING MAY 4, 2003, AS “NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK”

Mr. BYRD (for himself and Mr. SARBANES) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 24

Whereas the operation of correctional facilities represents a crucial component of the criminal justice system of the United States;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody, and dignity of the human beings charged to their care; and

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK.

That the Senate—

(1) designates the week beginning May 4, 2003, as “National Correctional Officers and Employees Week”; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 67. Mr. EDWARDS (for himself, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. CLINTON, Mr. REID, Mr. DASCHLE, and Mr. SCHUMER) proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes.

SA 68. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 69. Mrs. CLINTON submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 70. Mr. FRIST submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 71. Mr. DODD (for himself, Mr. KENNEDY, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. MURRAY, Mr. EDWARDS, Mr. DAYTON, Mr. CORZINE, Mr. KERRY, Mr. REID, Mr. REED, Mrs. CLINTON, Mr. BINGAMAN, Mr. JOHNSON, and Mr. SCHUMER) proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 72. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 73. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 74. Mr. STEVENS (for himself and Mr. FRIST) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 75. Mrs. CLINTON submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 76. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 77. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 78. Mr. GREGG proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 79. Mr. DASCHLE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 80. Mr. DAYTON (for himself, Mr. JOHNSON, and Mr. COLEMAN) proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 81. Mr. DAYTON (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 82. Mr. EDWARDS (for himself, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. CLINTON, and Mr. REID) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 200. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 201. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 202. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 203. Mr. ALLEN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 204. Mr. COCHRAN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 205. Mr. McCONNELL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 206. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 207. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 208. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 209. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 210. Mr. NICKLES submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 211. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 212. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 213. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 214. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 215. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 216. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 217. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 218. Mr. HATCH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 219. Mr. HATCH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 220. Mrs. BOXER (for herself, Mr. ENSIGN, and Mr. SPECTER) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 221. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 222. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 223. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 224. Mr. BOND submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 225. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 226. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 227. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 228. Mr. HARKIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 229. Mr. HARKIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 230. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 231. Mr. GRAHAM, of Florida (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 232. Mr. GRAHAM, of Florida (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 233. Mr. CORZINE (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 234. Mr. CORZINE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 235. Mr. CORZINE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 236. Mr. HARKIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 237. Mr. DODD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 238. Mr. DODD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 239. Mr. DODD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 240. Mr. SMITH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 241. Mr. CHAFEE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 242. Mr. EDWARDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 243. Mr. EDWARDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 244. Mr. EDWARDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 245. Mr. DOMENICI submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 67. Mr. EDWARDS (for himself, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. CLINTON, Mr. REID, Mr. DASCHLE, and Mr. SCHUMER) proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . NEW SOURCE REVIEW FINAL RULE.

(a) COOPERATIVE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall enter into a cooperative agreement with the National Academy of Sciences to determine, not later than September 1, 2003, whether and to what extent the final rule relating to prevention of significant deterioration and nonattainment new source review, published at 67 Fed. Reg. 80186 (December 31, 2002), would allow or could result in—

(1) any increase in air pollution (in the aggregate or at any specific site); or

(2) any adverse effect on human health.

(b) DELAYED EFFECTIVE DATE.—The final rule described in subsection (a) shall not take effect before September 15, 2003.

SA 68. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. ____ . MODIFICATION OF FUNDING REQUIREMENTS FOR CERTAIN PLANS.

(a) FUNDING RULES FOR CERTAIN PLANS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974, the minimum funding rules under paragraph (2) shall apply for any plan year beginning after December 31, 2002, in the case of a defined benefit plan which—

(A) was established by an air carrier which was granted a conditional loan guarantee by the Air Transport Stabilization Board on July 10, 2002, and which filed for protection under chapter 11 of title 11, United States Code, on August 11, 2002, and

(B) is maintained for the benefit of such carrier's employees pursuant to a collective bargaining agreement.

(2) SPECIAL FUNDING RULE.—

(A) IN GENERAL.—In the case of a plan described in paragraph (1), the minimum funding requirements under this paragraph shall be the requirements set forth in Treasury Regulation section 1.412(c)(1)-3 (as in effect on the date of the enactment of this section).