

home—keeping Americans safe and keeping all of us connected through the U.S. mail. Ask many of them, and they will probably say they are just “doing their job.” But we know it is more than that, and today we recognize their hard work and diligence by honoring two of their fallen comrades. The Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center will forever stand as a memorial to their sacrifice in the line of duty.

CONGRATULATING LANCE ARMSTRONG

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 315, and the Senate then proceed to its consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

The resolution (S. Res. 315) congratulating Lance Armstrong for winning the 2002 Tour de France.

There being no objection, the Senate proceeded to the immediate consideration.

Mr. REID. I ask consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 315) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 315

Whereas Lance Armstrong completed the 2,036-mile, 20-day course in 82 hours, 5 minutes, and 12 seconds to win the 2002 Tour de France, 7 minutes and 17 seconds ahead of his nearest competitor;

Whereas Lance Armstrong's win on July 28, 2002, in Paris, marks his fourth successive victory of the Tour de France, a feat surpassing all cycling records previously attained by an American cyclist;

Whereas Lance Armstrong displayed incredible perseverance, determination, and leadership to prevail over the mountainous terrain of the Alps and Pyrenees, vast stretches of countryside, and numerous city streets during the course of the premier cycling event in the world;

Whereas Lance Armstrong is the first cancer survivor to win the Tour de France;

Whereas in 1997, Lance Armstrong defeated choriocarcinoma, an aggressive form of testicular cancer that had spread throughout his abdomen, lungs, and brain, and after treatment has remained cancer-free for the past 5 years;

Whereas Lance Armstrong's bravery and resolution to overcome cancer has made him a role model to cancer patients and their loved ones, and his efforts through the Lance Armstrong Foundation have helped to advance cancer research, diagnosis, and treatment, and after-treatment services;

Whereas Lance Armstrong has been vital to the promotion of cycling as a sport, a healthy fitness activity, and a pollution-free transportation alternative; and

Whereas Lance Armstrong's accomplishments as an athlete, teammate, father, hus-

band, cancer survivor, and advocate have made him an American hero: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Lance Armstrong and his team on his historic victory of the 2002 Tour de France;

(2) commends the unwavering commitment to cancer awareness and survivorship demonstrated by Lance Armstrong; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Lance Armstrong.

ORDERS FOR MONDAY, SEPTEMBER 9, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon, Monday, September 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 1 p.m., with Senators permitted to speak for up to 10 minutes each, with the first half under the control of the majority leader or his designee, and the second half under the control of the Republican leader or his designee; that at 1 p.m. we proceed to executive session and vote on Executive Calendar No. 889; that any statements thereon appear at the appropriate place in the RECORD, and the President be adequately notified of the Senate's action; and the Senate return to legislative session and resume consideration of the Homeland Security Act, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that it be in order to ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient.

The yeas and nays are ordered.

PROGRAM

Mr. REID. The next rollcall vote will be on the nomination of Kenneth Marra of Florida to be a U.S. district judge for the Southern District of Florida, at approximately 1 p.m. on Monday.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MERCURY REDUCTION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 553, S. 351.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 351) to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting the use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part printed in black brackets and insert in lieu thereof the part printed in italic.]

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 “Mercury Reduction and Disposal Act of 2001”].

SEC. 2. FINDINGS.

[Congress finds that—

(1) mercury is a persistent and toxic pollutant that bioaccumulates in the environment;

(2) according to recent studies, mercury deposition is a significant public health threat in many States throughout the United States;

(3) 40 States have issued fish advisories that warn certain individuals to restrict or avoid consuming mercury-contaminated fish from affected bodies of water;

(4) according to a report by the National Academy of Sciences, over 60,000 children are born each year in the United States at risk for adverse neurodevelopmental effects due to exposure to methyl mercury in utero;

(5) studies have documented that exposure to elevated levels of mercury in the environment results in serious harm to species of wildlife that consume fish;

(6) combustion of municipal and other solid waste is a major source of mercury emissions in the United States;

(7) according to the Mercury Study Report, prepared by the Environmental Protection Agency and submitted to Congress in 1997, mercury fever thermometers contribute approximately 17 tons of mercury to solid waste each year;

(8) the Governors of the New England States have endorsed a regional goal of “the virtual elimination of the discharge of anthropogenic mercury into the environment”;

(9) mercury fever thermometers are easily broken, creating a potential risk of dangerous exposure to mercury vapor in indoor air and risking mercury contamination of the environment; and

(10) according to the Environmental Protection Agency, the quantity of mercury in 1 mercury fever thermometer, approximately 1 gram, is enough to contaminate all fish in a lake with a surface area of 20 acres.

SEC. 3. MERCURY.

(a) IN GENERAL.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following:

“SEC. 3024. MERCURY.

“(a) PROHIBITION ON SALE OF MERCURY FEVER THERMOMETERS EXCEPT BY PRESCRIPTION.—Effective beginning 180 days after the date of enactment of this section—

["(1) a person shall not sell or supply mercury fever thermometers to consumers, except by prescription; and

["(2) with each mercury fever thermometer sold or supplied by prescription, the manufacturer of the thermometer shall provide clear instructions on—

["(A) careful handling of the thermometer to avoid breakage; and

["(B) proper cleanup of the thermometer and its contents in the event of breakage.

["(b) THERMOMETER EXCHANGE PROGRAM.—The Administrator shall make grants to States, municipalities, nonprofit organizations, or other suitable entities for implementation of a national program for the collection of mercury fever thermometers from households and their exchange for thermometers that do not contain mercury.

["(c) DISPOSAL OF COLLECTED MERCURY WASTE.—

["(1) INTERAGENCY TASK FORCE.—

["(A) ESTABLISHMENT.—There is established an advisory committee to be known as the 'Interagency Task Force on Mercury' (referred to in this section as the 'Task Force').

["(B) MEMBERSHIP.—The Task Force shall be composed of 7 members, of whom—

["(i) 1 member shall be the Administrator, who shall serve as Chairperson of the Task Force;

["(ii) 1 member shall be appointed by each of—

["(I) the Secretary of State;

["(II) the Secretary of Defense;

["(III) the Secretary of Energy; and

["(IV) the Director of the National Institute of Environmental Health Sciences of the Department of Health and Human Services;

["(iii) 1 member shall be appointed by the President to represent the American Public Health Association; and

["(iv) 1 member shall be appointed by the President from the Environmental Council of the States.

["(C) DATE OF APPOINTMENTS.—The appointment of a member of the Task Force shall be made not later than 30 days after the date of enactment of this section.

["(D) TERM; VACANCIES.—

["(i) TERM.—A member shall be appointed for the life of the Task Force.

["(ii) VACANCIES.—A vacancy on the Task Force—

["(I) shall not affect the powers of the Task Force; and

["(II) shall be filled in the same manner as the original appointment was made.

["(E) MEETINGS.—

["(i) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Task Force have been appointed, the Task Force shall hold the initial meeting of the Task Force.

["(ii) CALLING OF MEETINGS.—The Task Force shall meet at the call of the Chairperson.

["(iii) QUORUM.—A majority of the members of the Task Force shall constitute a quorum, but a lesser number of members may hold hearings.

["(F) DUTIES.—Not later than 1 year after the date of the initial meeting of the Task Force, the Task Force shall submit to Congress a report containing recommendations concerning—

["(i) the long-term management and retirement of mercury collected from—

["(I) mercury fever thermometers;

["(II) other medical and commercial sources; and

["(III) government sources, including mercury stored by the Department of Defense and the Department of Energy;

["(ii) collection of mercury from industrial or other sources in the United States in cases in which the mercury is no longer

needed, such as from retired chlor-alkali plants;

["(iii) programs to test the long-term durability of promising technologies for sequestration of mercury that has been retired from use;

["(iv) storage of mercury collected or sequestered under clause (i), (ii), or (iii) in a manner that ensures that there is no release of the mercury into the environment;

["(v) reduction of the total threat posed by mercury to humans and the environment; and

["(vi) reduction of the total quantity of mercury produced, used, and released on a global basis, including whether and how—

["(I) the quantity of virgin mercury mined from the ground and placed in circulation each year can be reduced through bilateral or international agreements or other means;

["(II) the quantity of mercury used in products and manufacturing can be reduced through substitution of mercury-free alternatives that are safer, available, and affordable; and

["(III) essential mercury needs can be met through use of stockpiles in existence on the date of enactment of this section and increased recycling rather than through use of virgin mercury.

["(G) HEARINGS.—The Task Force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out this section.

["(H) INFORMATION FROM FEDERAL AGENCIES.—

["(i) IN GENERAL.—The Task Force may secure directly from a Federal agency such information as the Task Force considers necessary to carry out this section.

["(ii) PROVISION OF INFORMATION.—On request of the Chairperson of the Task Force, the head of the agency shall provide the information to the Task Force.

["(I) POSTAL SERVICES.—The Task Force may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

["(J) GIFTS.—The Task Force may accept, use, and dispose of gifts or donations of services or property.

["(K) COMPENSATION OF MEMBERS; TRAVEL EXPENSES.—

["(i) NON-FEDERAL EMPLOYEES.—A member of the Task Force who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Task Force.

["(ii) FEDERAL EMPLOYEES.—A member of the Task Force who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

["(iii) TRAVEL EXPENSES.—A member of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Task Force.

["(L) STAFF AND FUNDING.—

["(i) DETERMINATION.—The Chairperson of the Task Force shall determine the level of staff and funding that are adequate to carry out the activities of the Task Force.

["(ii) SOURCE.—The staff and funding shall be provided by and drawn equally from the resources of—

["(I) the Department of Energy;

["(II) the Department of Defense; and

["(III) the Environmental Protection Agency.

["(iii) APPOINTMENT OF STAFF.—The Chairperson may, without regard to the civil service laws (including regulations), appoint and terminate such staff as are necessary to enable the Task Force to perform the duties of the Task Force.

["(iv) COMPENSATION.—

["(I) IN GENERAL.—Except as provided in subclause (II), the Chairperson may fix the compensation of the staff of the Task Force that are not officers or employees of the Federal Government without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

["(II) MAXIMUM RATE OF PAY.—The rate of pay for the staff shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

["(v) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

["(I) IN GENERAL.—An employee of the Federal Government may be detailed to the Task Force without reimbursement.

["(II) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

["(vi) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Task Force may procure for the purposes of the Task Force temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

["(M) TERMINATION OF TASK FORCE.—The Task Force shall terminate on the date that is 90 days after the date on which the Task Force submits the report required under subparagraph (F).

["(2) RESPONSIBILITY OF THE ADMINISTRATOR FOR SAFE DISPOSAL AND STORAGE OF MERCURY.—In consultation with the Task Force, the Administrator shall—

["(A)(i) take title to the mercury collected under the thermometer exchange program established under subsection (b), or an equivalent quantity of mercury; and

["(ii) manage (or designate a contractor to manage) the mercury collected in a manner that ensures that the mercury collected is not released into the environment or reintroduced into commerce; and

["(B)(i) identify potential mercury stabilization technologies and measures that ensure minimal release of mercury into the environment; and

["(ii) conduct such research, development, and demonstration of the technologies and measures as the Administrator determines to be appropriate.

["(d) RELATION TO OTHER LAW.—Nothing in this section—

["(1) precludes any State from imposing any additional requirement; or

["(2) diminishes any obligation, liability, or other responsibility under other Federal law.

["(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000, of which—

["(1) not more than 2.5 percent shall be used to carry out the activities of the Task Force; and

["(2) not more than 2.5 percent shall be used to carry out subsection (c)(2)(B).".

[(b) CONFORMING AMENDMENT.—Section 1001 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 C the following:

["Sec. 3024. Mercury.".]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mercury Reduction Act of 2002".

SEC. 2. FINDINGS.

Congress finds that—

(1) mercury is a persistent and toxic pollutant that bioaccumulates in the environment;

(2) according to recent studies, mercury deposition is a significant public health threat in many States throughout the United States;

(3) 40 States have issued fish advisories that warn certain individuals to restrict or avoid consuming mercury-contaminated fish from affected bodies of water;

(4) according to a report by the National Academy of Sciences, over 60,000 children are born each year in the United States at risk for adverse neurodevelopmental effects due to exposure to methyl mercury in utero;

(5) studies have documented that exposure to elevated levels of mercury in the environment results in serious harm to species of wildlife that consume fish;

(6) combustion of municipal and other solid waste is a major source of mercury emissions in the United States;

(7) according to the Mercury Study Report, prepared by the Environmental Protection Agency and submitted to Congress in 1997, mercury fever thermometers contribute approximately 17 tons of mercury to solid waste each year;

(8) the Governors of the New England States have endorsed a regional goal of "the virtual elimination of the discharge of anthropogenic mercury into the environment";

(9) mercury fever thermometers are easily broken, creating a potential risk of dangerous exposure to mercury vapor in indoor air and risking mercury contamination of the environment; and

(10) according to the Environmental Protection Agency, the quantity of mercury in 1 mercury fever thermometer, approximately 1 gram, is enough to contaminate all fish in a lake with a surface area of 20 acres.

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"(a) PROHIBITION ON SALE OF MERCURY FEVER THERMOMETERS EXCEPT BY PRESCRIPTION.—Effective beginning 180 days after the date of enactment of this section—

"(1) a person shall not sell or supply mercury fever thermometers to consumers, except by prescription; and

"(2) with each mercury fever thermometer sold or supplied by prescription, the manufacturer of the thermometer shall provide clear instructions on—

"(A) careful handling of the thermometer to avoid breakage; and

"(B) proper cleanup of the thermometer and its contents in the event of breakage.

"(b) THERMOMETER EXCHANGE PROGRAM.—The Administrator shall make grants to States, municipalities, nonprofit organizations, or other suitable entities for implementation of a national program for the collection of mercury fever thermometers from households and their exchange for thermometers that do not contain mercury.

"(c) MANAGEMENT OF COLLECTED MERCURY.—

"(1) TASK FORCE.—

"(A) ESTABLISHMENT.—There is established an advisory committee to be known as the 'Task Force on Mercury' (referred to in this section as the 'Task Force').

"(B) MEMBERSHIP.—The Task Force shall be composed of 5 members, of whom—

"(i) 1 member shall be the Administrator, who shall serve as Chairperson of the Task Force;

"(ii) 1 member shall be the Secretary of State;

"(iii) 1 member shall be the Secretary of Defense;

"(iv) 1 member shall be the Secretary of Energy; and

"(v) 1 member shall be the Director of the National Institute of Environmental Health Sciences of the Department of Health and Human Services.

"(C) DATE OF APPOINTMENTS.—The appointment of a member of the Task Force shall be made not later than 30 days after the date of enactment of this section.

"(D) TERM; VACANCIES.—

"(i) TERM.—A member shall be appointed for the life of the Task Force.

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"(I) shall not affect the powers of the Task Force; and

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"(E) MEETINGS.—

"(i) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Task Force have been appointed, the Task Force shall hold the initial meeting of the Task Force.

"(ii) CALLING OF MEETINGS.—The Task Force shall meet at the call of the Chairperson.

"(iii) QUORUM.—A majority of the members of the Task Force shall constitute a quorum, but a lesser number of members may hold hearings.

"(F) DUTIES.—

"(i) IN GENERAL.—Not later than 1 year after the date of the initial meeting of the Task Force, the Task Force shall submit to Congress a report containing recommendations and suggested actions concerning—

"(I) the long-term management of surplus mercury collected from—

"(aa) mercury fever thermometers;

"(bb) other medical and commercial sources;

"(cc) government sources, including mercury stored by the Department of Defense and the Department of Energy; and

"(dd) industrial or other sources in the United States;

"(II) programs to test the long-term durability of promising technologies for sequestration of mercury;

"(III) storage of mercury collected or sequestered under subclause (I) or (II), in a manner that ensures that there is no release of the mercury into the environment;

"(IV) reduction of the total threat posed by mercury to humans and the environment; and

"(V) reduction of the total quantity of mercury produced, used, and released on a global basis, including whether and how—

"(aa) the quantity of virgin mercury mined from the ground and placed in circulation each year can be reduced through bilateral or international agreements or other means;

"(bb) the quantity of mercury used in products, mining, and manufacturing can be reduced through substitution of mercury-free alternatives that are safer, available, and affordable; and

"(cc) essential mercury needs can be met through use of stockpiles in existence on the date of enactment of this section rather than through use of virgin mercury.

"(ii) CONSULTATION.—In carrying out this subparagraph, the Task Force shall consult with States, industries, and health, environmental, and consumer organizations.

"(G) HEARINGS.—The Task Force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out this section.

"(H) INFORMATION FROM FEDERAL AGENCIES.—

"(i) IN GENERAL.—The Task Force may secure directly from a Federal agency such information as the Task Force considers necessary to carry out this section.

"(ii) PROVISION OF INFORMATION.—On request of the Chairperson of the Task Force, the head of the agency shall provide the information to the Task Force.

"(I) POSTAL SERVICES.—The Task Force may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

"(J) GIFTS.—The Task Force may accept, use, and dispose of gifts or donations of services or property.

"(K) COMPENSATION OF MEMBERS; TRAVEL EXPENSES.—

"(i) FEDERAL EMPLOYEES.—A member of the Task Force who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

"(ii) TRAVEL EXPENSES.—A member of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter 1 of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Task Force.

"(L) STAFF AND FUNDING.—

"(i) DETERMINATION.—The Chairperson of the Task Force shall determine the level of staff and funding that are adequate to carry out the activities of the Task Force.

"(ii) SOURCE.—The staff and funding shall be provided by and drawn equally from the resources of—

"(I) the Department of Energy;

"(II) the Department of Defense; and

"(III) the Environmental Protection Agency.

"(iii) APPOINTMENT OF STAFF.—The Chairperson may, without regard to the civil service laws (including regulations), appoint and terminate such staff as are necessary to enable the Task Force to perform the duties of the Task Force.

"(iv) COMPENSATION.—

"(I) IN GENERAL.—Except as provided in subclause (II), the Chairperson may fix the compensation of the staff of the Task Force that are not officers or employees of the Federal Government without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

"(II) MAXIMUM RATE OF PAY.—The rate of pay for the staff shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(v) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

"(I) IN GENERAL.—An employee of the Federal Government may be detailed to the Task Force without reimbursement.

"(II) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

"(vi) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Task Force may procure for the purposes of the Task Force temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

"(M) TERMINATION OF TASK FORCE.—The Task Force shall terminate on the date that is 90 days after the date on which the Task Force submits the report required under subparagraph (F)(i).

"(N) NO EFFECT ON OTHER LAW.—Nothing in this paragraph affects the regulation of mercury under—

"(i) any other provision of this subtitle; or

"(ii) any other law.

"(2) RESPONSIBILITY OF THE ADMINISTRATOR FOR SAFE MANAGEMENT AND STORAGE OF MERCURY.—In consultation with the Task Force, the Administrator shall—

“(A)(i) purchase or otherwise take title to the mercury collected under the thermometer exchange program established under subsection (b), or collected from any other source;

“(ii) manage (or designate a contractor to manage) the mercury collected in a manner that ensures that the mercury collected is not released into the environment;

“(iii) ensure, to the maximum extent practicable, that the mercury collected under the thermometer exchange program established under subsection (b), or an equivalent quantity of mercury, is not reintroduced into commerce; and

“(iv) provide to the Task Force, for inclusion in the report of the Task Force under paragraph (1)(F)(i), an analysis of, and recommendations relating to, the mercury collection and management activities carried out under this section; and

“(B)(i) identify potential mercury stabilization technologies and long-term storage measures that ensure minimal release of mercury into the environment; and

“(ii) conduct such research, development, and demonstration of the technologies and measures as the Administrator determines to be appropriate.

“(d) RELATION TO OTHER LAW.—Nothing in this section—

“(1) precludes any State from imposing any additional requirement; or

“(2) diminishes any obligation, liability, or other responsibility under other Federal law.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section (other than subsection (c)(2)(A)) \$20,000,000, of which—

“(A) not more than 2.5 percent shall be used to carry out the activities of the Task Force; and

“(B) not more than 2.5 percent shall be used to carry out subsection (c)(2)(B).

“(2) SAFE MANAGEMENT AND STORAGE.—In addition to the amount authorized to be appropriated under paragraph (1), there is authorized to be appropriated to carry out subsection (c)(2)(A) \$1,000,000 for each fiscal year.”.

(b) CONFORMING AMENDMENT.—Section 1001 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 C the following:

“Sec. 3024. Mercury.”.

Amend the title so as to read: “A bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting the use of mercury fever thermometers and improving the collection and proper management of mercury, and for other purposes.”.

Ms. COLLINS. Mr. President, the Senate is considering, and will shortly pass, the Mercury Reduction Act of 2002. This legislation addresses the very serious problem of mercury in the environment and mercury disposal. It takes special aim at one of the most common and widely distributed sources of mercury; and that is, mercury fever thermometers. At the same time, the legislation will also create a nationwide policy for dealing with surplus mercury.

I introduced this bill quite some time ago. It has bipartisan support. I am delighted that the Senate will be approving it this evening.

Mercury is a potent neurotoxin that is widespread in the environment and is particularly harmful to developing children. In fact, a National Academy of Sciences report released last year attributed mercury exposure to birth

defects and brain damage in up to 60,000 newborn children each year.

Mercury takes on a highly toxic organic form known as methylmercury when it enters the environment. Methylmercury is almost completely absorbed into the bloodstream and distributed to all the tissues in the body, including the brain. Of course, with young children this is particularly problematic because their brains are still developing.

This organic mercury can accumulate in the food chain and become concentrated in some species of fish, posing a health threat to people who consume the fish. For this reason, 40 States have issued freshwater fish advisories that warn certain individuals, such as pregnant women, to restrict or avoid consuming fish from infected bodies of water.

One prevalent source of mercury in the environment is, as I said, mercury fever thermometers. Many of us know from personal experience how easy it is to drop a mercury thermometer and see it break. In fact, in 1998 the American Poison Control Center received 18,000 phone calls from consumers who had broken mercury thermometers.

One mercury thermometer contains about 1 gram of mercury. That does not sound like much, but let me tell you what the consequences are of just 1 gram of mercury. Despite its small size, the mercury in one thermometer, if released annually into the environment, is enough to contaminate all the fish in a 20-acre lake. That is how powerful a neurotoxin mercury is.

The bill we are about to pass calls for a nationwide ban on the sale of mercury fever thermometers. It would also provide grants for swap programs to help consumers exchange mercury thermometers for digital or other alternatives. Digital thermometers are easier to read. They are much quicker to use. They do not break easily. And, most of all, they do not contain mercury.

My bill will allow millions of consumers across the Nation to receive free digital thermometers in exchange for their mercury thermometers. By bringing mercury thermometers in for proper disposal, consumers will also help to ensure that the mercury from their thermometers does not end up polluting our lakes and threatening our health. It will also reduce the risk of breakage and contamination inside the home.

An important component of my bill is the safe disposal of mercury that is collected from these thermometer exchange programs. Many States have started these kinds of exchange programs—communities have as well—but then they are left with the mercury from them, and they don't really have a good means for disposing of them.

My legislation directs the EPA to ensure that the mercury is properly collected and stored in order to keep it out of the environment and out of commerce. After all, if we collect all this

mercury from fever thermometers but then it is sold back to India and then shipped back to the United States in other products, we are really not solving the problem. We want to make sure this mercury does not reenter the environment so that it will not be sent to India, one of the largest manufacturers of mercury thermometers.

The mercury collected from thermometer exchange programs is only part of the problem. There is a bigger problem, and that is the global circulation of mercury. Let me give an example.

When the HoltraChem manufacturing plant in Orrington, ME, shut down 2 years ago, the plant was left with over 100 tons of unwanted mercury and no known way to permanently dispose of it. In total, about 3,000 tons of mercury is held at similar plants across the United States.

In addition, large amounts of mercury are still being mined around the world. For example, in 1999, Algeria mined 400 tons of virgin mercury. In total, approximately 2,000 tons of new mercury is mined every year. Moreover, the Department of Defense currently has a stockpile of over 4,000 tons of mercury that it doesn't want but doesn't know what to do with. Why are Algeria and other countries still mining large amounts of an element that is a neurotoxin, when the United States and other countries are doing their best to remove this extremely toxic element from the environment? And how will the United States dispose of the huge amounts of mercury at chlor-alkali plants and other no longer needed sources?

My bill creates an interagency task force to address these very questions. The task force will be chaired by the Administrator of the EPA and comprised of members from other Federal agencies involved with mercury.

Specifically, my bill directs this task force to find ways to reduce the mercury threat to humans and the environment, to identify a long-term means of disposing of mercury, and to address the excess mercury problem from mines as well as from other industrial sources.

In sum, this task force is directed to identify comprehensive solutions to the global mercury problem. In one year, the mercury task force will make recommendations to Congress for permanently disposing mercury, for retiring mercury from plants and other sources, and for reducing the amount of new mercury that is mined every year. At that time, it will be up to Congress to act upon the recommendations of this task force.

In the meantime, this bill will make significant progress toward reducing one of the most widespread sources of mercury contamination in the environment by banning the sale nationwide of mercury fever thermometers.

I am very pleased the Senate will pass my legislation shortly. I thank the members of the Environment and

Public Works Committee for their strong bipartisan support of this legislation.

This bill is a modest bill, in many ways, but it addresses a very serious problem. It will help make our environment a safer place and help our children avoid exposure to one of the most toxic elements in our environment.

Mr. REID. It is my understanding Senators JEFFORDS and SMITH of New Hampshire have an amendment. It is at the desk. I ask unanimous consent it be considered now, that the amendment be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4511) was agreed to, as follows:

On page 16, strike lines 4 through 6.

On page 16, line 7, strike "(7)" and insert "(6)".

On page 16, line 12, strike "(8)" and insert "(7)".

On page 16, line 16, strike "(9)" and insert "(8)".

On page 16, line 20, strike "(10)" and insert "(9)".

On page 17, line 23, insert "liquid" before "mercury".

On page 21, line 15, insert "intentionally" before "used".

Mr. REID. I ask unanimous consent that the committee-reported amendment be agreed to, the bill as amended be read three times and passed, the motion to reconsider be laid on the table, and that the title amendment be agreed to, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The title amendment was agreed to.

The bill (S. 351) was read the third time and passed, as follows:

S. 351

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 "Mercury Reduction Act of 2002".

SEC. 2. FINDINGS.

Congress finds that—

(1) mercury is a persistent and toxic pollutant that bioaccumulates in the environment;

(2) according to recent studies, mercury deposition is a significant public health threat in many States throughout the United States;

(3) 40 States have issued fish advisories that warn certain individuals to restrict or avoid consuming mercury-contaminated fish from affected bodies of water;

(4) according to a report by the National Academy of Sciences, over 60,000 children are born each year in the United States at risk for adverse neurodevelopmental effects due to exposure to methyl mercury in utero;

(5) studies have documented that exposure to elevated levels of mercury in the environment results in serious harm to species of wildlife that consume fish;

(6) according to the Mercury Study Report, prepared by the Environmental Protection Agency and submitted to Congress in 1997, mercury fever thermometers contribute ap-

proximately 17 tons of mercury to solid waste each year;

(7) the Governors of the New England States have endorsed a regional goal of "the virtual elimination of the discharge of anthropogenic mercury into the environment";

(8) mercury fever thermometers are easily broken, creating a potential risk of dangerous exposure to mercury vapor in indoor air and risking mercury contamination of the environment; and

(9) according to the Environmental Protection Agency, the quantity of mercury in 1 mercury fever thermometer, approximately 1 gram, is enough to contaminate all fish in a lake with a surface area of 20 acres.

SEC. 3. MERCURY.

(a) IN GENERAL.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following:

"SEC. 3024. MERCURY.

"(a) PROHIBITION ON SALE OF MERCURY FEVER THERMOMETERS EXCEPT BY PRESCRIPTION.—Effective beginning 180 days after the date of enactment of this section—

"(1) a person shall not sell or supply mercury fever thermometers to consumers, except by prescription; and

"(2) with each mercury fever thermometer sold or supplied by prescription, the manufacturer of the thermometer shall provide clear instructions on—

"(A) careful handling of the thermometer to avoid breakage; and

"(B) proper cleanup of the thermometer and its contents in the event of breakage.

"(b) THERMOMETER EXCHANGE PROGRAM.—The Administrator shall make grants to States, municipalities, nonprofit organizations, or other suitable entities for implementation of a national program for the collection of liquid mercury fever thermometers from households and their exchange for thermometers that do not contain mercury.

"(c) MANAGEMENT OF COLLECTED MERCURY.—

"(1) TASK FORCE.—

"(A) ESTABLISHMENT.—There is established an advisory committee to be known as the 'Task Force on Mercury' (referred to in this section as the 'Task Force').

"(B) MEMBERSHIP.—The Task Force shall be composed of 5 members, of whom—

"(i) 1 member shall be the Administrator, who shall serve as Chairperson of the Task Force;

"(ii) 1 member shall be the Secretary of State;

"(iii) 1 member shall be the Secretary of Defense;

"(iv) 1 member shall be the Secretary of Energy; and

"(v) 1 member shall be the Director of the National Institute of Environmental Health Sciences of the Department of Health and Human Services.

"(C) DATE OF APPOINTMENTS.—The appointment of a member of the Task Force shall be made not later than 30 days after the date of enactment of this section.

"(D) TERM; VACANCIES.—

"(i) TERM.—A member shall be appointed for the life of the Task Force.

"(ii) VACANCIES.—A vacancy on the Task Force—

"(I) shall not affect the powers of the Task Force; and

"(II) shall be filled in the same manner as the original appointment was made.

"(E) MEETINGS.—

"(i) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Task Force have been appointed, the Task Force shall hold the initial meeting of the Task Force.

"(ii) CALLING OF MEETINGS.—The Task Force shall meet at the call of the Chairperson.

"(iii) QUORUM.—A majority of the members of the Task Force shall constitute a quorum, but a lesser number of members may hold hearings.

"(F) DUTIES.—

"(i) IN GENERAL.—Not later than 1 year after the date of the initial meeting of the Task Force, the Task Force shall submit to Congress a report containing recommendations and suggested actions concerning—

"(I) the long-term management of surplus mercury collected from—

"(aa) mercury fever thermometers;

"(bb) other medical and commercial sources;

"(cc) government sources, including mercury stored by the Department of Defense and the Department of Energy; and

"(dd) industrial or other sources in the United States;

"(II) programs to test the long-term durability of promising technologies for sequestration of mercury;

"(III) storage of mercury collected or sequestered under subclause (I) or (II), in a manner that ensures that there is no release of the mercury into the environment;

"(IV) reduction of the total threat posed by mercury to humans and the environment; and

"(V) reduction of the total quantity of mercury produced, used, and released on a global basis, including whether and how—

"(aa) the quantity of virgin mercury mined from the ground and placed in circulation each year can be reduced through bilateral or international agreements or other means;

"(bb) the quantity of mercury intentionally used in products, mining, and manufacturing can be reduced through substitution of mercury-free alternatives that are safer, available, and affordable; and

"(cc) essential mercury needs can be met through use of stockpiles in existence on the date of enactment of this section rather than through use of virgin mercury.

"(ii) CONSULTATION.—In carrying out this subparagraph, the Task Force shall consult with States, industries, and health, environmental, and consumer organizations.

"(G) HEARINGS.—The Task Force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out this section.

"(H) INFORMATION FROM FEDERAL AGENCIES.—

"(i) IN GENERAL.—The Task Force may secure directly from a Federal agency such information as the Task Force considers necessary to carry out this section.

"(ii) PROVISION OF INFORMATION.—On request of the Chairperson of the Task Force, the head of the agency shall provide the information to the Task Force.

"(I) POSTAL SERVICES.—The Task Force may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

"(J) GIFTS.—The Task Force may accept, use, and dispose of gifts or donations of services or property.

"(K) COMPENSATION OF MEMBERS; TRAVEL EXPENSES.—

"(i) FEDERAL EMPLOYEES.—A member of the Task Force who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

"(ii) TRAVEL EXPENSES.—A member of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the

member in the performance of the duties of the Task Force.

“(L) STAFF AND FUNDING.—

“(i) DETERMINATION.—The Chairperson of the Task Force shall determine the level of staff and funding that are adequate to carry out the activities of the Task Force.

“(ii) SOURCE.—The staff and funding shall be provided by and drawn equally from the resources of—

“(I) the Department of Energy;

“(II) the Department of Defense; and

“(III) the Environmental Protection Agency.

“(iii) APPOINTMENT OF STAFF.—The Chairperson may, without regard to the civil service laws (including regulations), appoint and terminate such staff as are necessary to enable the Task Force to perform the duties of the Task Force.

“(iv) COMPENSATION.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Chairperson may fix the compensation of the staff of the Task Force that are not officers or employees of the Federal Government without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

“(II) MAXIMUM RATE OF PAY.—The rate of pay for the staff shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“(v) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

“(I) IN GENERAL.—An employee of the Federal Government may be detailed to the Task Force without reimbursement.

“(II) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

“(vi) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Task Force may procure for the purposes of the Task Force temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

“(M) TERMINATION OF TASK FORCE.—The Task Force shall terminate on the date that is 90 days after the date on which the Task Force submits the report required under subparagraph (F)(i).

“(N) NO EFFECT ON OTHER LAW.—Nothing in this paragraph affects the regulation of mercury under—

“(i) any other provision of this subtitle; or
“(ii) any other law.

“(2) RESPONSIBILITY OF THE ADMINISTRATOR FOR SAFE MANAGEMENT AND STORAGE OF MERCURY.—In consultation with the Task Force, the Administrator shall—

“(A)(i) purchase or otherwise take title to the mercury collected under the thermometer exchange program established under subsection (b), or collected from any other source;

“(ii) manage (or designate a contractor to manage) the mercury collected in a manner that ensures that the mercury collected is not released into the environment;

“(iii) ensure, to the maximum extent practicable, that the mercury collected under the thermometer exchange program established under subsection (b), or an equivalent quantity of mercury, is not reintroduced into commerce; and

“(iv) provide to the Task Force, for inclusion in the report of the Task Force under paragraph (1)(F)(i), an analysis of, and recommendations relating to, the mercury collection and management activities carried out under this section; and

“(B)(i) identify potential mercury stabilization technologies and long-term storage measures that ensure minimal release of mercury into the environment; and

“(ii) conduct such research, development, and demonstration of the technologies and measures as the Administrator determines to be appropriate.

“(d) RELATION TO OTHER LAW.—Nothing in this section—

“(1) precludes any State from imposing any additional requirement; or

“(2) diminishes any obligation, liability, or other responsibility under other Federal law.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section (other than subsection (c)(2)(A)) \$20,000,000, of which—

“(A) not more than 2.5 percent shall be used to carry out the activities of the Task Force; and

“(B) not more than 2.5 percent shall be used to carry out subsection (c)(2)(B).

“(2) SAFE MANAGEMENT AND STORAGE.—In addition to the amount authorized to be appropriated under paragraph (1), there is authorized to be appropriated to carry out sub-

section (c)(2)(A) \$1,000,000 for each fiscal year.”.

(b) CONFORMING AMENDMENT.—Section 1001 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 C the following:

“Sec. 3024. Mercury.”.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 9, 2002

Mr. REID. If there is no further business to come before the Senate today, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:35 p.m., adjourned until Monday, September 9, 2002, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 5, 2002:

DEPARTMENT OF STATE

DAVID N. GREENLEE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

ROBIN RENEE SANDERS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CONGO.

APPALACHIAN REGIONAL COMMISSION

ANNE B. POPE, OF TENNESSEE, TO BE FEDERAL CO-CHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION, VICE JESSE L. WHITE, RESIGNED.

RICHARD J. PELTZ, OF PENNSYLVANIA, TO BE ALTERNATIVE FEDERAL COCHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION, VICE ELLA WONG-RUSINKO, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate September 5, 2002:

DEPARTMENT OF THE TREASURY

PAMELA F. OLSON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.