

SECTION 1. SHORT TITLE.

This Act may be cited as the “Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008”.

SEC. 2. EXPANSION, INTENSIFICATION, AND COORDINATION OF ACTIVITIES OF NIH WITH RESPECT TO RESEARCH ON MUSCULAR DYSTROPHY.

(a) **TECHNICAL CORRECTION.**—Section 404E of the Public Health Service Act (42 U.S.C. 283g) is amended by striking subsection (f) (relating to reports to Congress) and redesignating subsection (g) as subsection (f).

(b) **AMENDMENTS.**—Section 404E of the Public Health Service Act (42 U.S.C. 283g) is amended—

(1) in subsection (a)(1), by inserting “the National Heart, Lung, and Blood Institute,” after “the Eunice Kennedy Shriver National Institute of Child Health and Human Development,”;

(2) in subsection (b)(1), by adding at the end of the following: “Such centers of excellence shall be known as the ‘Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers.’”; and

(3) by adding at the end the following:

“(g) **CLINICAL RESEARCH.**—The Coordinating Committee may evaluate the potential need to enhance the clinical research infrastructure required to test emerging therapies for the various forms of muscular dystrophy by prioritizing the achievement of the goals related to this topic in the plan under subsection (e)(1).”.

SEC. 3. DEVELOPMENT AND EXPANSION OF ACTIVITIES OF CDC WITH RESPECT TO EPIDEMIOLOGICAL RESEARCH ON MUSCULAR DYSTROPHY.

Section 317Q of the Public Health Service Act (42 U.S.C. 247b–18) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following:

“(d) **DATA.**—In carrying out this section, the Secretary may ensure that any data on patients that is collected as part of the Muscular Dystrophy STARnet (under a grant under this section) is regularly updated to reflect changes in patient condition over time.

“(e) **REPORTS AND STUDY.**—

“(1) **ANNUAL REPORT.**—Not later than 18 months after the date of the enactment of the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008, and annually thereafter, the Director of the Centers for Disease Control and Prevention shall submit to the appropriate committees of the Congress a report—

“(A) concerning the activities carried out by MD STARnet site funded under this section during the year for which the report is prepared;

“(B) containing the data collected and findings derived from the MD STARnet sites each fiscal year (as funded under a grant under this section during fiscal years 2008 through 2012); and

“(C) that every 2 years outlines prospective data collection objectives and strategies.

“(2) **TRACKING HEALTH OUTCOMES.**—The Secretary may provide health outcome data on the health and survival of people with muscular dystrophy.”.

SEC. 4. INFORMATION AND EDUCATION.

Section 5 of the Muscular Dystrophy Community Assistance, Research and Education Amendments of 2001 (42 U.S.C. 247b–19) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) **REQUIREMENTS.**—In carrying out this section, the Secretary may—

“(1) partner with leaders in the muscular dystrophy patient community;

“(2) cooperate with professional organizations and the patient community in the development

and issuance of care considerations for Duchenne-Becker muscular dystrophy, and other forms of muscular dystrophy, and in periodic review and updates, as appropriate; and

“(3) widely disseminate the Duchenne-Becker muscular dystrophy and other forms of muscular dystrophy care considerations as broadly as possible, including through partnership opportunities with the muscular dystrophy patient community.”.

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed.

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

There was no objection.

AMERICAN PHARMACISTS MONTH

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the resolution (H. Res. 1437) expressing support for designation of the month of October as “American Pharmacists Month” and expressing the sense of the House of Representatives that all people in the United States should join in celebrating our Nation’s pharmacists for their contributions to the health and well-being of our citizens, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1437

Whereas the United States is recognized globally as a hub of medical research and advances, where many diseases once correctly considered fatal now can be treated through sophisticated medical interventions including powerful medications;

Whereas we are at an unprecedented period in our history, a period when medication therapy is the treatment of choice for an ever-growing range of medical conditions, and the use of medication as a cost-effective alternative to more expensive medical procedures is becoming a major force in moderating overall health care costs;

Whereas many chronic health conditions can be managed so that individuals are able to lead more vital, productive, and satisfying lives;

Whereas with the complexity of medication therapy, it is critically important that all users of prescription and nonprescription medications, or their caregivers, be knowledgeable about and share responsibility for their own medication therapy;

Whereas more individuals are using powerful prescription medications and over-the-counter (OTC) products along with dietary supplements, herbals, and other products requiring patients to have a partner on their health care team to help navigate the complexities of using medications safely and effectively;

Whereas pharmacists, the medication experts on the health care team, are working

collaboratively with patients, caregivers, and other health professionals to improve medication use and advance patient care in a myriad of settings;

Whereas pharmacists are improving health care in community pharmacies, hospitals and health systems, nursing homes and hospice centers, health plans, and in patient’s own homes, as well as in the uniformed services, the government, and in research and academic settings;

Whereas while many people in the United States are concerned about the costs of their medications, the most expensive medication is the one that does not work as intended or is taken incorrectly, and billions of health care dollars are lost each year due to ineffective use of medications;

Whereas pharmacy is one of the oldest of the health professions concerned with the health and well-being of all people, and today, there are more than 254,000 licensed pharmacists in the United States providing services to assure the rational and safe use of all medications; and

Whereas as medication therapy management improves the health outcomes of millions of people in the United States each year, the role of the pharmacist only strengthens in importance, and by consulting with physicians and other prescribers, providing proper medications, and helping patients understand their medications, pharmacists improve our health care system and save lives: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of “American Pharmacists Month” with the theme “Know Your Medicine/Know Your Pharmacist”, encouraging people in the United States to identify a pharmacist as their own, to introduce themselves to that pharmacist, and to open a dialogue by asking questions;

(2) urges all citizens to celebrate America’s pharmacists for their contributions to the health and well-being of our citizens and hereby support the designation of “American Pharmacists Month”; and

(3) urges all citizens to acknowledge the valuable contributions made by pharmacists in providing safe, affordable, and beneficial medication therapy management services and products to the people of this Nation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed.

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

There was no objection.

MERCURY EXPORT BAN ACT OF 2008

Mr. ALLEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 906) to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 906

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 Export Ban Act of 2008”.

SEC. 2. FINDINGS.

Congress finds that—

(1) mercury is highly toxic to humans, ecosystems, and wildlife;

(2) as many as 10 percent of women in the United States of childbearing age have mercury in the blood at a level that could put a baby at risk;

(3) as many as 630,000 children born annually in the United States are at risk of neurological problems related to mercury;

(4) the most significant source of mercury exposure to people in the United States is ingestion of mercury-contaminated fish;

(5) the Environmental Protection Agency reports that, as of 2004—

(A) 44 States have fish advisories covering over 13,000,000 lake acres and over 750,000 river miles;

(B) in 21 States the freshwater advisories are statewide; and

(C) in 12 States the coastal advisories are statewide;

(6) the long-term solution to mercury pollution is to minimize global mercury use and releases to eventually achieve reduced contamination levels in the environment, rather than reducing fish consumption since uncontaminated fish represents a critical and healthy source of nutrition worldwide;

(7) mercury pollution is a transboundary pollutant, depositing locally, regionally, and globally, and affecting water bodies near industrial sources (including the Great Lakes) and remote areas (including the Arctic Circle);

(8) the free trade of elemental mercury on the world market, at relatively low prices and in ready supply, encourages the continued use of elemental mercury outside of the United States, often involving highly dispersive activities such as artisanal gold mining;

(9) the intentional use of mercury is declining in the United States as a consequence of process changes to manufactured products (including batteries, paints, switches, and measuring devices), but those uses remain substantial in the developing world where releases from the products are extremely likely due to the limited pollution control and waste management infrastructures in those countries;

(10) the member countries of the European Union collectively are the largest source of elemental mercury exports globally;

(11) the European Commission has proposed to the European Parliament and to the Council of the European Union a regulation to ban exports of elemental mercury from the European Union by 2011;

(12) the United States is a net exporter of elemental mercury and, according to the United States Geological Survey, exported 506 metric tons of elemental mercury more than the United States imported during the period of 2000 through 2004; and

(13) banning exports of elemental mercury from the United States will have a notable effect on the market availability of elemental mercury and switching to affordable mercury alternatives in the developing world.

SEC. 3. PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF ELEMENTAL MERCURY.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the following:

“(f) MERCURY.—

“(1) PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF ELEMENTAL MERCURY BY FED-

ERAL AGENCIES.—Except as provided in paragraph (2), effective beginning on the date of enactment of this subsection, no Federal agency shall convey, sell, or distribute to any other Federal agency, any State or local government agency, or any private individual or entity any elemental mercury under the control or jurisdiction of the Federal agency.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

“(A) a transfer between Federal agencies of elemental mercury for the sole purpose of facilitating storage of mercury to carry out this Act; or

“(B) a conveyance, sale, distribution, or transfer of coal.

“(3) LEASES OF FEDERAL COAL.—Nothing in this subsection prohibits the leasing of coal.”.

SEC. 4. PROHIBITION ON EXPORT OF ELEMENTAL MERCURY.

Section 12 of the Toxic Substances Control Act (15 U.S.C. 2611) is amended—

(1) in subsection (a) by striking “subsection (b)” and inserting “subsections (b) and (c)”; and

(2) by adding at the end the following:

“(c) PROHIBITION ON EXPORT OF ELEMENTAL MERCURY.—

“(1) PROHIBITION.—Effective January 1, 2013, the export of elemental mercury from the United States is prohibited.

“(2) INAPPLICABILITY OF SUBSECTION (a).—Subsection (a) shall not apply to this subsection.

“(3) REPORT TO CONGRESS ON MERCURY COMPOUNDS.—

“(A) REPORT.—Not later than one year after the date of enactment of the Mercury Export Ban Act of 2008, the Administrator shall publish and submit to Congress a report on mercuric chloride, mercurous chloride or calomel, mercuric oxide, and other mercury compounds, if any, that may currently be used in significant quantities in products or processes. Such report shall include an analysis of—

“(i) the sources and amounts of each of the mercury compounds imported into the United States or manufactured in the United States annually;

“(ii) the purposes for which each of these compounds are used domestically, the amount of these compounds currently consumed annually for each purpose, and the estimated amounts to be consumed for each purpose in 2010 and beyond;

“(iii) the sources and amounts of each mercury compound exported from the United States annually in each of the last three years;

“(iv) the potential for these compounds to be processed into elemental mercury after export from the United States; and

“(v) other relevant information that Congress should consider in determining whether to extend the export prohibition to include one or more of these mercury compounds.

“(B) PROCEDURE.—For the purpose of preparing the report under this paragraph, the Administrator may utilize the information gathering authorities of this title, including sections 10 and 11.

“(4) ESSENTIAL USE EXEMPTION.—(A) Any person residing in the United States may petition the Administrator for an exemption from the prohibition in paragraph (1), and the Administrator may grant by rule, after notice and opportunity for comment, an exemption for a specified use at an identified foreign facility if the Administrator finds that—

“(i) nonmercury alternatives for the specified use are not available in the country where the facility is located;

“(ii) there is no other source of elemental mercury available from domestic supplies (not including new mercury mines) in the country where the elemental mercury will be used;

“(iii) the country where the elemental mercury will be used certifies its support for the exemption;

“(iv) the export will be conducted in such a manner as to ensure the elemental mercury will be used at the identified facility as described in the petition, and not otherwise diverted for other uses for any reason;

“(v) the elemental mercury will be used in a manner that will protect human health and the environment, taking into account local, regional, and global human health and environmental impacts;

“(vi) the elemental mercury will be handled and managed in a manner that will protect human health and the environment, taking into account local, regional, and global human health and environmental impacts; and

“(vii) the export of elemental mercury for the specified use is consistent with international obligations of the United States intended to reduce global mercury supply, use, and pollution.

“(B) Each exemption issued by the Administrator pursuant to this paragraph shall contain such terms and conditions as are necessary to minimize the export of elemental mercury and ensure that the conditions for granting the exemption will be fully met, and shall contain such other terms and conditions as the Administrator may prescribe. No exemption granted pursuant to this paragraph shall exceed three years in duration and no such exemption shall exceed 10 metric tons of elemental mercury.

“(C) The Administrator may by order suspend or cancel an exemption under this paragraph in the case of a violation described in subparagraph (D).

“(D) A violation of this subsection or the terms and conditions of an exemption, or the submission of false information in connection therewith, shall be considered a prohibited act under section 15, and shall be subject to penalties under section 16, injunctive relief under section 17, and citizen suits under section 20.

“(5) CONSISTENCY WITH TRADE OBLIGATIONS.—Nothing in this subsection affects, replaces, or amends prior law relating to the need for consistency with international trade obligations.

“(6) EXPORT OF COAL.—Nothing in this subsection shall be construed to prohibit the export of coal.”.

SEC. 5. LONG-TERM STORAGE.

(a) DESIGNATION OF FACILITY.—

(1) IN GENERAL.—Not later than January 1, 2010, the Secretary of Energy (referred to in this section as the “Secretary”) shall designate a facility or facilities of the Department of Energy, which shall not include the Y-12 National Security Complex or any other portion or facility of the Oak Ridge Reservation of the Department of Energy, for the purpose of long-term management and storage of elemental mercury generated within the United States.

(2) OPERATION OF FACILITY.—Not later than January 1, 2013, the facility designated in paragraph (1) shall be operational and shall accept custody, for the purpose of long-term management and storage, of elemental mercury generated within the United States and delivered to such facility.

(b) FEES.—

(1) IN GENERAL.—After consultation with persons who are likely to deliver elemental mercury to a designated facility for long-term management and storage under the

program prescribed in subsection (a), and with other interested persons, the Secretary shall assess and collect a fee at the time of delivery for providing such management and storage, based on the pro rata cost of long-term management and storage of elemental mercury delivered to the facility. The amount of such fees—

(A) shall be made publically available not later than October 1, 2012;

(B) may be adjusted annually; and

(C) shall be set in an amount sufficient to cover the costs described in paragraph (2).

(2) **COSTS.**—The costs referred to in paragraph (1)(C) are the costs to the Department of Energy of providing such management and storage, including facility operation and maintenance, security, monitoring, reporting, personnel, administration, inspections, training, fire suppression, closure, and other costs required for compliance with applicable law. Such costs shall not include costs associated with land acquisition or permitting of a designated facility under the Solid Waste Disposal Act or other applicable law. Building design and building construction costs shall only be included to the extent that the Secretary finds that the management and storage of elemental mercury accepted under the program under this section cannot be accomplished without construction of a new building or buildings.

(c) **REPORT.**—Not later than 60 days after the end of each Federal fiscal year, the Secretary shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on all of the costs incurred in the previous fiscal year associated with the long-term management and storage of elemental mercury. Such report shall set forth separately the costs associated with activities taken under this section.

(d) **MANAGEMENT STANDARDS FOR A FACILITY.**—

(1) **GUIDANCE.**—Not later than October 1, 2009, the Secretary, after consultation with the Administrator of the Environmental Protection Agency and all appropriate State agencies in affected States, shall make available, including to potential users of the long-term management and storage program established under subsection (a), guidance that establishes procedures and standards for the receipt, management, and long-term storage of elemental mercury at a designated facility or facilities, including requirements to ensure appropriate use of flasks or other suitable shipping containers. Such procedures and standards shall be protective of human health and the environment and shall ensure that the elemental mercury is stored in a safe, secure, and effective manner. In addition to such procedures and standards, elemental mercury managed and stored under this section at a designated facility shall be subject to the requirements of the Solid Waste Disposal Act, including the requirements of subtitle C of that Act, except as provided in subsection (g)(2) of this section. A designated facility in existence on or before January 1, 2013, is authorized to operate under interim status pursuant to section 3005(e) of the Solid Waste Disposal Act until a final decision on a permit application is made pursuant to section 3005(c) of the Solid Waste Disposal Act. Not later than January 1, 2015, the Administrator of the Environmental Protection Agency (or an authorized State) shall issue a final decision on the permit application.

(2) **TRAINING.**—The Secretary shall conduct operational training and emergency training for all staff that have responsibilities related to elemental mercury management, transfer, storage, monitoring, or response.

(3) **EQUIPMENT.**—The Secretary shall ensure that each designated facility has all equipment necessary for routine operations, emergencies, monitoring, checking inventory, loading, and storing elemental mercury at the facility.

(4) **FIRE DETECTION AND SUPPRESSION SYSTEMS.**—The Secretary shall—

(A) ensure the installation of fire detection systems at each designated facility, including smoke detectors and heat detectors; and

(B) ensure the installation of a permanent fire suppression system, unless the Secretary determines that a permanent fire suppression system is not necessary to protect human health and the environment.

(e) **INDEMNIFICATION OF PERSONS DELIVERING ELEMENTAL MERCURY.**—

(1) **IN GENERAL.**—(A) Except as provided in subparagraph (B) and subject to paragraph (2), the Secretary shall hold harmless, defend, and indemnify in full any person who delivers elemental mercury to a designated facility under the program established under subsection (a) from and against any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of elemental mercury as a result of acts or omissions occurring after such mercury is delivered to a designated facility described in subsection (a).

(B) To the extent that a person described in subparagraph (A) contributed to any such release or threatened release, subparagraph (A) shall not apply.

(2) **CONDITIONS.**—No indemnification may be afforded under this subsection unless the person seeking indemnification—

(A) notifies the Secretary in writing within 30 days after receiving written notice of the claim for which indemnification is sought;

(B) furnishes to the Secretary copies of pertinent papers the person receives;

(C) furnishes evidence or proof of any claim, loss, or damage covered by this subsection; and

(D) provides, upon request by the Secretary, access to the records and personnel of the person for purposes of defending or settling the claim or action.

(3) **AUTHORITY OF SECRETARY.**—(A) In any case in which the Secretary determines that the Department of Energy may be required to make indemnification payments to a person under this subsection for any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage referred to in paragraph (1)(A), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage.

(B) In any case described in subparagraph (A), if the person to whom the Department of Energy may be required to make indemnification payments does not allow the Secretary to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this subsection.

(f) **TERMS, CONDITIONS, AND PROCEDURES.**—The Secretary is authorized to establish such terms, conditions, and procedures as are necessary to carry out this section.

(g) **EFFECT ON OTHER LAW.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), nothing in this section changes or affects any Federal, State, or local law or the obligation of any person to comply with such law.

(2) **EXCEPTION.**—(A) Elemental mercury that the Secretary is storing on a long-term basis shall not be subject to the storage prohibition of section 3004(j) of the Solid Waste Disposal Act (42 U.S.C. 6924(j)). For the pur-

poses of section 3004(j) of the Solid Waste Disposal Act, a generator accumulating elemental mercury destined for a facility designated by the Secretary under subsection (a) for 90 days or less shall be deemed to be accumulating the mercury to facilitate proper treatment, recovery, or disposal.

(B) Elemental mercury may be stored at a facility with respect to which any permit has been issued under section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c)), and shall not be subject to the storage prohibition of section 3004(j) of the Solid Waste Disposal Act (42 U.S.C. 6924(j)) if—

(i) the Secretary is unable to accept the mercury at a facility designated by the Secretary under subsection (a) for reasons beyond the control of the owner or operator of the permitted facility;

(ii) the owner or operator of the permitted facility certifies in writing to the Secretary that it will ship the mercury to the designated facility when the Secretary is able to accept the mercury; and

(iii) the owner or operator of the permitted facility certifies in writing to the Secretary that it will not sell, or otherwise place into commerce, the mercury.

This subparagraph shall not apply to mercury with respect to which the owner or operator of the permitted facility fails to comply with a certification provided under clause (ii) or (iii).

(h) **STUDY.**—Not later than July 1, 2014, the Secretary shall transmit to the Congress the results of a study, conducted in consultation with the Administrator of the Environmental Protection Agency, that—

(1) determines the impact of the long-term storage program under this section on mercury recycling; and

(2) includes proposals, if necessary, to mitigate any negative impact identified under paragraph (1).

SEC. 6. REPORT TO CONGRESS.

At least 3 years after the effective date of the prohibition on export of elemental mercury under section 12(c) of the Toxic Substances Control Act (15 U.S.C. 2611(c)), as added by section 4 of this Act, but not later than January 1, 2017, the Administrator of the Environmental Protection Agency shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the global supply and trade of elemental mercury, including but not limited to the amount of elemental mercury traded globally that originates from primary mining, where such primary mining is conducted, and whether additional primary mining has occurred as a consequence of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maine (Mr. ALLEN) and the gentleman from Oklahoma (Mr. SULLIVAN) will each control 20 minutes.

The Chair recognizes the gentleman from Maine.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in support of S. 906, the Senate companion to my legislation, the Mercury Export Ban of 2008.

This bill includes several changes that represent a compromise with the Senate, but at its heart is my legislation that passed with strong bipartisan support in the Energy and Commerce Committee and by voice vote on the floor of the House last November.

I want to thank Chairman DINGELL, former Chairman Wynn, Ranking Member BARTON and Mr. SHIMKUS for the work they have done on this legislation. I also want to express my gratitude to Senators OBAMA and MURKOWSKI for introducing this legislation on the Senate side and to Senator BOXER for her efforts. I would also like to thank Jim Bradley of my staff for all his hard work on this bill. Upon its passage today, this bill will be sent to the President to be signed into law.

It is a well-established fact that mercury is a powerful neurotoxin, harmful at even low levels of exposure. Mercury is harmful whether it is inhaled, ingested or absorbed through the skin. Once exposed to water, elemental mercury is transformed to methylmercury, which is highly toxic and which has a tendency to bio-accumulate in both fish and humans who eat the fish.

Very young children with developing nervous systems are particularly at risk. In addition, pregnant mothers who are exposed to mercury pollution can transmit mercury to their unborn children, increasing the chances of miscarriage and birth defects. Mercury can also be found in high concentrations in women's breast milk.

My bill seeks to combat a large source of mercury pollution worldwide, namely, the export of elemental mercury from the United States to developing countries. This mercury is used largely for our artisanal mining. Exposure occurs when miners handle the mercury. It enters the water when miners pan for gold and gets into the air through the smelting process which emits mercury vapor.

According to the United Nations Environmental Programme, approximately 15 million people worldwide, including 4.5 million women and 1 million children, engage in artisanal mining with mercury, exposing them to the poisons that mercury produces. Some of this mercury is exported from the United States. That should be unacceptable to us.

The export of mercury for artisanal mining harms Americans who are exposed through the global air transport of mercury pollution or through the consumption of mercury-contaminated fish.

The Environmental Protection Agency reports that as of 2004, 44 States, including my State of Maine, have fish advisories that cover 13 million acres of water and over 75,000 miles of rivers and streams.

Scientists have estimated that up to one-third of U.S. mercury air pollution has traveled to the U.S. from Asia where mercury pollution is extensive, including pollution from mercury exported for artisanal mining.

Much of the fish we eat, including tuna, is imported from off the coasts of Asian and South American countries where the use of mercury in artisanal mining is widespread.

The Departments of Defense and Energy are the two largest holders of mercury in the United States. The Environmental Protection Agency has urged DOE and DOD not to sell its mercury stockpiles due to the serious human health and environmental risks associated with mercury. DOD and DOE have agreed. However, that ban is not in law, which is why my bill prohibits the Federal Government from exporting mercury. In addition, private companies may still export this poisonous and hazardous material, which is why this legislation is vital.

The Mercury Export Ban Act before us today is the result of a months-long stakeholder process on House side that worked to develop a consensus product. Stakeholders included the Natural Resources Defense Council, the Environmental Council of the States, the American Chemistry Council, the Chlorine Institute and the National Mining Association. There are not many pieces of legislation that move through this Congress supported by such a diverse group.

The bill prohibits the export of elemental mercury from the United States and requires DOE to designate a long-term storage facility to accept mercury from private sector sources, particularly the chlor-alkali industry and the mining industry, when the export ban in the bill takes effect on January 1, 2013. The bill does not require that all excess mercury be transferred to DOE, rather it gives the private sector the option of placing mercury into storage at DOE. If there is a more practical or more cost-effective private sector solution, the affected industries are more than welcome to pursue that option.

DOE will be allowed to charge a fee to recoup the government's cost of storing this waste. In addition, all applicable and appropriate environmental laws apply with respect to this facility.

The legislation will allow the chlor-alkali industry to place into safe storage the roughly 1,500 tons of mercury stockpiled at aging plants. It will also allow the mining industry to store the approximately 50 to 100 tons of mercury it generates annually as a byproduct of our air filtration systems.

The process used to develop this legislation can be a modeled. On a bipartisan basis, we sat down together. We worked out our differences and brought interested and affected parties to the table to hammer out a compromise.

I also want to thank a number of staff on the Energy and Commerce Committee, including Dick Frandsen, Caroline Ahearn from the majority staff, along with Ann Strickland, who has now left, as well as Dave McCarthy and Jerry Couri from the minority staff and Mo Zilly, formerly of Mr. SHIMKUS' staff, for their hard work as well.

Mr. Speaker, this is good legislation, and I urge all Members to support its passage.

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

Mr. SULLIVAN. Mr. Speaker, thank you for yielding me the time in supporting this legislation to reduce mercury exports from the United States.

I am pleased that this bill has come back to us from the Senate and want to congratulate all the people who have worked so hard to make this legislation a reality. This bill is proof that people of all political stripes can come together for the common good. It is a shining example of how our process in Congress can work and work well if given the chance.

Elemental mercury presents a serious American health concern even when it is mishandled in distant countries. Specifically, this form of mercury converts into neurotoxic methylmercury that comes back to the United States in the form of tainted fish and polluted air.

This legislation attempts to break the global transport cycle of mercury by banning the export of elemental mercury in 2010. It does not cover coal exports and is not intended to cover fly ash exports from coal combustion or elemental mercury in manufactured consumer products.

This bill also assures that domestic stocks of elemental mercury, which are a valuable commodity, have someplace to go. Under the consensus language we are considering, a safe domestic storage option will open when the ban commences. Further, the legislation does not preclude private storage solutions. I am glad that this bill allows enterprising folks to facilitate good environmental policy.

In addition, I am pleased this bill recognizes that we should not punish people who do the right thing. Private entities who want to take advantage of the government-sponsored storage option must pay their fair share, but they will be indemnified against any environmental damage after the government takes possession of their mercury. This is commonsense policy and a key feature of ensuring that the proper handling and the safe, long-term storage of elemental mercury occurs.

Mr. Speaker, I am pleased with the compromise, bipartisan legislation. It represents the serious give and take by both parties. I hope that efforts like this will continue to be more the norm than the exception throughout this Congress and future ones as well.

I urge my colleagues to support S. 906.

And I would like to yield such time as he may consume to the gentleman from New Jersey to address another concern.

Mr. SMITH of New Jersey. I rise in strong support of S. 906, the Mercury Market Minimization Act of 2007.

Mr. Speaker, again, I didn't get a chance when Mr. PALLONE was here to correct the Record. I—we—did contact

Congressman FRANK PALLONE and NATHAN DEAL by way of letter on May 18, 2007, and wrote at the time as cochairs of the Congressional Lyme and Disease Caucus, “we are writing to respectfully request that you mark up and report H.R. 741.

“H.R. 741, the ‘Lyme and Tick-borne Disease Prevention, Education and Research Act of 2007’ would work toward goals for the prevention, accurate diagnosis, and effective treatment of Lyme disease.”

Then we went on to explain the bill. We pointed out that at the time we had 77 cosponsors. That is now 112 and it is totally bipartisan and includes majority leader STENY HOYER. We also pointed out that Lyme is the most prevalent vector-borne disease in the United States today. More than 220,000 Americans develop Lyme each year. According to the CDC, only 10 percent of the cases that meet its surveillance criteria are reported. Cases that fall outside of the surveillance criteria are not even considered anywhere statistically.

If not diagnosed and treated early, Lyme disease can lead to chronic illness and can affect every system in the body, including the central nervous system and cardiac system. Later symptoms of Lyme disease include arthritis, neurological problems such as facial paralysis, memory problems, extreme weaknesses of the extremities, seizures, heart block and inflammation and even blindness.

So we sent that back in May 18, 2007. And I say that with respect to my colleague.

Let me also point out, and I just will read a very small portion of the statement of Attorney General Richard Blumenthal, the attorney general of Connecticut. And this is his statement.

“Attorney General Richard Blumenthal today announced,” and this is May 1, 2008, “that his antitrust investigation has uncovered serious flaws in the Infectious Disease Society of America’s process for writing its 2006 Lyme disease guidelines and the IDSA has agreed to reassess them with the assistance of an outside arbiter.”

“The IDSA guidelines have sweeping,” this is Blumenthal speaking, “have sweeping and significant impacts on Lyme disease medical care. They are commonly applied by insurance companies in restricting coverage for long-term antibiotic treatment or other medical care and also strongly influence treatment decisions by physicians.

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“Insurance companies have denied coverage for long-term antibiotic treatment, relying on those guidelines as justification. The guidelines are also widely cited for conclusions that chronic Lyme disease is nonexistent.”

Blumenthal goes on to say: “This agreement vindicates my investigation finding undisclosed financial interests and forcing a reassessment of IDSA’s guidelines.”

Blumenthal said: “My office uncovered undisclosed financial interests held by several,” several, “of the most powerful IDSA panelists. The IDSA’s guideline panel improperly ignored or minimized consideration of alternative medical opinion and evidence regarding chronic Lyme disease, potentially raising serious questions about whether the recommendations reflected all relevant science. The IDSA’s Lyme disease guideline process lacked important procedural safeguards requiring complete reevaluation of its 06 Lyme disease guideline, in effect a comprehensive reassessment through a new panel.”

Blumenthal, and I will put this in the RECORD, talks about the conflicts of interest with the insurance companies. Again, I would think this Congress would want to get to the science, find out does chronic Lyme exists, and whether or not this is indeed a coverup.

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. HALL) will now control the remainder of the time for the gentleman from Oklahoma.

There was no objection.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maine (Mr. ALLEN) that the House suspend the rules and pass the Senate bill, S. 906.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HALL of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 6063) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “National Aeronautics and Space Administration Authorization Act of 2008”.

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. *Short title; table of contents.*

Sec. 2. *Findings.*

Sec. 3. *Definitions.*

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009

Sec. 101. *Fiscal year 2009.*

TITLE II—EARTH SCIENCE

Sec. 201. *Goal.*

Sec. 202. *Governance of United States Earth Observations activities.*

Sec. 203. *Decadal survey missions.*

Sec. 204. *Transitioning experimental research into operational services.*

Sec. 205. *Landsat thermal infrared data continuity.*

Sec. 206. *Reauthorization of Glory Mission.*

Sec. 207. *Plan for disposition of Deep Space Climate Observatory.*

Sec. 208. *Tornadoes and other severe storms.*

TITLE III—AERONAUTICS

Sec. 301. *Sense of Congress.*

Sec. 302. *Environmentally friendly aircraft research and development initiative.*

Sec. 303. *Research alignment.*

Sec. 304. *Research program to determine perceived impact of sonic booms.*

Sec. 305. *External review of NASA’s aviation safety-related research programs.*

Sec. 306. *Aviation weather research plan.*

Sec. 307. *Funding for research and development activities in support of other mission directorates.*

Sec. 308. *Enhancement of grant program on establishment of university-based centers for research on aviation training.*

TITLE IV—EXPLORATION INITIATIVE

Sec. 401. *Sense of Congress.*

Sec. 402. *Reaffirmation of exploration policy.*

Sec. 403. *Stepping stone approach to exploration.*

Sec. 404. *Lunar outpost.*

Sec. 405. *Exploration technology development.*

Sec. 406. *Exploration risk mitigation plan.*

Sec. 407. *Exploration crew rescue.*

Sec. 408. *Participatory exploration.*

Sec. 409. *Science and exploration.*

Sec. 410. *Congressional Budget Office report update.*

TITLE V—SPACE SCIENCE

Sec. 501. *Technology development.*

Sec. 502. *Provision for future servicing of observatory-class scientific spacecraft.*

Sec. 503. *Mars exploration.*

Sec. 504. *Importance of a balanced science program.*

Sec. 505. *Suborbital research activities.*

Sec. 506. *Restoration of radioisotope thermoelectric generator material production.*

Sec. 507. *Assessment of impediments to interagency cooperation on space and Earth science missions.*

Sec. 508. *Assessment of cost growth.*

Sec. 509. *Outer planets exploration.*

TITLE VI—SPACE OPERATIONS

Subtitle A—International Space Station

Sec. 601. *Plan to support operation and utilization of the ISS beyond fiscal year 2015.*

Sec. 602. *International Space Station National Laboratory Advisory Committee.*

Sec. 603. *Contingency plan for cargo resupply.*

Sec. 604. *Sense of Congress on use of Space Life Sciences Laboratory at Kennedy Space Center.*

Subtitle B—Space Shuttle

Sec. 611. *Space Shuttle flight requirements.*

Sec. 612. *United States commercial cargo capability status.*

Sec. 613. *Space Shuttle transition.*