The SPEAKER pro tempore. Without objection, the resignation of Mr. HOYER as a conferee on the primary panel of conferees is accepted, the gentleman from Ohio, Mr. STOKES is appointed to fill the resulting vacancy among the primary panel of conferees, and is reappointed as a conferee for consideration of section 101(c) of the House bill and section 101(d) of the Senate amendment and modifications committed to conference.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

BATTERY RECYCLING AND OTHER ENVIRONMENTAL ISSUES

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, the gentleman from New Mexico is recognized for 1 minute.

There was no objection.

Mr. RICHARDSON. Mr. Speaker, on the issue of the environment and Earth Day, we have to be very careful not to politicize these issues. We are about to take up a battery recycling bill, which is a good bill. By the way, it used to be my bill and FRANK PALLONE' bill, now is a Republican bill. We accept that. Things change.

But we should not, by passing this bill, say that we have ended our tasks in protecting the environment. Battery recycling is important, but it does not correct the environmental rollbacks that many in this Republican majority have pursued this year: Weakening the Clean Water Act, slashing funding for the EPA, weakening the Endangered Species Act, attempting to close down some of our national parks.

We want to take some positive steps on the environment. We also should pass a bipartisan Superfund bill that does not pass the cost of cleanups on to the taxpayer, a safe drinking water bill that keeps public health as a top priority, a park concessions bill that allows fair competition to concessionaires and keeps the cost of visiting our parks down to all Americans.

I do want to commend, I will be commending Chairman BLILEY, Chairman OXLEY, Chairman DINGELL, and ranking member PALLONE for their efforts to bring this battery recycling bill to the floor. Hopefully this will be a good precedent for the Republican majority to celebrate our environment, not just on Earth Day by going to a zoo and exhibiting concern for animals, but by passing concrete legislation.

Mr. Speaker, I think that this is starting to happen with our majority here that realizes that taking on the environment has not been a good issue, that going out and weakening our environmental laws has rebounded negatively with voters. This is a good bill, and our colleague, the gentleman from Wisconsin [Mr. KLUG], should be commended for it.

I especially want to commend the work of the gentleman from New Jersey [Mr. PALLONE], who has been a leader in the fight on mercury poisoning; that is, reducing it. He has been a leader in many issues relating to recycling.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from New Mexico for those very kind remarks and, of course, say the same thing about him. I know this battery bill has been very important to him and the whole issue of battery recycling and concern for mercury in the atmosphere.

I agree with him completely when he says that as much as we believe that this bill is important today and we certainly do want it to pass, that that should not take away from what the Republican majority and the Republican leadership are doing about the environment in general, and how they are continuing to try to move legislation on the floor of this House that would tear down the environmental protections we have had in place for a number of years.

Particularly, today I found out in the Committee on Appropriations, although they are very close to agreement on a spending bill that would take us through the remainder of this year, that the disagreement once again is over environmental issues and over the fact that the Republican leadership insists on these environmental riders or antienvironmental riders that are placed in the appropriations bill that would, among other things, prohibit new Superfund sites from being designated, prohibit the EPA from designating standards for radon in drinking water, prohibit the EPA from being involved in wetlands protection, and the list goes on and on.

□ 1445

So they are continuing their assault on the environment; that is, the Republican majority, at the same time they are making an effort today, or at least to seem to try to show today, that they do bring some environmental legislation to the floor. We cannot mask the fact that some of these measures like the battery recycling bill, even though they are very important, are small measures compared to the damage the Republican majority is doing to the environment.

If I could just for a minute quote what I thought was a great editorial in yesterday's New York Times, just some of it, that is called ''Defunding Mother Earth.'' It says:

> There are many destructive proposals on the Congressional agenda, including several bills that would transfer millions of acres of public land to state and commercial jurisdiction. But the most urgent example of bad legislation is an omnibus appropriations bill now under consideration in a House Senate conference. The bill sharply reduces appropriations for the Environmental Protection Agency and the Interior Department and contains a dozen or so crippling anti-environmental riders.
>
> Today marks the 26th anniversary of Earth Day. In full knowledge of that, House Speaker Newt Gingrich recently formed a 77-member Republican environmental task force. Although 36 members of this task force earned ''zero'' ratings from the League of Conservation Voters for their routine support of anti-environmental legislation, many of them are likely to spend the week planting trees, visiting zoos and striking friendly poses next to recycling bins. But the best thing Mr. Gingrich could do for his country and his party would be to recognize that what counts here is content, not imagery—and remove those riders from the appropriations bill.

Once again, we need to keep pressing the point that you cannot talk about the environment in a favorable way, and move some bills, and at the same time continue the assault on the environment to tear down the last 25 years of environmental protection since Earth Day.

Mr. RICHARDSON. Mr. Speaker, reclaiming my time, I thank the gentleman from New Jersey. I hope our friends from the majority are on their way. Here is their opportunity to do a real environmental bill. I hope they are not hesitating. I am sure they are on their way. I thank the Chair for allowing this dialog.

This does not diminish the fact this is a good bill, this battery recycling bill. It is something I will say industry, some industry, has taken a very positive role in changing this, in being constructive about change. Hopefully, it will lead to other issues that involve protecting the environment. I think it is very important that we have a bipartisan bill on Superfund, a meaningful bipartisan bill, that does not pass the cost of cleanups on to the taxpayer.

Next, this is the very glorious Committee on Commerce, a safe drinking water bill that keeps public health as a top priority.

MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2024) to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other

batteries, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2024

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-Containing and Rechargeable Battery Management Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is in the public interest to—

(A) phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and other regulated batteries; and

(B) educate the public concerning the collection, recycling, and proper disposal of such batteries;

(2) uniform national labeling requirements for regulated batteries, rechargeable consumer products, and product packaging will significantly benefit programs for regulated battery collection and recycling or proper disposal; and

(3) it is in the public interest to encourage persons who use rechargeable batteries to participate in collection for recycling of used nickel-cadmium, small sealed lead-acid, and other regulated batteries.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BUTTON CELL.—The term ''button cell'' means a button- or coin-shaped battery.

(3) EASILY REMOVABLE.—The term ''easily removable'', with respect to a battery, means detachable or removable at the end of the life of the battery—

(A) from a consumer product by a consumer with the use of common household tools; or

(B) by a retailer of replacements for a battery used as the principal electrical power source for a vehicle.

(4) MERCURIC-OXIDE BATTERY.—The term ''mercuric-oxide battery'' means a battery that uses a mercuric-oxide electrode.

(5) RECHARGEABLE BATTERY.—The term ''rechargeable battery''—

(A) means 1 or more voltaic or galvanic cells, electrically connected to produce electric energy, that is designed to be recharged for repeated uses; and

(B) includes any type of enclosed device or sealed container consisting of 1 or more such cells, including what is commonly called a battery pack (and in the case of a battery pack, for the purposes of the requirements of easy removability and labeling under section 103, means the battery pack as a whole rather than each component individually); but

(C) does not include—

(i) a lead-acid battery used to start an internal combustion engine or as the principal electrical power source for a vehicle, such as an automobile, a truck, construction equipment, a motorcycle, a garden tractor, a golf cart, a wheelchair, or a boat;

(ii) a lead-acid battery used for load leveling or for storage of electricity generated by an alternative energy source, such as a solar cell or wind-driven generator;

(iii) a battery used as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily; or

(iv) a rechargeable alkaline battery.

(6) RECHARGEABLE CONSUMER PRODUCT.—The term ''rechargeable consumer product''—

(A) means a product that, when sold at retail, includes a regulated battery as a primary energy supply, and that is primarily intended for personal or household use; but

(B) does not include a product that only uses a battery solely as a source of backup power for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily.

(7) REGULATED BATTERY.—The term ''regulated battery'' means a rechargeable battery that—

(A) contains a cadmium or a lead electrode or any combination of cadmium and lead electrodes; or

(B) contains other electrode chemistries and is the subject of a determination by the Administrator under section 103(d).

(8) REMANUFACTURED PRODUCT.—The term ''remanufactured product'' means a rechargeable consumer product that has been altered by the replacement of parts, repackaged, or repaired after initial sale by the original manufacturer.

SEC. 4. INFORMATION DISSEMINATION.

The Administrator shall, in consultation with representatives of rechargeable battery manufacturers, rechargeable consumer product manufacturers, and retailers, establish a program to provide information to the public concerning the proper handling and disposal of used regulated batteries and rechargeable consumer products with nonremovable batteries.

SEC. 5. ENFORCEMENT.

(a) CIVIL PENALTY.—When on the basis of any information the Administrator determines that a person has violated, or is in violation of, any requirement of this Act (except a requirement of section 104) the Administrator—

(1) in the case of any violation, may issue an order assessing a civil penalty of not more than $10,000 for each violation, or requiring compliance immediately or within a reasonable specified time period, or both; or

(2) in the case of any violation or failure to comply with an order issued under this section, may commence a civil action in the United States district court in the district in which the violation occurred or in the district in which the violator resides for appropriate relief, including a temporary or permanent injunction.

(b) CONTENTS OF ORDER.—An order under subsection (a)(1) shall state with reasonable specificity the nature of the violation.

(c) CONSIDERATIONS.—In assessing a civil penalty under subsection (a)(1), the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(d) FINALITY OF ORDER; REQUEST FOR HEARING.—An order under subsection (a)(1) shall become final unless, not later than 30 days after the order is served, a person named in the order requests a hearing on the record.

(e) HEARING.—On receiving a request under subsection (d), the Administrator shall promptly conduct a hearing on the record.

(f) SUBPOENA POWER.—In connection with any hearing on the record under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and for the production of relevant papers, books, and documents.

(g) CONTINUED VIOLATION AFTER EXPIRATION OF PERIOD FOR COMPLIANCE.—If a violator fails to take corrective action within the time specified in an order under subsection (a)(1), the Administrator may assess a civil penalty of not more than $10,000 for the continued noncompliance with the order.

(h) SAVINGS PROVISION.—The Administrator may not take any enforcement action against a person for selling, offering for sale, or offering for promotional purposes to the ultimate consumer a battery or product covered by this Act that was—

(1) purchased ready for sale to the ultimate consumer; and

(2) sold, offered for sale, or offered for promotional purposes without modification.

The preceding sentence shall not apply to a person—

(A) who is the importer of a battery covered by this Act, and

(B) who has knowledge of the chemical contents of the battery

when such chemical contents make the sale, offering for sale, or offering for promotional purposes of such battery unlawful under title II of this Act.

SEC. 6. INFORMATION GATHERING AND ACCESS.

(a) RECORDS AND REPORTS.—A person who is required to carry out the objectives of this Act, including—

(1) a regulated battery manufacturer;

(2) a rechargeable consumer product manufacturer;

(3) a mercury-containing battery manufacturer; and

(4) an authorized agent of a person described in paragraph (1), (2), or (3),

shall establish and maintain such records and report such information as the Administrator may by regulation reasonably require to carry out the objectives of this Act.

(b) ACCESS AND COPYING.—The Administrator or the Administrator's authorized representative, on presentation of credentials of the Administrator, may at reasonable times have access to and copy any records required to be maintained under subsection (a).

(c) CONFIDENTIALITY.—The Administrator shall maintain the confidentiality of documents and records that contain proprietary information.

SEC. 7. STATE AUTHORITY.

Nothing in this Act shall be construed to prohibit a State from enacting and enforcing a standard or requirement that is identical to a standard or requirement established or promulgated under this Act. Except as provided in sections 103(e) and 104, nothing in this Act shall be construed to prohibit a State from enacting and enforcing a standard or requirement that is more stringent than a standard or requirement established or promulgated under this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

TITLE I—RECHARGEABLE BATTERY RECYCLING ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Rechargeable Battery Recycling Act''.

SEC. 102. PURPOSE.

The purpose of this title is to facilitate the efficient recycling or proper disposal of used nickel-cadmium rechargeable batteries, used small sealed lead-acid rechargeable batteries, other regulated batteries, and such rechargeable batteries in used consumer products, by—

(1) providing for uniform labeling requirements and streamlined regulatory requirements for regulated battery collection programs; and

(2) encouraging voluntary industry programs by eliminating barriers to funding the collection and recycling or proper disposal of used rechargeable batteries.

SEC. 103. RECHARGEABLE CONSUMER PRODUCTS AND LABELING.

(a) PROHIBITION.—

(1) IN GENERAL.—No person shall sell for use in the United States a regulated battery that is ready for retail sale or a rechargeable consumer product that is ready for retail sale, if such battery or product was manufactured on or after the date 12 months after the date of enactment of this Act, unless the labeling requirements of subsection (b) are met and, in the case of a regulated battery, the regulated battery—

(A) is easily removable from the rechargeable consumer product; or

(B) is sold separately.

(2) APPLICATION.—Paragraph (1) does not apply to any of the following:

(A) The sale of a remanufactured product unit unless paragraph (1) applied to the sale of the unit when originally manufactured.

(B) The sale of a product unit intended for export purposes only.

(b) LABELING.—Each regulated battery or rechargeable consumer product without an easily removable battery manufactured on or after the date that is 1 year after the date of enactment of this Act, whether produced domestically or imported shall bear the following labels:

(1) 3 chasing arrows or a comparable recycling symbol.

(2)(A) On each regulated battery which is a nickel-cadmium battery, the chemical name or the abbreviation ''Ni-Cd'' and the phrase ''BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.''.

(B) On each regulated battery which is a lead-acid battery, ''Pb'' or the words ''LEAD'', ''RETURN'', and ''RECYCLE'' and if the regulated battery is sealed, the phrase ''BATTERY MUST BE RECYCLED.''.

(3) On each rechargeable consumer product containing a regulated battery that is not easily removable, the phrase ''CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.'' or ''CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.'', as applicable.

(4) On the packaging of each rechargeable consumer product, and the packaging of each regulated battery sold separately from such a product, unless the required label is clearly visible through the packaging, the phrase ''CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.'' or ''CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.'', as applicable.

(c) EXISTING OR ALTERNATIVE LABELING.—

(1) INITIAL PERIOD.—For a period of 2 years after the date of enactment of this Act, regulated batteries, rechargeable consumer products containing regulated batteries, and rechargeable consumer product packages that are labeled in substantial compliance with subsection (b) shall be deemed to comply with the labeling requirements of subsection (b).

(2) CERTIFICATION.—

(A) IN GENERAL.—On application by persons subject to the labeling requirements of subsection (b) or the labeling requirements promulgated by the Administrator under subsection (d), the Administrator shall certify that a different label meets the requirements of subsection (b) or (d), respectively, if the different label—

(i) conveys the same information as the label required under subsection (b) or (d), respectively; or

(ii) conforms with a recognized international standard that is consistent with the overall purposes of this title.

(B) CONSTRUCTIVE CERTIFICATION.—Failure of the Administrator to object to an application under subparagraph (A) on the ground that a different label does not meet either of the conditions described in subparagraph (A)(i) or (ii) within 120 days after the date on which the application is made shall constitute certification for the purposes of this Act.

(d) RULEMAKING AUTHORITY OF THE ADMINISTRATOR.—

(1) IN GENERAL.—If the Administrator determines that other rechargeable batteries having electrode chemistries different from regulated batteries are toxic and may cause substantial harm to human health and the environment if discarded into the solid waste stream for land disposal or incineration, the Administrator may, with the advice and counsel of State regulatory authorities and manufacturers of rechargeable batteries and rechargeable consumer products, and after public comment—

(A) promulgate labeling requirements for the batteries with different electrode chemistries, rechargeable consumer products containing such batteries that are not easily removable batteries, and packaging for the batteries and products; and

(B) promulgate requirements for easy removability of regulated batteries from rechargeable consumer products designed to contain such batteries.

(2) SUBSTANTIAL SIMILARITY.—The regulations promulgated under paragraph (1) shall be substantially similar to the requirements set forth in subsections (a) and (b).

(e) UNIFORMITY.—After the effective dates of a requirement set forth in subsection (a), (b), or (c) or a regulation promulgated by the Administrator under subsection (d), no Federal agency, State, or political subdivision of a State may enforce any easy removability or environmental labeling requirement for a rechargeable battery or rechargeable consumer product that is not identical to the requirement or regulation.

(f) EXEMPTIONS.—

(1) IN GENERAL.—With respect to any rechargeable consumer product, any person may submit an application to the Administrator for an exemption from the requirements of subsection (a) in accordance with the procedures under paragraph (2). The application shall include the following information:

(A) A statement of the specific basis for the request for the exemption.

(B) The name, business address, and telephone number of the applicant.

(2) GRANTING OF EXEMPTION.—Not later than 60 days after receipt of an application under paragraph (1), the Administrator shall approve or deny the application. On approval of the application the Administrator shall grant an exemption to the applicant. The exemption shall be issued for a period of time that the Administrator determines to be appropriate, except that the period shall not exceed 2 years. The Administrator shall grant an exemption on the basis of evidence supplied to the Administrator that the manufacturer has been unable to commence manufacturing the rechargeable consumer product in compliance with the requirements of this section and with an equivalent level of product performance without the product—

(A) posing a threat to human health, safety, or the environment; or

(B) violating requirements for approvals from governmental agencies or widely recognized private standard-setting organizations (including Underwriters Laboratories).

(3) RENEWAL OF EXEMPTION.—A person granted an exemption under paragraph (2) may apply for a renewal of the exemption in accordance with the requirements and procedures described in paragraphs (1) and (2). The Administrator may grant a renewal of such an exemption for a period of not more than 2 years after the date of the granting of the renewal.

SEC. 104. REQUIREMENTS.

(a) BATTERIES SUBJECT TO CERTAIN REGULATIONS.—The collection, storage, or transportation of used rechargeable batteries, batteries described in section 3(5)(C) or in title II, and used rechargeable consumer products containing rechargeable batteries that are not easily removable rechargeable batteries, shall, notwithstanding any law of a State or political subdivision thereof governing such collection, storage, or transportation, be regulated under applicable provisions of the regulations promulgated by the Environmental Protection Agency at 60 Fed. Reg. 25492 (May 11, 1995), as effective on May 11, 1995, except as provided in paragraph (2) of subsection (b) and except that—

(1) the requirements of 40 CFR 260.20, 260.40, and 260.41 and the equivalent requirements of an approved State program shall not apply, and

(2) this section shall not apply to any lead acid battery managed under 40 CFR 266 subpart G or the equivalent requirements of an approved State program.

(b) ENFORCEMENT UNDER SOLID WASTE DISPOSAL ACT.—(1) Any person who fails to comply with the requirements imposed by subsection (a) of this section may be subject to enforcement under applicable provisions of the Solid Waste Disposal Act.

(2) States may implement and enforce the requirements of subsection (a) if the Administrator finds that—

(A) the State has adopted requirements that are identical to those referred to in subsection (a) governing the collection, storage, or transportation of batteries referred to in subsection (a); and

(B) the State provides for enforcement of such requirements.

TITLE II—MERCURY-CONTAINING BATTERY MANAGEMENT ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Mercury-Containing Battery Management Act''.

SEC. 202. PURPOSE.

The purpose of this title is to phase out the use of batteries containing mercury.

SEC. 203. LIMITATIONS ON THE SALE OF ALKALINE-MANGANESE BATTERIES CONTAINING MERCURY.

No person shall sell, offer for sale, or offer for promotional purposes any alkaline-manganese battery manufactured on or after the date of enactment of this Act, with a mercury content that was intentionally introduced (as distinguished from mercury that may be incidentally present in other materials), except that the limitation on mercury content in alkaline-manganese button cells shall be 25 milligrams of mercury per button cell.

SEC. 204. LIMITATIONS ON THE SALE OF ZINC-CARBON BATTERIES CONTAINING MERCURY.

No person shall sell, offer for sale, or offer for promotional purposes any zinc-carbon battery manufactured on or after the date of enactment of this Act, that contains mercury that was intentionally introduced as described in section 203.

SEC. 205. LIMITATIONS ON THE SALE OF BUTTON CELL MERCURIC-OXIDE BATTERIES.

No person shall sell, offer for sale, or offer for promotional purposes any button cell mercuric-oxide battery for use in the United States on or after the date of enactment of this Act.

SEC. 206. LIMITATIONS ON THE SALE OF OTHER MERCURIC-OXIDE BATTERIES.

(a) PROHIBITION.—On or after the date of enactment of this Act, no person shall sell, offer for sale, or offer for promotional purposes a mercuric-oxide battery for use in the United States unless the battery manufacturer, or the importer of such a battery—

(1) identifies a collection site in the United States that has all required Federal, State, and local government approvals, to which persons may send used mercuric-oxide batteries for recycling or proper disposal;

(2) informs each of its purchasers of mercuric-oxide batteries of the collection site identified under paragraph (1); and

(3) informs each of its purchasers of mercuric-oxide batteries of a telephone number that the purchaser may call to get information about sending mercuric-oxide batteries for recycling or proper disposal.

(b) APPLICATION OF SECTION.—This section does not apply to a sale or offer of a mercuric-oxide button cell battery.

SEC. 207. NEW PRODUCT OR USE.

On petition of a person that proposes a new use for a battery technology described in this title or the use of a battery described in this title in a new product, the Administrator may exempt from this title the new use of the technology or the use of such a battery in the new product on the condition, if appropriate, that there exist reasonable safeguards to ensure that the resulting battery or product without an easily removable battery will not be disposed of in an incinerator, composting facility, or landfill (other than a facility regulated under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.)).

The SPEAKER pro tempore. (Mr. UPTON). Pursuant to the rule, the gentleman from Ohio [Mr. OXLEY] and the gentleman from New Jersey [Mr. PALLONE] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. OXLEY].

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

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

Mr. OXLEY. Mr. Speaker, I am proud to be on the House floor today with broad bipartisan support for pro-environmental legislation that originated in the subcommittee I chair.

H.R. 2024, the Mercury-Containing and Rechargeable Battery Management Act, is the second bipartisan environmental bill we have brought to the floor from the Subcommittee on Commerce, Trade, and Hazardous Materials, the first being the Land Disposal Flexibility Act, which has been signed into law. Any discussion of this Congress' environmental record needs to acknowledge the good bipartisan work we are doing.

This battery bill proves an important point: we can improve the environment by reducing government regulations, and by reducing burdens on industry. This bill reduces regulations, and the result will be less cadmium in our ground water and our air.

Right now, cadmium is classified as a hazardous waste, so spent nickel-cadmium rechargeable batteries are hazardous wastes too. Hazardous wastes are subject to all sorts of disposal, handling, storage, and transportation regulations, like disposal in specially permitted subtitle C landfills, recordkeeping, reporting, manifesting and so on.

If your nickel-cadmium battery at home ran out of power, you could just throw it in the trash and not be subject to the hazardous waste regulations, because the law exempts household waste. But if you took the battery back to the store to recycle it, all of a sudden it would be subject to the hazardous waste regulations.

We want consumers to take rechargeable batteries back to the store and have them recycled. But retail stores don't want to touch used batteries under the current hazardous waste requirements, because it would cost them an arm and a leg, and subject them to fines and penalties if they don't comply.

This bill solves the problem by exempting rechargeable batteries from hazardous waste regulations so we can recycle. Retailers collecting these batteries for recycling will only need comply with the Universal Waste Rule, which does away with most of the onerous hazardous waste regulations. The reduced regulation doesn't pose an environmental threat. After all, the batteries are in the same condition when you throw them away as they are when you buy them. They don't become more hazardous in between.

This bill also requires battery labeling so consumers know the batteries can be recycled, and it bans mercury in several battery types, which will reduce mercury in our air and ground water.

We made two minor changes since this bill passed the Commerce Committee by voice vote. First, we changed the effective date of the mercury ban to the date of enactment. Second, we clarified the enforcement provision so importers who have knowledge of the contents of the batteries they import can be enforced against if the batteries violate the mercury ban.

I want to thank the bill's sponsor, Congressman KLUG, for his efforts, as well as the gentleman from New Jersey, Congressman PALLONE. I would also like to thank the chairman of the full committee for his leadership on this issue in bringing the bill to the floor in a timely fashion.

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

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

Mr. Speaker, I rise in strong support of the legislation. This is a bipartisan bill that is supported by the Clinton administration and was reported out of the committee unanimously last week. I will include in the RECORD a letter from the Clinton administration in support of the legislation.

Mr. Speaker, I first became involved with this legislation because New Jersey has a very serious mercury problem. In February of 1994, the State released a study that showed some fish in over half of the State's lakes with elevated mercury levels. These fish reflected increased mercury levels in the atmosphere. In addition, the Asbury Park Press, a newspaper in my district, did an outstanding investigative report over a number of days on the dangers and sources of mercury.

Mercury enters the atmosphere and the food chain in a number of ways, but among the most significant sources are coal-fired utilities and solid waste incinerators. Many of the components of garbage burned by incinerators contain mercury, and incinerators then release the mercury into the atmosphere, which then reaches the ground through rain, snow, and other precipitation.

As its title implies, the bill deals with mercury in a comprehensive fashion, including a user fee on mercury air emissions, reduction of mercury in packaging, mandatory separation of mercury-containing items from the waste stream, and a requirement for an EIS in order to site an incinerator.

At one time, batteries may have accounted for as much as 60 percent of the mercury being released from municipal solid waste incinerators, but today batteries basically do not account for anywhere nearly as high a percentage of the mercury emitted into the atmosphere.

I think it is clearly important to recognize the battery industry for its accomplishments in this area. The industry has made tremendous strides in reducing the mercury content of batteries, and now we are considering legislation that is supported by the industry that bans virtually all mercury containing batteries. That is no small feat.

But non-mercury-containing batteries also contain other heavy metals and chemicals which can prove hazardous to human health and the environment if they are incinerated or landfilled. The bill before us that the gentleman from Wisconsin [Mr. KLUG], myself, and others have introduced, and I have to specifically mention the gentleman from New Mexico [Mr. RICHARDSON] who is the original sponsor of this bill in previous Congresses, but basically what this bill does for these other issues, such as nickel-cadmium and other hazardous items other than mercury, it provides a coherent national system of handling for batteries and products, it streamlines regulatory requirements for battery collection programs, and it encourages voluntary industry programs by eliminating barriers to funding the collection and recycling or proper disposal of used rechargeable batteries.

I just wanted to mention one more thing, Mr. Speaker. At the hearings our subcommittee held, the EPA raised some concerns about certain provisions in this bill. I criticized the agency for bringing its concerns to our attention many months after the bill passed the Senate and had been introduced.

Working together, the gentleman from Ohio [Mr. OXLEY] myself, the gentleman from Wisconsin [Mr. KLUG], the gentleman from Michigan [Mr. DINGELL] and others were able to address these concerns. Among other things, the amendments adopted by the committee close unintended loopholes in enforcement, allow States to implement and enforce the act, and make

clear that the Administrator can invoke the Solid Waste Disposal Act against those who fail to comply with the provisions of the bill.

I also want to note one change that has been made to the bill since it left committee. This change as reported by the committee is a change to the bill as reported and clarifies that the Administrator of EPA may enforce title II against any retailer-importer who has knowledge of the general chemical content of the general chemical content of the imported battery. However, the change allows the defense where the retailer-importer lacks such information, because, for example, of the duplicity of the overseas manufacturer.

I do not want to get into more detail. It is a good bill. It has bipartisan support. I commend the chairman and the other members, the gentleman from New Mexico [Mr. RICHARDSON], the gentleman from Wisconsin [Mr. KLUG] for their involvement.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me time and for his support and work on this legislation.

Let me just say, Mr. Speaker, that this legislation will not clean up. It may recycle batteries, but it will not clean up the record of the Republicans on the environment as this agenda is supposed to do.

I note the previous speaker, the chairman of the subcommittee, that just spoke, recently voted five times against protecting our environment, against protecting children from arsenic in their drinking water, against adequate funding for our Nation's toxic cleanup program, to stop EPA from protecting America's exposure to arsenic, dioxin, and other cancer causing pollutants, to allow corporate polluters to dump 70,000 chemicals into our Nation's rivers, lakes, and streams, and to allow industry to pollute our drinking water.

So while the gentleman and others who will speak on this bill from your side of the aisle can earn a figleaf, and we will be glad to give them a figleaf to cover themselves when they support this legislation, but, under that figleaf, what you will see is in fact their environmental record for the past 16 months, which has been against environmental protection and, in many instances, providing much more pollution than we will ever be able to prevent by passing this recycling bill. This is a good bill, but it does not erase that record.

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

Mr. Speaker, I cannot resist responding to what I guess is a predictable response from the far left. Here we are, trying to craft a bipartisan environmental bill dealing with rechargeable batteries and recycling. It is unfortunate we have to already in the early part of the day resort to political palaver about the environmental issues. It is unfortunate, but I guess predictable.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. KLUG], the sponsor of the battery bill.

Mr. KLUG. Mr. Speaker, I would like to thank the gentleman from Ohio [Mr. OXLEY], the gentleman from Virginia [Mr. BLILEY], and the gentleman from New Jersey [Mr. PALLONE], for all of their help in this legislation and helping to move it forward.

Mr. Speaker, the American people are consumers of millions of rechargeable ni-cad batteries. I introduced this legislation because it offers a sound solution to a serious environmental problem. This legislation gives the battery industry the ability to implement a fully private, let me say that again, fully private, voluntary, national program to collect and recycle spent ni-cad batteries.

This recycling program is already running in several pilot programs in different areas of the country, but a multitude of different State labeling and collection regulations, as well as Federal waste regulations, have prevented the industry from fully implementing it on a national level.

Under H.R. 2024, regulations governing battery collection and recycling programs will be streamlined and a comprehensive, uniform system of battery labeling will now be established nationwide.

□ 1500

In addition to establishing a nationwide recycling program for ni-cad batteries, H.R. 2024, importantly phases out the use of mercury in other batteries. Studies have shown mercury is a serious health threat to both human health and the environment. It can damage the brain, the kidneys, in addition, and also the developing fetus. It is time that Congress take the lead in removing this dangerous element from our waste stream.

H.R. 2024 is not controversial and enjoys wide bipartisan support. The other body passed similar legislation by unanimous consent last September. In addition, H.R. 2024 is supported by the National Retail Federation, the U.S. Conference of Mayors, the National Electrical Manufacturers Association, the Electronic Industries Association, the Central Virginia Waste Management Authority and, perhaps more importantly, my home Governor, Governor Thompson of Wisconsin.

Again, Mr. Speaker, this legislation has tremendous support across the board and across the aisle, and let me reiterate one more time my deep thanks to my colleague, the gentleman from New Jersey, Mr. PALLONE, for his great help in moving this legislation forward and to my friend and colleague from Ohio, Mr. OXLEY, for having the courtesy and good sense to move this legislation forward as well. Both regulator and the regulated community agree that the Government should take steps to reduce the presence of nickel cadmium and mercury from the solid waste stream.

I also believe we must do something about this problem and I am hopeful we can quickly implement this bipartisan legislation. Within a matter of days of signing this bill into law we can set forth a completely voluntary and industry financed recycling program that will provide enhanced environmental protection without burdening the States or without burdening the taxpayers.

I urge my colleagues to support H.R. 2024.

Mr. PALLONE. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Again to state, Mr. Speaker, that we will be delivering a fig leaf to the gentleman from Wisconsin's office so he can use it to try to hide his environmental record when earlier this year he voted to stop EPA from protecting against the dumping of 70,000 chemicals in our Nation's rivers and allowing industry to pollute our drinking water.

Voting to recycle batteries will not cover that up, and the fig leaf will be delivered to his office later today.

Mr. OXLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I am sorry the gentleman from California [Mr. MILLER] has chosen to make a partisan political debate with fig leaves and gimmicks. This afternoon was structured to be productive and it was structured, in particular, in a bipartisan way.

We, for example, are going to consider a bill this afternoon known as the Coastal Zone Protection Act, which has 130 signatures, about half Republicans and half Democrats. We are going to have a number of bills, one sponsored by the gentlewoman from Hawaii [Mrs. MINK], a Democrat; another sponsored by the gentleman from New York [Mr. FORBES], a Republican; we will have another, the North Platte Refuge Act, by the gentleman from Nebraska [Mr. BARRETT]; another sponsored by the genteman from Louisiana [Mr. MCCRERY], a Republican. So we have gone out of our way, Mr. Speaker, to make this a bipartisan effort this afternoon to do some things that are good that we all agree on in the name of the environment.

I am sorry that the gentleman from California insists on performing the way he has with fig leaves and other gimmicks. I think it is not what the American people expect. My constituents expect me to come to Washington to pass legislation that does things they want done. I would think the gentleman's constituents would want the same.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for

yielding me this time, and I appreciate the sensitivity of the gentleman because he too will earn a fig leaf since he voted wrong three out of five times.

The issue is not about these bills. The issue is about the continued record that has not been bipartisan, where Members have again chosen time and again to increase the ability of polluters to dump pollution, to dump toxics into the rivers, the lakes, and the waterways of this Nation. That is the gentleman's voting record.

The gentleman is not going to hide that voting record by voting on bills that have basically unanimous support and that are noncontroversial, and then suggest that represents his environmental voting record, at the same time that we see the Committee on Appropriations continuing the riders that have been so detrimental to the environment.

Those are the facts and I appreciate the gentleman's sensitivity.

Mr. OXLEY. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. SCHAEFER], the chairman of the Subcommittee on Energy and Power.

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

Mr. SCHAEFER. Mr. Speaker, I rise today in strong support of this commonsense legislation. I commend industry, the Environmental Protection Agency [EPA], and the environmental community in their efforts to craft consensus proposal.

Currently, businesses, trying to do the right thing by implementing battery recycling programs are stymied by a patchwork of State laws. This legislation replaces the current random system with reasonable uniform national standards for the transporting, selling, recycling, and disposing of batteries.

With this bill, the battery industry will be able to launch a voluntary recycling campaign that will keep batteries out of local landfills and incinerators. Additionally, this measure will phase out mercury-based batteries that currently threaten our Nation's groundwater and air.

I am particularly pleased with the process that resulted in the development of this bill. The business community was able to come together with environmental regulators to produced a sensible piece of legislation with broad bipartisan backing.

It is my hope that we can continue this cooperative spirit as we move forward with consideration of additional environmental initiatives.

Mr. Speaker, I urge my colleagues to adopt this reasonable, consensus bill.

Mr. PALLONE. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Again, Mr. Speaker, I want to award a fig leaf to the gentleman from Colorado who has voted five out of five times against improving our environment and allowing arsenic to continue in the drinking water of children and against adequate funding for cleaning up the Nation's toxic waste program and to continue to allow corporate polluters to dump up to 70,000 chemicals in our Nation's rivers and lakes. The gentleman has a perfect score of five for five that he was on the wrong side of the environment, and he earned his fig leaf.

Mr. OXLEY. Mr. Speaker, it is always good to hear from the far left, even if it is just 30 seconds.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. BURR].

Mr. BURR. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I say to my good friend from California that I accept my fig lead before I speak, knowing that I am going to get one, and saying proudly that I am not accepting it to hide behind. I do not hide behind anything I have done while I have been here that I think is in fact right, and in fact I have done what I think voters sent me here to do. That is to try to strike the right balance.

But I rise today in support of H.R. 2024. This legislation, passed out of the Committee on Commerce on a bipartisan basis, will promote recycling of used batteries that currently end up in landfills and incinerators. Innocently, consumers like myself dispose of batteries that leak mercury and cadmium into the groundwater and cause toxic air emissions when incinerated. Today, batteries account for 68 percent of the cadmium in landfills and 85 percent of the mercury. This possible hazard is not acceptable, and I, for one, will appreciate the opportunity to dispose of my batteries in an environmentally sound manner.

With passage of H.R. 2024, consumers will be able to walk into any store that sells batteries and leave them for recycling. Consumers will be able to read right on the label, through uniformed labeling, that the battery they have purchased is recyclable. All retailers have to do is to set up battery recycling receptacles. Furthermore, H.R. 2024 allows the battery industry to launch a voluntary recycling program which will promote the shipments of used batteries to a central recycling center directly from the retailer.

This is perfect common-sense environmental legislation. H.R. 2024 does not create an expensive, out-of-control Government program. The shipments of batteries to the recycling center will be prepaid for by the Rechargeable Battery Recycling Corp., which is made up of nearly every one of the battery manufacturers and consumer industry interests.

I cannot imagine a more convenient process. This bill will accomplish removing batteries related mercury and cadmium from the waste stream, which means a healthier safer environment for all.

This is common sense, Mr. Speaker, commonsense legislation that we should enact today on a bipartisan basis.

Mr. PALLONE. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me the time.

The previous speaker in the well quite properly predicted he too will earn a fig leaf. He quite properly stated he will not be able to hide behind it because right now we are sending all the heavy hitters against the environment to the well. He, too, had a perfect score of five for five against protecting children from arsenic in their drinking water, against adequate funding for our Nation's toxic waste cleanup programs to allow industry to pollute our drinking water and an effort to stop EPA from protecting Americans from exposure to arsenic, dioxin, lead and other cancer-causing pollutants. The gentleman has a perfect score; he earned his fig leaf.

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

Mr. Speaker, it appears the other side does not have a whole lot of substantive arguments in favor of this legislation, which is unfortunate. Our good friend from New Mexico and good friend from New Jersey are carrying a lot of water for some other folks. It is nice they drafted somebody from the other committee to come in and be a designated hitter, and I do mean hitter.

Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding me time.

I walked in and thought this was a debate about horticulture. I would suggest to the gentleman from California his analogy to the realm of the horticultural area would be more in the nature of sour grapes rather than fig leafs, however.

Let us talk about the issue here, however. The issue is one that is important to our Nation and my State. I recently had an opportunity to visit one of the manufacturing plants in my State that utilizes the batteries that will be used in this recycling process. I think that H.R. 2024, which is the Mercury Containing and Rechargeable Battery Management Act, is the kind of bill all of us certainly will support. It would maximize the environmental protection and resource recovery through a vigorous voluntary recycling program.

I think it is the kind of legislation that all of us should support in that it encourages people to do voluntarily both at the consumer level, at the retail level and at the manufacturer's level what all of us would like to do, and that is to reduce the toxins in our environment.

H.R. 2024, the Mercury Containing and Rechargeable Battery Management Act, is a bill which maximizes environmental protection and resource recovery through a vigorous, voluntary recycling program. H.R. 2024 will make it more efficient, and less costly to handle batteries in an environmentally sound manner. It

will phase out the use of mercury in batteries nationally and is consistent with many State laws. Last, H.R. 2024 is an important step in reducing toxics in the waste stream without imposing expensive mandates on local governments. The bill has enjoyed bipartisan support in both the House and Senate and is supported by the Clinton administration.

I would like to make two additional comments in regard to this legislation that I hope the public will take note of. First, I would like to recognize and commend both the Republican and Democratic staff for their hard work in crafting a bill that all parties could agree on. While there may have been differences along the way, you established a common ground from which you could work together to develop a solution. It is unfortunate that bipartisan environmental efforts such as these are too often overlooked.

Second, let me emphasize that Republicans are respectful of American's desire to protect the environment. We embrace opportunities to work with our colleagues across the aisle in any effort to strengthen and improve our Nation's environmental laws.

H.R. 2024 is an important example of our commitment. It is my hope that the public will look beyond the political rhetoric and media bias that is typically associated with environmental legislation. The fact is that Republicans have the same environmental concerns as our constituents. H.R. 2024 is but one example of how we are addressing the issue of solid waste disposal. This is a bill that we can all be proud of. I believe that many more opportunities exist for me to return to this well and tell the public what Republicans are doing to protect the environment.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Speaker, my only regret is that this legislation has taken so long to progress through the Congress. As I mentioned before, I introduced a similar bill in the 103d Congress. It is good that we are making this initiative now so that it becomes law.

Mr. Speaker, this legislation that we are considering today seeks to protect our environment by providing real relief from the toxic effects of mercury, lead and cadmium in landfills and incinerators. This bill, which I am a cosponsor of, and its counterpart in the other body shares the same goal of removing regulatory barriers to the implementation of an industry sponsored program to collect and recycle ni-cad rechargeable batteries.

Currently, 350 million nickel batteries are being sold in the country each year, and about 40 percent are sold to household consumers. Most of these batteries will therefore end up in solid waste landfills, since households have no alternative opportunity to recycle.

The legislation we are discussing today is going to inform consumers that these batteries can be recycled. In fact, consumers are conveniently going to be able to return used recharageable batteries to battery retailers who will have collection containers at their stores.

There is wide consensus and support of this issue. The bills have been endorsed by the Conference of Mayors, the National Conference of State Legislators, and industry has made a positive effort in moving this bill. I am pleased to join these groups in supporting legislation that does offer workable solutions.

Mr. Speaker, I understand that there are some concerns regarding this legislation. I hope we can work them out to resolve these concerns so that we can finally see this important issue become law.

Mr. Speaker, I think the point that needs to be made is, now that it appears that we are moving with some environmental initiatives in the Committee on Commerce, I would commend the gentleman from Ohio [Mr. OXLEY], the chairman, and urge him to move ahead on some other very important initiatives, a bipartisan bill that does not pass a cleanups on the taxpayer, a safe drinking water bill that keeps public health as a top priority.

I think for those of us that also serve on the Committee on Resources, let us move ahead with a sensible parks reform bill, not a bill that moves ahead to try to shut down some of our national parks. A fair concessions bill that does not make it easier for concessionaires and the big operators to have a sweetheart deal as they manage the national parks.

In addition to that, a bill that is fair on the grazing issue is coming up in the Committee on Resources very soon. Let us make these bipartisan. Chairman OXLEY is somebody who has crafted bipartisan bills. I urge him in the days ahead, besides this commendable effort, to move in that direction on some of the bills I mentioned.

Today, though, this battery recycling bill is a good bill. It should be approved. It is bipartisan. But we have to move beyond this small bill into the major issues affecting the environment in the days ahead.

□ 1515

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

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to the gentleman from California, [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I would just say that if the Yankees had such heavy hitters in their lineup as you have against the environment, they would win the World Series. The gentleman from Georgia, [Mr. DEAL], who just spoke earlier in the well in favor of this legislation, in fact has a perfect record of voting 5 for 5 against the environment, against protecting children from arsenic in their drinking water and against adequate funding for our Nation's toxic waste cleanup to allow corporate polluters to dump 70,000 chemicals in our Nation's rivers and to allow industry to pollute our drinking water and to stop the EPA from protecting America from arsenic, dioxin, lead and other cancer-causing pollutants. So, again, a perfect score for Mr. DEAL of Georgia against the environment. Once again, he has earned his fig leaf, but he will not be allowed to hide it when his real environmental record is exposed against the legislation today.

Mr. OXLEY. Mr. Speaker, if the gentleman from New Jersey will proceed, then I will be glad to close.

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

Mr. Speaker, let me say, that I believe that this battery recycling bill is an important bill, as is the Coastal Zone Management Act which I believe we will be taking up next. They are important to my district, to the State of New Jersey. But I think that what we are hearing from our side of the aisle is a tremendous frustration over the fact that major pieces of legislation that relate to the environment, such as the Superfund, which is before the Committee on Commerce, such as safe drinking water, such as the Clean Water Act, which already passed this House, that consistently over the last year, since the beginning of 1995, the Republican leadership has made an effort to weaken major environmental laws and also has made a major effort to cut back on the amount of money that is available through appropriation bills, through the budget bill for environmental enforcement.

I was very saddened really to learn today that even though it is the day after Earth Day and even though the Republican leadership and my colleagues on the Committee on Commerce on the other side are bringing up these bills today that are important, that nonetheless, we continue to see an effort by Speaker GINGRICH and the leadership to press on through the appropriations process in providing less money for environmental enforcement and also in insisting on continuing with these antienvironmental riders in the appropriation bills.

We were out on the lawn in front of the Capitol just about an hour ago, Mr. MILLER and myself, and also the gentleman from Wisconsin [Mr. OBEY]. And we were told that the gentleman from Louisiana [Mr. LIVINGSTON] and the Republican leadership insist on antienvironmental riders that would eliminate the EPA's role in wetlands protection, eliminate the possibility of designating for Superfund sites, not allowing the EPA to proceed with standards for radon, even though in my home State of New Jersey that is a major issue because of the radon and radiation contamination that has been found in some of the drinking water in Ocean County.

So we are extremely upset over the fact that the Republican leadership continues this effort to turn back the clock on environmental protection. As

much as we are supportive of the bills that are coming up today, we insist upon the fact that we will make a point over the next few weeks and certainly over the next few months until such time as we are successful in stopping this Republican raid on the environment.

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

Mr. OXLEY. Mr. Speaker, we have been blessed by the chairman of the Committee on Resources who has been drawn to this debate.

Mr. Speaker, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG].

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I came to the floor because I have been listening to the tirade. Very frankly, I was questioning the validity of some of the arguments. We are talking about a very good bill here on this side of the aisle.

All I hear Members say on the other side is that for some reason Republicans are going to sell the national parks. That is an outright distortion. That is an outright distortion that is being said by Secretary Babbitt. In fact, it is being said by that side of the aisle.

I just wanted the people that might be watching this show to say, and show me anyplace, anytime anywhere we ever suggested such an action on this side. The bill, in fact, Mr. Babbitt says that we are trying to pass to sell the park was his bill. It was supported by the gentleman from Minnesota [Mr. VENTO]. It was voted on by Mr. MILLER. It was voted on that side of the aisle last session when they were in power.

Now all of a sudden we are the bad guys. Now, shame on you. I am going to suggest respectfully what is occurring here is a gamut for this television for people that watch it to tell some things that have been distorted completely out of context and where they do not take the responsibility. I have listened to the gentleman from New Jersey be on the floor one time. One time I was sitting in the chair. I had to listen to the nonsense that he spouts, and it is nonsense about how bad we are. And I challenged him, show us where. What have we done in our committee that has been bad? Nothing. We have done everything good, 13 bills have been signed out of the committee by this President. Some of those he did not vote for, but the President did sign them.

So I think it is time we bring a little light to this subject here, a little back to what we are talking about, this bill today, this small battery bill to try to dispose of something that could be damaging, a bill that came out of Mr. OXLEY's committee that is noncontroversial. To have this kind of rhetoric continued on and on is totally, I think, irresponsible.

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to reclaim my time. My understanding, from the gentleman from Ohio [Mr. OXLEY], was that he was going to be the last speaker and that he would close. Now that the gentleman from Alaska [Mr. YOUNG] has spoken, I would ask to reclaim my time.

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

Mr. YOUNG of Alaska. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, it is unfortunate, given all of the work that was done on this battery bill, the fact that we heard testimony from the EPA. Much of the testimony at the time when it was taking place in our subject committee, was criticized by the gentleman from New Jersey as being unrealistic and rather nitpicking, I think was the term he used. But despite that, we worked very hard on a bipartisan basis to put together a good piece of legislation, a bill that passed unanimously in the Senate.

It had a great deal of momentum, that was supported by industry, as a matter of fact encouraged by industry, supported by virtually every environmental group. To bring it to the floor and end up with some kind of a dog and pony show orchestrated by the gentleman from New Jersey and his cohort from California is really, I think, unfortunate in this situation.

When we start dealing with bills like Superfund, I am assuming the gentleman from California and I know my friend from New Jersey are very supportive of getting a good Superfund reform bill out there. Everybody assumes, everybody knows that the existing Superfund law is badly flawed and needs fixing. That is what we have been working on. I would hate to think, Mr. Speaker, that somehow if we brought a bipartisan Superfund bill to this floor, which is our goal, that we would have the kind of cheap shots that are taking place on the floor of this House on a very important issue.

So I am very disappointed today. If the gentleman wants to vote against the battery bill, then go ahead and yell ''no'' as loud as you want to. But I would suggest if you are serious about environmental protection, instead of making slogans and little cutouts for television, you would by very supportive of this strong bipartisan bill that will get a lot of mercury and cadmium out of the system and help clean up the environment.

You can have it one or two ways, but you cannot have it both ways.

Mr. GILLMOR. Mr. Speaker, I rise in strong support of H.R. 2024, the Mercury-Containing and Rechargeable Battery Management Act. I am an original cosponsor of this legislation and am glad that we are able to finally bring this bill to the floor.

Mercury and cadmium are elements that can cause significant environmental harm. The U.S. Public Health Service's Agency for Toxic Substances and Disease Registry report serious problems with mercury and cadmium containment in landfills. In fact, within New York alone, batteries account for 68 percent of the cadmium at landfills and 85 percent of the mercury. The legislation before us today would help to make our landfills safer and less toxic by providing a more environmentally friendly alternative to current practices for battery disposal.

Specifically, H.R. 2024 addresses three necessary areas that are essential to getting an effective, private sector-driven program established. First, it educates consumers on the need to recycle by setting up a uniform labeling system for nickel-cadmium and other rechargeable batteries. Second, it removes command-and-control regulatory hurdles that now prohibit a viable, voluntary recycling program from existing. Third and lastly, it bans the use of mercury in some batteries and limits its use in others. These reforms should provide us commonsense benefits that resonate on several levels.

Mr. Speaker, this bill has suffered deaths in two previous Congresses that should not have occurred. Today's consideration is proof of the worthiness of the ideas contained in this bill. I am pleased that, unlike so many other bills in this Congress, we were able to work in a bipartisan fashion to find common ground and pass this legislation. I commend Chairman BLILEY, the chairman of the subcommittee, Mr. OXLEY, Mr. PALLONE, and Mr. KLUG for their hard work on this bill.

Throughout this Congress, the House Commerce Committee and this House have spent time debating cleanup of hazardous waste sites, allocation of spectrum, reform of the telecommunications industry, and collection and management of waste streams. This bill has implications on all of them in that nickel-cadmium and related mercury containing batteries are used for cellular phones and laptop computers, whose widespread use will be escalating.

Yesterday, our country took time out during Earth Day activities to reflect on ways to make our environment better. Recycling has long been considered part of the environmental triumvirate of: reduce, reuse, and recycle. In fact, I believe this bill accomplishes all three of these tenets by limiting the use of mercury in batteries, moving these batteries out of the waste stream, and collecting the batteries for future purposes. I hope all my colleagues will see the wisdom of the efforts contained in herein and will overwhelmingly support this legislation.

Mr. STEARNS. Mr. Speaker, I rise today in support of this environmentally sound legislation. Through its comprehensive collection, education, and recycling programs, the Mercury-containing and Rechargeable Battery Management Act will effectively reduce the presence of mercury, cadmium, and other metals from batteries in the solid waste stream.

The use of as many as 2.5 billion dry cells every year has made significant contributions to the high levels of mercury and cadmium in the solid waste stream. As dry cell batteries break down, their toxic contents are released into groundwater resources. In incinerators, toxins are emitted through the combustion of these dry-cell batteries.

Through industry's collaboration with the EPA, State and local governments, retailers,

and the recycling industry, a voluntary recycling program for nickel-cadmium batteries has been developed. The final step toward implementation of this program will be completed by passing this legislation today.

Two important provisions in this legislation establish uniform labeling procedures, and uniform collection, storage, and transportation requirements for these recyclable batteries. The labeling requirement will clearly inform those who buy the batteries that they are recyclable. The transportation requirements are streamlined, providing further encouragement for participation in this voluntary program.

The recycling program will promote the shipment of used batteries to a central recycling center, keeping them out of our local landfills and incinerators. The battery industry strongly supports this program, as well as the American people. At no cost to the Federal Government, we have the opportunity to efficiently and swiftly put these recycling programs into action.

Mr. Speaker, I am proud to support this legislation which takes a positive step in working for the common goal of preserving the environment.

Mrs. THURMAN. Mr. Speaker, I am delighted to express my strong support for H.R. 2024, the Mercury-containing and Rechargeable Battery Management Act. Today, we will take an important step toward making this earth a cleaner place. The battery bill will ensure that nickel-cadmium batteries get out of the waste stream and into the recycling stream.

In my district, energizer power systems employ 1,400 people. In fact, our Alachua plant is one of only two facilities in the United States that produces nickel-cadmium batteries.

We may be one of the only one's producing them, but you all use them. Nickel-cadmium batteries are used in power tools, appliances, cellular and cordless phones, and so many other every day products.

Recognizing the danger the disposal of these batteries posed, 13 States, including Florida, took the initiative to label and recycle the batteries. Industry has done a terrific job in promoting the labeling and recycling programs, particularly through the creation of the Rechargeable Battery Recycling Corporation [RBRC] Manufacturers fund the recycling programs and the RBRC is charged with collecting and recycling the used batteries. The Federal Government isn't spending tax dollars to set up a new bureaucracy, industry is financing and administering the program itself.

Actions like these are examples of the kind of good corporate citizenship we want to encourage. More than 100 companies helped to create the RBRC and, together, they work to ensure that their products do no harm to our environment.

The problem is that conflicting State regulations about labeling and collecting have hindered the RBRC's ability to fully achieve its goals. Today, we will enact uniform environmental labeling standards and allow for national collection of nickel-cadmium batteries by retail stores. These actions will help the energizer bunny keep going and going—then be recycled—so he can keep going and going again.

I am delighted that we have bipartisan support for this bill that not only addresses nickel-cadmium, but also phases out the use of mercury in batteries. I am pleased that the 1,400 hard-working energizer employees in my district have taken an active role in promoting this legislation.

I commend their efforts and urge the House to vote for the passage of H.R. 2024.

Mr. TORRES. Mr. Speaker, I am pleased to see the House addressing the issue of recycling. The bill under consideration today would encourage voluntary battery recycling, curtail the use of mercury-containing batteries and improve the procedures for recycling such batteries. The bill is a step in the right direction, but it's only a very small, half-step. We can and we should be doing much more to fix our country's critical solid waste disposal problems.

Common items such as lead acid batteries, newsprint, motor oil and tires continue to clog neighborhood landfills, incinerators and sewers. Communities all over America continue to grapple with the serious health and safety hazards that result. There is a way, however, to turn these items usually treated as trash into valuable resources. And there is a way to meet this environmental challenge, which does not rely on command and control regulation.

Mr. Speaker, 7 years ago, along with the late Senator John Heinz and former Senator Wirth, I introduced a innovative concept in environmental protection. The idea was simple—use market forces to achieve environmental protection. Very simply, our legislation offered a solution to the demand side of the supply-and-demand equation.

Recycling is not just the process of having a product collected, recycling means turning the old product into a new product and using it again. Garbage is still garbage unless it has value throughout its lifecycle. Unfortunately, because there is currently no stable market for recycled materials, our separated garbage too often ends up buried in the dump.

The legislation I have reintroduced this Congress would give companies an incentive to recycle the goods they produce, while giving them the freedom to determine the most efficient and least expensive way to do so. The bills employ a system of tradable credits. The credits serve as the medium of exchange in recycling markets. Manufacturers would be required to use an annually increasing percentage of recycled materials. If unable to meet the content standard for a given year, a manufacturer could achieve compliance by purchasing recycling credits from other manufacturers who exceed their targets.

The bills, H.R. 1522, H.R. 1523, H.R. 1524, and H.R. 1525, represent innovative proposals to foster the lead battery, oil, newsprint, and tire recycling industries. I encourage my colleagues to consider these incentive-based bills and join me in promoting a more comprehensive approach to addressing the serious solid waste challenges we face as a nation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. OXLEY] that the House suspend the rules and pass the bill, H.R. 2024, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2024, as amended.

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

There was no objection.

EXTENDING TIME FOR DEBATE ON H.R. 1965, COASTAL ZONE PROTECTION ACT OF 1996

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that during the consideration today of H.R. 1965 under suspension of the rules, debate be limited to 60 minutes, equally divided and controlled by the chairman and the ranking member of the Committee on Resources or their designees.

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

There was no objection.

COASTAL ZONE PROTECTION ACT OF 1996

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1965) to reauthorize the Coastal Zone Management Act of 1972, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1965

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 ''Coastal Zone Protection Act of 1996''.

SEC. 2. FINANCIAL ASSISTANCE FOR DEVELOPMENT OF STATE COASTAL PROGRAMS.

(a) REAUTHORIZATION OF PROGRAM.—Section 305(a) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454(a)) is amended—

(1) by striking ''1991, 1992, and 1993'' and inserting ''1997, 1998, and 1999''; and

(2) by striking ''two'' and inserting ''four''.

(b) TERMINATION OF PROGRAM.—

(1) IN GENERAL.—Section 305 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454) is amended—

(A) by striking subsection (a);

(B) by striking ''(b)''; and

(C) by amending the heading to read as follows:

''SUBMITTAL OF STATE PROGRAM FOR APPROVAL''.

(2) CONFORMING AMENDMENTS.—Section 308(b)(2)(B) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1457(b)(2)(B)) is amended—

(A) in clause (iv) by adding ''and'' after the semicolon;

(B) by striking clause (v); and

(C) by redesignating clause (vi) as clause (v).

(3) EFFECTIVE DATE.—This subsection shall take effect on October 1, 1999.

SEC. 3. IMPLEMENTATION ASSISTANCE FOR COASTAL ZONE ENHANCEMENT.

Section 309(b) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456b(b)) is amended—

(1) by inserting ''(1)'' before ''Subject to''; and