

(b) *CONFORMING AMENDMENT.*—The analysis for chapter 145 of such title is amended by striking the item relating to section 14526 and inserting the following:

“14526. Distressed, at-risk, and economically strong counties.”.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) *IN GENERAL.*—Section 14703(a) of title 40, United States Code, is amended to read as follows:

“(a) *IN GENERAL.*—In addition to amounts made available under section 14501, there is authorized to be appropriated to the Appalachian Regional Commission to carry out this subtitle—

- “(1) \$87,000,000 for fiscal year 2008;
- “(2) \$100,000,000 for fiscal year 2009;
- “(3) \$105,000,000 for fiscal year 2010;
- “(4) \$108,000,000 for fiscal year 2011; and
- “(5) \$110,000,000 for fiscal year 2012.”.

(b) *ECONOMIC AND ENERGY DEVELOPMENT INITIATIVE.*—Section 14703(b) of such title is amended to read as follows:

“(b) *ECONOMIC AND ENERGY DEVELOPMENT INITIATIVE.*—Of the amounts made available under subsection (a), the following amounts may be used to carry out section 14508—

- “(1) \$12,000,000 for fiscal year 2008;
- “(2) \$12,500,000 for fiscal year 2009;
- “(3) \$13,000,000 for fiscal year 2010;
- “(4) \$13,500,000 for fiscal year 2011; and
- “(5) \$14,000,000 for fiscal year 2012.”.

(c) *ALLOCATION OF FUNDS.*—Section 14703 of such title is amended by adding at the end the following:

“(d) *ALLOCATION OF FUNDS.*—Funds approved by the Appalachian Regional Commission for a project in a State in the Appalachian region pursuant to a congressional directive shall be derived from the total amount allocated to the State by the Appalachian Regional Commission from amounts appropriated to carry out this subtitle.”.

#### SEC. 6. TERMINATION.

Section 14704 of title 40, United States Code, is amended by striking “2007” and inserting “2012”.

#### SEC. 7. ADDITIONS TO APPALACHIAN REGION.

(a) *KENTUCKY.*—Section 14102(a)(1)(C) of title 40, United States Code, is amended—

- (1) by inserting “Metcalfe,” after “Menifee,”;
- (2) by inserting “Nicholas,” after “Morgan,”;
- and
- (3) by inserting “Robertson,” after “Pulaski,”.

(b) *OHIO.*—Section 14102(a)(1)(H) of such title is amended—

- (1) by inserting “Ashtabula,” after “Adams,”;
- (2) by inserting “Mahoning,” after “Lawrence,”;
- and
- (3) by inserting “Trumbull,” after “Scioto,”.

(c) *TENNESSEE.*—Section 14102(a)(1)(K) of such title is amended by inserting “Lawrence, Lewis,” after “Knox,”.

(d) *VIRGINIA.*—Section 14102(a)(1)(L) of such title is amended—

- (1) by inserting “Henry,” after “Grayson,”;
- and
- (2) by inserting “Patrick,” after “Montgomery,”.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate concur in the House amendment and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

#### HAZARDOUS WASTE ELECTRONIC MANIFEST ESTABLISHMENT ACT

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 1039, S. 3109.

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

The legislative clerk read as follows:

A bill (S. 3109) to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Thune amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 5672) was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The bill (S. 3109), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### MERCURY MARKET MINIMIZATION ACT OF 2007

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 1038, S. 906.

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

The legislative clerk read as follows:

A bill (S. 906) to prohibit the sale, distribution, transfer, and export of elemental mercury, and other purposes.

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

#### 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 FEDERAL 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, 2010, 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