ORDER OF PROCEDURE

Mr. COVERDELL. Mr. President, I ask unanimous consent that no votes occur prior to 3:45 today; and, further, the time until 3 o'clock be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, we have essentially accomplished this so far: The Senator from Wisconsin, the Senator from Minnesota. I understand the Senator from Vermont has a subject he needs to cover at this time. We encourage Senators with amendments to come forward. When we finish, Senator LANDRIEU will perhaps be here around 3 o'clock and we will facilitate that. We will try to give any amendment priority over any other business during this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am going to take about 10 minutes, but I am wondering whether it may be appropriate to ask that my time not be charged to either side. It is not going to be on the bill itself.

Mr. COVERDELL. What we are basically trying to do—I don't think it is necessary—is to divide this period of time between them, and it would be appropriate for your side to have time at this point.

Mr. LEAHY. Mr. President, then I will take the floor, if I might. I assure my distinguished colleagues from Georgia and from Massachusetts, I will not be long.

Mr. KENNEDY. Will the Senator yield for a question? As I understand from the Senator from Georgia, then, at 3:45 we intend to start voting on the subject matters which we have debated earlier, and dispose of those, and then, according to the leadership, try to continue to dispose of other amendments subsequent. Am I correct in that?

Mr. COVERDELL. You are absolutely correct. It is a little unclear what will occur following the vote. We will potentially have up to five votes. Again, we are not absolutely certain when those coming from the funeral will arrive. It is a little unclear, but that is generally the plan.

Mr. KENNEDY. I ask to be able to follow the Senator from Vermont for up to 15 minutes.

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

The Senator from Vermont.

## MERCURY POLLUTION: UNFINISHED BUSINESS

Mr. LEAHY. Mr. President, as I have said many times on the floor of the Senate, I am blessed to come from and in fact represent a State in which people share a deep and abiding concern for the environment. In many ways, Vermont is an example to the Nation in its environmental ethics and its environmental action.

We Vermonters are especially proud that much of the environmental progress the Nation has achieved in the last 3 decades is also part of the legacy of Vermont's own Robert Stafford. Senator Stafford's leadership in this body helped shape national environmental policy from the time the environmental movement was in its infancy, and then continued well into its maturity. In his role as chairman of the Committee on Environment and Public Works—a post that Senator Stafford assumed in 1981—Bob Stafford courageously and successfully stood up to the powerful interests who tried to roll back our environmental standards. Today, as we celebrate the 28th anniversary of Earth Day, I would like to take a moment to reflect on the progress we have made to protect our environment. But I also want to talk about the job that remains to be done.

In the past few weeks, one of Vermont's great treasures, Lake Champlain, has received a great deal of attention. This has also offered an opportunity to explain one of the threats to Lake Champlain from toxic pollutants that are drifting into our State. One of these pollutants, mercury, should be of particular concern. Like lakes and waterways in most States, Lake Champlain now has fish advisories for walleye and lake trout and bass. All that is due to mercury.

When I was growing up and I could spend parts of my summers on Lake Champlain, I never had to worry about eating the fish that I caught. Actually, I only had to worry about being good enough to catch them in the first place. But someday, when I take my grandson out fishing, I don't want to explain to him why he can't eat a fish he catches there. What I tell my grandson is largely a function of what direction we decide to take in Congress to protect the environment. Depending upon what we do here, that will determine whether I can tell him to eat the fish or not. Are we going to rest on our laurels, or are we going to build on the courageous steps that Bob Stafford and others took to protect our environment for future generations?

We should be proud of the great strides we have made to reduce the level of many air and water pollutants, to rebuild populations of endangered species, and to clean up abandoned hazardous waste sites. And we are proud of that. But now we have to continue to address the environmental threats that do not have any easy solutions. One of these threats is the mercury that seeps into our air and water every day from coal-fired power plants and waste combustors and utility boilers. It is one of the last remaining toxins for which there is no control strategy.

When we originally wrote the Clean Air Act, we didn't understand the dangers posed by mercury, but we have seen the dangers in our own State. Two high schools in my own State had to be closed for a week because there were small amounts of mercury found in the classrooms. But these were instances where you could actually see the mercury. The more elusive problems are the ones where the mercury goes through the air and water and we don't see it. With the release of the Environmental Protection Agency's Mercury Study Protection Report to Congress, we have the information to solve the problem of mercury pollution. We have the information to solve the problem. The question we have to ask is: Do we have the will to solve it?

The report shows some very troubling levels of mercury in fish, and also estimates in the United States there are more than 1½ million pregnant women and their fetuses, women of childbearing age, and children who are at risk of brain and nerve development damage from mercury pollution.

There are new facts of mercury pollution, too. Look at this chart. In 1993, there were 27 States with fish advisories for mercury contamination. These are the States in red. There are 899 lakes, river segments and streams identified as yielding mercury-contaminated fish. That was just 5 years ago.

Now let's see what has happened as we go to 1997. Look at how the red is filling up the country. You can see that 39 States have issued mercury fish advisories for 1,675 water bodies. This is where we are with mercury-contaminated fish; almost every State in the country, 1,675 advisories.

In only 5 years, it is an increase of 86 percent. We are going in the wrong direction. We are soon going to see the map totally red.

What we should be doing, Mr. President, is trying to reverse course, getting rid of this mercury pollution and going back to where we can have a country without them.

We pump 150 tons of mercury into the atmosphere every year—every year, year after year after year. It doesn't go away. It becomes more potent. We put a lot of love and time and energy and fiscal resources into our children, but we are not protecting them from the possibility of being poisoned by a potent neurotoxin.

The critics of inaction are right. We can't tell to what degree people with learning disorders, coordination problems, hearing, sight or speech problems have been harmed by mercury pollution. We don't know how many little Sarahs or Johnnys would have been gifted physicians, poets or teachers but who now have no chance of reaching their full potential because they are exposed to mercury in the womb or during early childhood.

Just as with lead, we know that mercury has much graver effects on children at very low levels than it does on adults. It is insidious.

Because we can't measure how much potential has been lost, some special interests say we should continue to do nothing.

Our late colleague, Senator Edmund Muskie of Maine, put it well when he

said, ''[t]he first responsibility of Congress is not the making of technological or economic judgments. Our responsibility is to establish what the public interest requires''—requires—''to protect the health of persons.''

We have enough information to act. We don't have to wait until we have a body count. We have the information, now we need the will, and we should have the will to act.

I propose we put a stop to this poisoning of America. Mercury can be removed from products. It has been done. Mercury can be removed from coal-fired powerplants, and it should be done. We should limit the mercury that enters our environment from coal-fired powerplants, waste incinerators, and large industrial boilers and other known sources.

Americans have a right to know what is being spewed out of these facilities and into their backyards and into the food of their children. We in Congress have the responsibility to give them the knowledge and the tools to protect their children.

The PRESIDING OFFICER (Mr. FRIST). The Chair notifies the Senator from Vermont that initially there were 23 minutes to each side. Senator KENNEDY, by unanimous consent, claimed 15 minutes of the 23 minutes. Therefore, we are now into Senator KENNEDY's time.

Mr. LEAHY. Mr. President, that wasn't precisely the way that I recall the intent of the unanimous consent agreement, but let me just say this. The EPA report estimates the cost nationally of controlling mercury from powerplants at $5 billion per year, and this is an industry that generates more than $200 billion a year in revenue. That is less than 2.5 percent. It strikes me as being the equivalent of a fly on an elephant's back. We can do a lot better.

The residents of Colchester, VT have been fighting for 7 years to clean up a waste incinerator in their backyard that they were originally told was clean enough to toast marshmallows in. Well, now we know better and we need to require this and other facilities to eliminate mercury emissions.

One of the largest sources of mercury is coal-fired power plants. With States deregulating their utility industries, Congress today has a unique opportunity to make sure these powerplants begin to internalize the cost of their pollution.

Many of the problems the Clean Air Act of 1970 was drafted to solve are being addressed. But one thing has not worked out the way Congress originally envisioned. It seemed back then that old, dirty, inefficient power plants would eventually be retired and replaced by a new generation of clean and efficient plants. The concept worked with tailpipe controls on cars. Eventually the fleet turns over and the dirty ones are out of circulation.

But, 28 years later, many utilities continue to operate dirty, inefficient plants that were built in the 1950s or before. These plants are subject to much less stringent pollution controls than are new facilities, and what we now have is a big loophole, and these plants are pouring pollution through it.

If we don't level the pollution playing field now, in a deregulated industry the financial incentive will be to pump even more power and pollution out of these plants for as long as they will last. As long as the rules of the game allow this, these utility companies are acting in a manner that suits solely their economic self interest. As a nation, we cannot afford to subsidize their inefficiency, but our inaction does just that.

We will hear a lot of rhetoric about how much implementing this bill will cost. I want to address those complaints up front. The cost argument does not hold water. I say it again, the EPA report estimates the cost nationally of controlling mercury from power plants at $5 billion per year, and this industry generates more than $200 billion a year in revenue. That is less that two and a half percent, and that strikes me as being the equivalent of a fly on an elephant's back.

Mercury pollution is a key piece of unfinished business in cleaning up our environment. The poisoning of America's lakes, rivers, lands, and citizens with mercury pollution can be stopped. It is unnecessary, and continuing to ignore it mortgages the health of our children and grandchildren.

I yield to the Senator from Massachusetts.

Mr. BOND addressed the Chair.

## EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, I understand the Senator from Missouri has a statement. I will be glad to follow him.

Mr. BOND. Mr. President, I express my appreciation to my good friend and colleague from Massachusetts. I ask for 5 minutes to be yielded from the majority side.

Mr. COVERDELL. I yield 5 minutes to the Senator from Missouri.

Mr. BOND. I thank the Chair and I thank the distinguished manager.

Mr. President, I rise in support of the Coverdell measure and in support of the Gorton-Frist amendment and in support of the Ashcroft amendment. We have an opportunity as a body to make some very clear statements about education that the people in our States are asking us to make.

I firmly believe that education is a national priority but a local responsibility. This leads to a fundamental difference between this side and what might be referred to as a Washington establishment on education.

I believe that those who know the names of the students personally are better at making decisions than those who don't know them. Unfortunately, Federal involvement in education over the years has started off with a great idea of providing resources in support for what we believe for our children is the highest priority, and that is getting them a good education, but it has mushroomed into burdensome regulations, judicial intrusion, unfunded mandates and unwanted meddling.

The results have been that local school officials who are accountable to parents and communities have increasingly less and less control over what goes on in their classrooms. In some cases, parents really feel that they have lost control of their child's education. They have told me horror stories about how their children are not getting an education because of requirements that the Federal Government has put on the schools.

I believe that parents and local school boards are and must be the key to true educational reform, not big Government. We should be empowering parents and teachers and school districts and States to develop challenging academic standards, programs and priorities, not making their jobs of educating children of America more difficult.

As my colleague from Missouri, Senator ASHCROFT, said, we already have standards, we already have tests. As a result of those tests, we know where the problems are in education, and we need to do something about it. Yes, nationally we ought to focus on the problem, but we ought not to try to solve with a ''Washington, DC, solution'' the problems we face in every community and every city throughout Missouri and throughout America.

I have had a very interesting and informative experience over the last year and a half talking to school board members, talking to teachers, talking to principals and talking to parents across my State of Missouri. It is from these discussions that I come back here with a renewed commitment to keep local control over education.

We have school districts in Missouri hiring hordes of consultants and grant writers instead of teachers because they know they have to play ''Mother May I?'' with Washington, DC. We have some schools, the smaller schools, that say they don't even bother to apply for the Federal funds because they don't have the time and the resources to prepare the application.

Leaders in school districts have told me of the unforeseen consequences of getting a grant. They get a grant development program and the grant expires and the school district has to determine whether to take local money from existing resources to continue the program or to eliminate it.

One of my colleagues on the other side of the aisle said very, very convincingly today, and I love these words, ''The Federal Government doesn't run schools, and the Federal Government doesn't fund schools.'' I