

total, according to Josef Pacyna of the Norwegian Institute of Air Research, as well as the U.S. Environmental Protection Agency. An enormous amount originates in Asia. More than half of mercury emissions are nationally occurring. Given that statistic, mercury will be present in the human bloodstream regardless of whether powerplants are regulated by a cap and trade emissions reduction program or the more costly but less effective MACT standard—or, for that matter, even if all powerplants and manufacturing facilities in the country were to be shut down altogether.

EPA data shows that eliminating U.S. powerplants from the mercury deposition equation would have virtually no effect on reducing actual deposition. Throughout New England, for example, the range of deposition levels would be unchanged. With or without powerplants, deposition levels are between 10 and 15 micrograms per square meter in the overwhelming majority of the area. Where there is a reduction, the amount is negligible.

These four charts created by the EPA using state-of-the-art computer modeling tell the story. As you can see in chart No. 5, throughout the country mercury deposition from all sources ranges from as low as 5 to 10 micrograms, up to more than 20 micrograms per square meter. The next chart, in contrast, shows that powerplants contribute less than 1 microgram per square meter for most of the country, including virtually the entire United States. Nonetheless, it is true that in most of the East, powerplants are responsible for 1 to 10 micrograms per square meter of the deposition. In a small region of the country, they cause as much as 10 to 20 micrograms. That is why the EPA has issued its regulation.

The next chart, however, is revealing. With the EPA's rule, powerplants will contribute less than 1 microgram in the vast majority of the country and less than 5 micrograms anywhere else. Clearly, the EPA rule is effective. Yet despite the effectiveness of the EPA rule, some are advocating overturning a 70-percent emission reduction in the hopes of eking out a slightly greater reduction of 90 percent.

This last chart, No. 8, completes the story. Even if all powerplants in the country were shut down, mercury deposition would be at least 5 to 10 micrograms; that is, if we shut down all powerplants. All we are addressing now is powerplants, and a lot of people are deceived into thinking that powerplants is where you get your problem with mercury. That is not it. One percent of the total is in powerplants. Even if all powerplants in the country were shut down, mercury deposition would be at least 5 to 10 micrograms. In half the country, it is 10 to 15 micrograms. In a significant portion of the country, it ranges from 15 to more than 20 micrograms.

Look at this chart. Now go back to chart 3. It is incredible that some Sen-

ators are willing to roll back EPA's current rule when deposition from powerplants will be negligible compared to other sources. EPA believes we should act now to reduce emissions of mercury from the powerplants so we can achieve the progress you see in chart No. 7. Repealing the section 111 rule would be a step backward in our efforts to regulate mercury emissions from powerplants. It would create enormous uncertainty for the States. Keep in mind that prior to 6 months ago, when the President came out with a cap and trade restriction on mercury, we had no restriction on mercury in powerplants. It was nonexistent. In the absence of the mercury rule, there will be no Federal regulation of mercury from existing powerplants, at least in the foreseeable future. Repealing EPA's rule would roll back the 70-percent reductions required by the agency and eliminate incentives for the development of new mercury-specific control technologies.

It is not appropriate for Congress to address this issue. The very people who claim that EPA acted improperly have asked the DC Circuit Court of Appeals to review the EPA's action to determine if their actions were proper or improper. The court would thoroughly review the legal and factual basis for the EPA's determination. There is no reason for Congress to interfere with this process. Congress can take affirmative action on mercury emissions by passing the Clear Skies legislation.

We went through this. We have been working for 2 years to get the President's Clear Skies legislation passed. Clear Skies legislation mandates a 70-percent reduction in SO_x, NO_x, and in mercury. And for some reason those individuals who claim to be concerned about the environment would rather have no mandated reduction at all. We have the opportunity now to do that. Clear Skies cuts mercury emissions from the power section by 70 percent. The President's Clear Skies legislation is a more effective, long-term mechanism to achieve large scale national reductions of not only mercury but sulfur dioxide and nitrogen oxides. Clear Skies legislation applies nationwide and is modeled on the highly successful acid rain program, a program many people have said was not going to work, was not going to be effective. Yet we all now realize it was effective.

We are not talking about just mercury. We are talking about sulfur dioxide, nitrogen oxide. I believe it would be totally irresponsible to somehow roll back the first attempt that we have to regulate mercury in powerplants. Keep in mind, prior to 6 months ago, it was not regulated at all. That is what this is all about.

Tonight is a vote on the motion to proceed. I don't care about the motion to proceed. Let's go ahead and vote in favor of that. Tomorrow is the main vote. That is a significant vote. I think we need to proceed to that vote tomorrow.

I yield back the remainder of my time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All time having been yielded back, morning business is closed.

DISAPPROVING A RULE PROMULGATED BY THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY—MOTION TO PROCEED

Mr. INHOFE. Mr. President, I move that the Senate proceed to the consideration of S.J. Res. 20.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a vote on the motion to proceed to S.J. Res. 20 which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 20) disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility units from the source category list under the Clean Air Act.

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to proceed. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Montana (Mr. BURNS), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. DEMINT), the Senator from Florida (Mr. MARTINEZ), and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), and the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

The PRESIDING OFFICER (Mr. TALENT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—92

Akaka	Bunning	Cornyn
Alexander	Burr	Corzine
Allard	Byrd	Craig
Allen	Cantwell	Crapo
Baucus	Carper	Dayton
Bayh	Chafee	DeWine
Bennett	Clinton	Dodd
Biden	Coburn	Dole
Bingaman	Cochran	Domenici
Bond	Coleman	Dorgan
Boxer	Collins	Durbin
Brownback	Conrad	Ensign