

Enzi	Lautenberg	Santorum
Feingold	Leahy	Sarbanes
Feinstein	Levin	Schumer
Frist	Lieberman	Sessions
Graham	Lincoln	Shelby
Grassley	Lott	Smith
Gregg	Lugar	Snowe
Hagel	McCain	Specter
Harkin	McConnell	Stabenow
Hatch	Mikulski	Stevens
Hutchison	Murkowski	Sununu
Inhofe	Murray	Talent
Isakson	Nelson (FL)	Thomas
Jeffords	Nelson (NE)	Thune
Johnson	Obama	Vitter
Kennedy	Pryor	Voivovich
Kohl	Reed	Warner
Kyl	Reid	Wyden
Landrieu	Salazar	

## NOT VOTING—8

Burns	Inouye	Roberts
Chambliss	Kerry	Rockefeller
DeMint	Martinez	

The motion was agreed to.  
The PRESIDING OFFICER. The Senator from Ohio is recognized.

## MORNING BUSINESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that there be a period for morning business.

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

## CLEAN AIR MERCURY RULE

Mr. VOINOVICH. Mr. President, I rise this evening to express opposition to the resolution that we are going to be voting on tomorrow morning. First, for the benefit of my colleagues, I would like to explain that to be effective the resolution must be passed by the Senate and the House and signed by the President. While the act provides for expedited and privileged procedures in the Senate, there are not such rules in the House. I have every reason to believe this resolution will not be considered by the House, and even if it is considered by the House and passed, the President has announced today that he would veto this legislation. So it is clear where this is going.

What are we talking about? On March 15 of this year, EPA finalized the clean air mercury rule and made the United States the first nation in the world to regulate mercury emissions from existing coal-fired powerplants. That is the first in the world. We know we have coal-fired powerplants all over the world—China, India, all over. Through two phases in a program called cap and trade, mercury emissions will be reduced by 70 percent. The program is modeled after the Nation's most successful clean air program, the Acid Rain Program. There were not any lawsuits filed, and it went through and made a big difference in terms of reducing acid rain.

Modeling by the Electric Power Research Institute, an independent non-profit research organization, shows that the rule is going to reduce mercury in every State. This is quite amazing given the nature of mercury.

Let us talk about mercury and where it comes from because the debate ear-

lier this evening gave the impression that all of the mercury that people are experiencing today in the United States comes from the United States. Not so. Mercury travels hundreds and thousands of miles. About 55 percent of worldwide mercury emissions come from natural sources such as oceans and volcanoes. So it is already in the environment. Only 1 percent of worldwide emissions come from U.S. powerplants, which is what we are talking about today.

From 1990 to 1999, the Environmental Protection Agency estimates that U.S. emissions of mercury were reduced by nearly half. So we have been doing some real good, and that has been completely offset by increases in emissions from Asia.

As many of my colleagues know, throughout my career I have focused a lot of my time and energy on the Great Lakes. In a report published after a workshop sponsored by the International Air Quality Advisory Board of the International Joint Commission—the International Joint Commission is made up of U.S. and Canadian representatives and the Commission for Environmental Cooperation—I learned that as much as 45 percent of the mercury disposition in the Great Lakes is believed to come from Asia.

We have had some discussion today about mercury control technology. I would like to share with my colleagues that the testing performed by the Department of Energy, EPA, and the electric utility industry has demonstrated that existing control equipment for sulfur dioxide, nitrogen oxide, and particulate matter can reduce mercury emissions by approximately 40 percent. In other words, if we do a better job of reducing NO<sub>x</sub> and SO<sub>x</sub>, we will have a real impact on the reduction of mercury in the United States.

According to the DOE's national environmental technology laboratory, the ability of these existing pollution controls to reduce mercury can vary from zero levels approaching 90 percent. In fact, some combinations of control technologies for reasons unexplained show an increase in mercury emissions.

So the status of the technology is really fuzzy. If mercury technology is so settled, as my colleagues would lead many to believe, then why is the Department of Energy supporting 36 mercury control projects located in 12 States—California, Washington, Alabama, Pennsylvania, Virginia, Ohio, West Virginia, Colorado, North Dakota, North Carolina, and Iowa.

Additionally, Green Wire published an article, by the way, that was referenced by the Senator from Delaware, where the first sentence reads: A leading technology for removing mercury from the coal combustion process will be fully applied for the first time to a commercial scale powerplant. So this is proven technology of one or two out of more than a thousand coal-fired units are going to install it.

In other words, we have a couple of plants that they are talking about doing something in terms of this mercury technology. The vendor that is going to install this technology on two plants in the Midwest has said their target is 80 percent.

Those who are promoting the resolution want a 90-percent reduction within 3 years. Now, here is somebody who is out there in front on technology, and they are talking about their target being 80 percent. The President's regulation, EPA regulation, is a reduction of 70 percent.

So let us look at this. Two plants out of more than 1,000 coal-fired plants. I am not sure that one could argue with a straight face that the technology is out there to do what the sponsors of this resolution would say that they could do.

According to the DOE, currently no single technology exists that can uniformly control mercury from all powerplant gas emissions. For that reason, the EPA concluded that mercury-specific control technologies are not yet commercially available and does not believe widely applicable technologies can be developed and broadly applied over the next 5 years.

The sponsors of this resolution, as I mentioned, are for something called the Maximum Available Control Technology. They want a 90-percent reduction in 3 to 4 years. First of all, the technology is not there, but let's say what would happen if it were there. EPA's cap-and-trade program, the one that is reflected in the regulation that EPA promoted on mercury, is going to cost \$2 billion, while the regulation of the sponsors of this regulation would cost \$358 billion. That is not million; we are talking about \$2 billion versus \$358 billion.

Utilities will be forced to increase their use of natural gas by almost 30 percent because natural gas is the only means available at the present time to achieve significant mercury reductions within such a short timeframe. Natural gas prices will increase by over 20 percent. National average electricity prices will increase by 20 percent. Some regions of the United States, especially those that rely on coal, are projected to experience electricity price increases as much as 45 percent.

I have to say that I come from the State of Ohio. I live in Cleveland, OH. We have seen our natural gas prices increase almost 100 percent since 2001. In fact, I believe that is when the recession started in my State. This is impacting dramatically on those people who are the least able to pay. It is impacting dramatically on the businesses in my State and, frankly, throughout the United States of America. I suspect it is also impacting on those people in the Northeastern part of the United States, the home of many of those who are sponsoring this resolution to overturn the EPA rule on mercury.

Let's talk about natural gas prices. According to the independent Energy

Information Administration, a maximum standard would have a devastating impact on our Nation because coal plants, unable to attain it, would be forced to fuel switch away from coal, which is our most abundant and least costly energy source, to natural gas.

One of the things my colleagues need to understand is that we are the Saudi Arabia of coal. We have 250 years' worth of coal here in the United States. There are some people, frankly, who would like to see coal put out of business. In fact, the lawyer for the Sierra Club indicated about a year ago that it is their goal to make sure that we no longer have any coal-fired facilities, energy plants in the United States.

Increased reliance on natural gas for electricity generation will add to the cost, as we have already seen. We have the highest natural gas prices in the developed world today. Increased costs have diminished our businesses' competitive position in the global marketplace.

I was saying earlier today, some of my colleagues are living in a cocoon. The biggest threat to the United States, and we don't recognize it, is that we have the most fierce competition this country has ever confronted in my memory today, and we still go about dealing with our problems the way we did 25 or 15 years ago. We have to understand that decisions we make not only impact on the people in our Nation, but they also impact on the competitive position of the United States in the global marketplace.

The Energy Information Agency, which is part of the Department of Energy, estimates that natural gas prices may go up as much as 71 percent in some parts this fall. Did you hear me? That is 71 percent. Talk to the people in Cleveland or in Columbus or other parts of the United States who have had it up to here with their natural gas costs. It will place a burden on the poor and elderly and on American businesses both large and small. EIA finds that the use of natural gas for electricity generation may increase up to 10 percent by 2025, with nationwide electricity prices expected to rise by as much as 22 percent.

The repercussions of high natural gas prices do not end with higher energy prices for individuals and businesses. What we forget about is natural gas—this is something I think the American people have to understand—is a vital feedstock for many industries in the United States. Since 1999, 21 nitrogen fertilizer production facilities have closed, 16 of them permanently. As a result, farmers are paying up to 70 percent more for nitrogen fertilizer materials than they did before, and that is reflected of course in the price we pay for corn and for other crops that use fertilizer.

The chemical industry had an eight-decade run as a major exporter; that is, we exported chemical products all over

the world. That ended in 2003. With a \$19 billion trade surplus in 1997—that is \$19 billion we are selling—it went to a \$9.6 billion deficit. That means today we are importing chemical products into the United States. More than 90,000 U.S. chemical industry jobs have been lost since 2000. Of the 125 large-scale chemical production plants under construction worldwide, 50 are in China, while only 1 is in the United States.

This is another example, because of our policy, of jobs shifting out of this country to other countries.

Perhaps the most frustrating aspect of this resolution for me is that it completely circumvents the Environment and Public Works Committee and the subcommittee I chair. That subcommittee is the Clean Air Subcommittee of the Environment and Public Works Committee Climate Control and the Nuclear Regulatory Commission. Disregarding our committee's jurisdiction and extensive work on this matter, with a total of 24 hearings held on emissions issues since 1998, S.J. Res. 20 was discharged from the EPA Commission by a petition, not by a vote of its members. In fact, the committee worked hard during the first few months of this year to pass the Clear Skies Act to reduce emissions of mercury, NO<sub>x</sub> and sulfur dioxide. Unfortunately, several of my colleagues simply did not want a bill and were unable to compromise so we would be able to move the bill out of committee.

It is astounding that many of the Members who are now supporters of this resolution on which we will vote tomorrow—if Members want to reduce emissions sooner or even through a different mechanism, then let's work together and pass a multi-emissions bill that deals with SO<sub>x</sub>, NO<sub>x</sub>, and mercury, as proposed in the President's Clear Skies Initiative on which we agreed to compromise and now we are dealing with one part of it.

Instead, proponents of this resolution are taking a step backward. At the least, passage of this resolution means that the Clean Air Mercury Rule would be repealed and there would be years of delay before a new regulation would be developed, proposed, finalized, and then implemented after resolving the inevitable litigation.

I want to point out the beginning of this rule—in other words coming up with a mercury rule—started in the Clinton administration 15 years ago.

Some arguments have also been advanced that the resolution would eliminate any legal requirement that EPA even promulgate a regulation to control mercury emissions from powerplants. This resolution is not the right way to get actual reductions. EPW Committee Chairman Jim Inhofe and I showed earlier this year that we are willing, as I mentioned, to sit down at the table and work through a multi-emissions bill. We made changes in the committee to address every concern raised and we are willing to do more,

but frankly no member of the opposing side told us what is wrong with our proposal and what would be needed for them to support our bill. We got nowhere.

Our managers' amendment to Clear Skies is stronger on mercury than the Rule. We move up the second phase from 2018 to 2016, and create a hotspot program to address concerns that people have with our cap-and-trade program.

The last thing I would like to get at is there are being represented all kinds of statistics on how mercury is impacting the population of the United States, particularly women of child-bearing age.

I want to point out the major sponsors of this resolution live up in this area of the United States. The disposition of mercury in micrograms per square meter is less than 1 in this area, where they are complaining about all the mercury and how it is impacting on their lakes and streams and on their population. The people who have the problem are in Pennsylvania and Ohio—this blue area on the map. They are the ones who have the mercury problem. As I mentioned before, a lot of it has to do with mercury that is coming from other places in the world. The Clear Skies legislation that we put together was going to deal with this problem. But, oh, no, it is our way or no way; we have to have something that is perfect.

The thing we do here so often in the Senate is we allow the perfect to get in the way of the good. We better realize we are going to need more compromising if we are going to do the things we want to do, to reduce emissions in the air and at the same time stay competitive in the global marketplace.

I am going to finish with a little information on the risks of mercury. We have heard all of the gloom and doom and how terrible it is and we can't eat the fish and we can't do this and we can't do that.

EPA's reference dose for methylmercury is the basis for regulating mercury because methylmercury poses the greatest risks of exposure to people, including women of childbearing age. Understand that, EPA's reference dose for methylmercury is very conservative. It is more than twice as stringent as that of the World Health Organization; twice as stringent as Health Canada; three times more stringent than the Agency for Toxic Substances and Disease Registry.

In other words, the rule that we have is more stringent. First of all, it is the first real rule we have in terms of the world dealing with mercury. But compared to the one some of these other organizations have stated, it is so much better than what they have put out as being the goal. The National Academy of Sciences concluded that EPA's reference dose is a "scientifically justifiable level for the protection of public health." EPA's analysis

concluded that, as a result—we are talking about the Environmental Protection Agency. We keep hearing that the inspector general of the EPA does not like this. The agency the inspector general works for disagrees with the inspector general.

As I said, the National Academy of Science scientists concluded that EPA's reference dose is "a scientifically justifiable level for the protection of public health." EPA's analysis concluded that as a result of the cap-and-trade program:

... the overwhelming majority of the general public and those who consume large quantities of fish—

And I consume large quantities of fish because Lake Erie is one of the best fisheries in the United States of America. We eat a lot of perch in the Voinovich household—

are not expected to be exposed above the methylmercury reference dose.

Additionally, while several of my colleagues and groups claim that there is an urgent need to dramatically reduce mercury emissions because many are at serious risk, this is simply not the case. Two months ago, the Centers for Disease Control and Prevention released their "Third National Report on Human Exposure to Environmental Chemicals," stating that all women of childbearing age—16 to 49 years of age—had blood mercury levels below that associated with the neuro-developmental effects in the fetus.

We have been hearing lots of information and statistics about this issue. The fact of the matter is that the EPA rule on mercury is reasonable. It will cost \$2 billion, versus \$385 billion.

It has been shown, if we went with what the sponsors of this resolution want to do—that is, overturn the mercury rule of EPA—if they got everything they wanted, we would have a 2-percent reduction below what we are going to get with this 70 percent rule that has been promulgated by the EPA.

I hope my colleagues spend a little time looking at this situation and its impact and tomorrow vote no on the proposed resolution to overturn the EPA's mercury rule.

I yield the floor, and I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

#### TRIBUTE TO CRAIG WILLIAMS AND THE CHEMICAL WEAPONS WORKING GROUP

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a great Kentuckian and the fine organization he represents—Mr. Craig Williams and the Chemical Weapons Working Group, CWWG, based in Madison County, KY.

For almost 20 years, Craig and the CWWG have been invaluable in their efforts to ensure that the millions of pounds of chemical weapons stored at Kentucky's Blue Grass Army Depot are destroyed as safely and expeditiously as possible. In large part due to their efforts, we are closer than we have ever been to taking tangible steps towards chemical weapons disposal.

One of our biggest challenges has been to keep those in charge of weapons disposal at the Department of Defense, DOD, accountable to the citizens of Kentucky. It hasn't been easy. Without the efforts and diligence of Craig and his organization, it would have been close to impossible to hold DOD to the commitments it has made to the local community. This is because, with respect to chemical demilitarization, DOD has long operated in a less than transparent manner. Craig has been another set of eyes and ears for the Kentucky delegation, keeping us abreast of what is going on—or not going on—at the depot. In this regard, Craig has been at the vanguard of a unique public/private partnership between the citizens of Madison County and its elected representatives, including my colleague and friend from Kentucky, Senator BUNNING.

But for the efforts of Craig and the CWWG, our Nation's obligations under the Chemical Weapons Convention would be in more jeopardy than they already are. More importantly, but for Craig and the CWWG, hundreds of thousands of Americans would continue living indefinitely with the specter of an aging and increasingly unstable chemical weapons stockpile looming in their midst.

All of us in the Commonwealth of Kentucky owe Craig and the CWWG a substantial debt of gratitude for their tireless work to protect the health and safety of the public, the depot workers, and the local environment.

I ask my fellow Senators to join me in paying tribute to the CWWG and to my friend, Craig Williams.

#### REMEMBERING SEPTEMBER 11, 2001

Mr. SANTORUM. Mr. President, yesterday marked the 4-year anniversary of the tragedies that took place on September 11, 2001. Out of the destruction of that terrible day emerged a renewal of the American spirit and a rejuvenated commitment to fight the scourge of terrorism both at home and abroad.

Yesterday, I was honored to attend a memorial service along with Governor Ed Rendell of Pennsylvania, former Pennsylvania Governor and Homeland Security Secretary Tom Ridge, Attorney General Alberto Gonzales, and other public officials to pay tribute to the brave passengers and crew aboard flight 93. We now know with near certainty that the terrorists aboard that flight had plans of causing severe destruction to either the White House or the Capitol Building. Thanks to the heroic actions of the men and women

aboard that flight, thousands of lives were spared, and one of the greatest symbols of America's freedom and democracy still stands.

The individuals who tried to break our fortitude will never succeed. They failed because as Americans we are all living, breathing examples of freedom and democracy, of strength and character. No act of terrorism can ever take that away from us.

I continue to believe that the individuals, States, and countries that have supported terrorism should be brought to justice. On October 7, 2001, President Bush announced Operation Enduring Freedom to dismantle the Taliban regime in Afghanistan, which was harboring al-Qaida. Thanks to the brave men and women in our armed forces and the support of other nations, we have captured countless members of al-Qaida.

As Americans, we have been blessed with a country that endorses freedom and equality. Sadly, the Afghani people were not as fortunate, living under the oppressive regime of the Taliban. We and other democratic nations have finally given them the chance to live in a free society. They have made considerable progress in establishing a democracy, noted by their landmark election on October 9, 2004, in which millions of Afghanis came out to vote.

The terrorists are relentless; they will continue to target America unless we take a firm stand against them. While we have made significant progress, we must remain vigilant in bringing al-Qaida to justice. Winning the war on terror is essential for the safety of America and other nations around the world. America has a unique opportunity to lead this fight and act as a symbol of freedom for all people. I feel honored to represent the people of Pennsylvania in the United States Senate, and I hope that we will all continue to work toward creating a safer world for our future generations.

Mr. FEINGOLD. Mr. President, this past Sunday, Americans from all parts of the country and all walks of life joined together in solemnly marking the painful anniversary of the terrible attacks of September 11, 2001.

Of course, Americans remember 9/11 every day. It has become a part of how we understand the world around us; it has been seared into our national consciousness. But we do not remember only the terrorist attacks themselves. We remember the lives, contributions, and aspirations of nearly three thousand innocent men, women and children who were killed that day. We remember the courage and heroism of our first responders. And we remember the outpouring of support and assistance and solidarity that came from every community in this great country and from so many around the world in the days following the attacks.

All of these memories unite us as Americans. Every day, those memories strengthen our unshakable resolve to defeat the terrorist networks that wish