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## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, whose mercies are new every morning and whose presence sustains us through the day, we seek to glorify You in all that we do and say. You provide us strength for this day, guidance for our decisions, vision for the way, courage in adversity, help from above, unfailing empathy, and unlimited love. You never leave us nor forsake us, nor do You ask of us more than You will provide the resources to accomplish. Here are our minds; take Your thoughts through them. Here are our hearts; express Your love and encourage us through them. Here are our voices; speak Your truth through them.

We dedicate this day to discern and do Your will. We trust in You, dear God, and ask You to continue to bless America through the leadership of the women and men of this Senate. Help them as they grapple with problems and grasp Your potential for the crucial issues before them today. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MIKE DEWINE, a Senator from the State of Ohio, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Ohio is recognized.

### SCHEDULE

Mr. DEWINE. Mr. President, on behalf of Majority Leader LOTT, I make the following announcements:

Today, the Senate will be in a period of morning business until 10:30 a.m. Following morning business, it is hoped that consent will be given to begin consideration of S. 1287, the nuclear waste disposal bill. However, if no agreement can be made, cloture on the committee amendment will be scheduled to occur at 2:15 p.m.

By previous consent, the Senate will recess from 12:30 to 2:15 so the weekly party conferences may meet. Senators can expect votes in relation to the nuclear waste bill throughout today's session of the Senate.

I thank my colleagues for their attention.

### MEASURE PLACED ON CALENDAR—S. 2036

Mr. DEWINE. Mr. President, I understand there is a bill at the desk due its second reading.

The PRESIDENT pro tempore. The clerk will read the title of the bill.

The legislative clerk read as follows:

A bill (S. 2036) to make permanent the moratorium on the imposition of taxes on the Internet.

Mr. DEWINE. I object to further proceedings on this bill at this time.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### PROCEEDING ON THE NUCLEAR WASTE BILL

Mr. REID. Mr. President, I am sorry I was not here when the Senate opened; I wanted to make an announcement.

Senator BRYAN, Senator BINGAMAN, and I are waiting to see the next document prepared on the nuclear waste issue. As soon as that is done, we will be in a position to make the determination as to how we think we should proceed.

I have been in conversation with the minority leader and the majority leader and they know that all of us—Senators MURKOWSKI, BINGAMAN, REID, and BRYAN—are trying to work something out so that we have a document from which we can all take a position. Again I repeat, until that is done, we are going to have to continue waiting until we can determine how to proceed on this issue.

I spoke with Senator MURKOWSKI on several occasions. He and his staff and that of Senator BINGAMAN, the chairman and ranking member of the committee, are coming up with a document that Senator BRYAN and I can review. We hope that is going to be within a matter of hours.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each. Also under the previous order, the time until 10 a.m. shall be under the control of the Senator from Illinois.

The Senator from Illinois is recognized.

## THE PRESIDENT'S BUDGET MESSAGE

Mr. DURBIN. Mr. President, yesterday, the President of the United States announced his budget message, which is also the last budget message of the Clinton administration. When you consider the history of this administration, beginning with deep deficits, and we are now at a point in our history where we have had the longest economic expansion in the history of the United States, it is an entirely different budget message.

I still recall when only a few years ago one of our colleagues, the chairman of the Senate Judiciary Committee, ORRIN HATCH, came to the floor to say to the assembled Senators that we had reached such a desperate point in American history that we had to amend the Constitution of the United States to put in place what was known as the balanced budget amendment, so that Federal courts would have the authority to stop Congress from spending. It was a desperate move, supported by Democrats and Republicans alike. We had so many years of red ink and so many deficits that many people thought there was no way it was going to get better, short of creating a new constitutional force—the force of the Federal judiciary—to stop the Congress from spending and to require the kind of fiscal discipline for which American families were asking.

What a difference 3 years later. We have debated, over the last year or so, what we are going to do with the surplus, not with the deficit. We are no longer walking around in sack cloth and ashes through the Halls of Congress saying another torrent of red ink is about to hit us. We are talking about an economy that continues to grow, with employment growing—unemployment, I think, last year was the lowest in 30 years in our Nation. People are buying businesses, building homes, and inflation is being held in check. It is a great period in our history for most families across the Nation. The President's budget message now says to us, since we have turned that corner, since we are no longer talking about deep deficits but, rather, a different era in Government spending, as well as our economy, let us look at it in a more positive fashion.

I want to submit for the RECORD the following:

In 1992, the deficit was a record \$290 billion. The Congressional Budget Office projected that it would grow to \$455 billion by this year. Instead of a \$455 billion deficit, we have a projected \$167 billion surplus—the third surplus in a row. Almost from the moment we started our debate on the balanced budget amendment, we started generating surpluses in this Government. Those who said we had to amend the Constitution clearly—if they look back—now understand that it wasn't necessary. This represents \$622 billion less savings, drained by the Government in 1 year alone. So rather than having a deficit of \$455 billion, borrowing from the American people, as well as foreign sources, to pay it off, we have the surplus.

We also have something that I don't think anyone would have ever imagined. We have had the largest paydown of debt in the history of the United States—\$297 billion. In 1998 and 1999, the debt held by the public was reduced by \$140 billion. It is projected that the Government will pay down an additional \$157 billion in debt held by the public this year.

What does that mean? In taxes, each day we collect \$1 billion from individuals, families, and businesses. That billion dollars is collected not to provide for any new educational opportunities or health care but to pay interest on the debt of the Government. About half of that is the publicly owned debt. Think of it—\$1 billion in taxes is collected every day to pay interest on old debt. So as we pay down this debt, which we are currently doing, we are reducing the need for this money to be collected from families and businesses to pay down interest. This will bring the total debt paydown to \$297 billion. It is the largest 3-year debt paydown in American history.

In contrast, under the two previous Presidents, the debt held by the public quadrupled—400 percent and more. Under this President, we are seeing the debt coming down. And we are seeing the smallest Government in over three decades. Government spending has declined from 22.2 percent of the economy in 1992 to 18.7 percent of the economy in 1999—the lowest share in 33 years.

If you take any rational measurement and look at the size of our economy and the percentage we spend on the Government, it has come down dramatically under the Clinton administration. To a great extent, that accounts for the savings about which we are talking. At the same time, the Government has made important investments, including nearly doubling investments in education and training.

Mr. SCHUMER. Will the Senator yield?

Mr. DURBIN. Yes.

Mr. SCHUMER. Before the Senator moves on to the investment part, I think the points the Senator from Illinois is making are astounding. To me, particularly our friends in the business community, and all of the American

people, ought to look at what the Senator from Illinois has said—deficits, biggest paydown ever—the usual criteria that conservatives use for how big and encroaching Government is, smaller than it has been in three decades, smaller under Bill Clinton than under Ronald Reagan.

To reiterate, because the facts are astounding, Government spending as a share of the economy went from 21.6 percent in 1980 to 22.2 percent in 1992. Under President Clinton, it has gone from 22.2 percent to 18.7 percent, which is lower than it has been under any year in 30 years and under Ronald Reagan. Taxes and the number of jobs in the Federal Government are lower than anytime since 1966.

If you went to the business leaders and asked them what the Senator from Illinois is talking about, they would say no. The message sent to the business community in the budget of this last year of the Clinton Presidency is that the fiscally responsible party is the Democrats; we believe in investment. I know what the Senator is talking about. But we also believe in tightening the belt of Government. No one has done a better job of that than the President between 1993 and the present.

I thank the Senator for yielding. I just wanted to underscore that point.

Mr. DURBIN. I thank the Senator from New York.

Of course, we have our images—the Republican image and the Democratic image. We try to paint each other's image. In this situation, though, the Senator from New York makes the point: Just look at the facts. Don't look at the rhetoric or listen to the rhetoric. Don't look at all the things that are said in political campaigns but look at the facts. The facts show we are bringing down the debt at a faster rate than at anytime in our history.

I think more Americans—and particularly business people—are interested in seeing the debt of this Nation reduced than some grandiose plan for a tax cut that benefits the wealthiest people in this country. They would rather see us take the fiscally responsible, disciplined approach of bringing down their debt because they know that reduces the burden on our children.

Let me speak for a second about the tax burden for typical families in America. That is another thing that is often said. Of course, taxes are out of hand. But listen to this. At the same time all of these good things are happening to our fiscal house, the typical American family will shoulder the lowest Federal tax burden since 1978. It is amazing to them that their tax revenues are increasing because, frankly, people are making more money. You see it all the time for the middle-income and lower-income families—the lowest tax burden in over 20 years. That is something that is important to maintain.

I think it is responsible for the President to come forward and say: if we are

going to have tax cuts, let us target them to these middle- and lower-income families. Let's look at things such as a long-term care tax credit because the largest growing segment of our population in America is those over the age of 85. Roughly half of them will need some specialized medical assistance for problems they are going to face. Their children and grandchildren need help in paying for that. The President's long-term care tax credit is a step in that direction.

I would like to ask my colleague from New York if he would yield. He has a proposal embodied in the President's budget that tries to help families pay for college education expenses, another one of the President's targeted tax cuts.

Would the Senator from New York be willing to explain that?

Mr. SCHUMER. I thank the Senator for asking me. Yes.

What we are trying to do overall, as the Senator from Illinois has stated in his proposal the President is trying to do and we are supporting, is not a huge across-the-board tax cut, which generally benefits the wealthiest people, the people who need it the least, but, rather, targeted tax cuts for the middle class.

The Senator has correctly pointed out, for instance, long-term care. My parents are 76 and 71 years of age. Thank God—knock on wood—they are in decent health. But they were debating the other week whether to pay a massive amount of money down now, which is hard for them to afford, so they will get long-term care if, God forbid, they become ill in later life.

The proposal I have been championing—I am delighted and grateful that the President has put it in his proposal—another burden that middle-class families have is waking up at 2 a.m. in the morning worrying about young families who have kids who are about to go to a clinic.

We all know that college is a necessity these days if you want your children and grandchildren to have a better life. Yet it is so expensive. Tuition has gone up more than any other portion of the family budget—over 250 percent since 1980. Even for a family that is making \$50,000 or \$60,000 a year, people are often neglected by the Government, and neglected by the kind of grandiose tax plans we have seen from the other side. College tuition bills bring shivers down their spine.

What we are saying, at the very least, is that Uncle Sam ought not take his cut. If you are going to pay for tuition, which is good for your children but also good for America—you ought to be allowed to deduct that, or take a tax cut, whichever you prefer. This for the first time brings relief to middle-class families who really do not need the Government day to day but who are worried about the big financial nugget such as long-term care and such as paying for college tuition. Our proposal would benefit them in ways they have never seen.

This is again a theme of the budget—not a broad, across-the-board tax cut that will benefit the top 5 percent, at most, and give a few crumbs to the struggling middle class but, rather, target that part of the middle class. There is no better target than college tuition.

I thank the Senator for asking me to extrapolate on that point.

Mr. DURBIN. I thank the Senator from New York, because I think when we talk about tax cuts, most Americans will, of course, applaud the idea of tax cuts, but they want to have responsible, targeted tax cuts to address specific problems, as the Senator from New York addressed with his suggestion about deducting college education expenses and the long-term care concerns of virtually every family across America.

We are also talking about increasing the earned-income tax credit under the President's budget. What is that all about? If you are a working person in a low-income situation with a family, we want to give you a helping hand. We want to reward work. We want to strengthen families. That is what the earned-income tax credit is about.

Let me mention two or three other points, and then I will yield the floor to my colleague from Washington, who is also here to speak on the President's budget.

The benefits of fiscal discipline for our economy have been enormous. This budget continues the idea of fiscal discipline leading to a stronger economy with targeted investments and the things Americans hold dear—targeted tax cuts to help families in difficult circumstances.

Interest rates are lower than they would have been otherwise because we have reduced the debt of this Nation, helping to fuel 7 consecutive years of double-digit investment growth for the first time in our Nation's history.

When I first came to Congress under President Reagan in 1982 and 1983, virtually every problem in America was blamed on Jimmy Carter. It was said that the Carter administration had left such a terrible legacy that America was just deep in the mire and would never be able to get out. I thought that was a reasonable thing to say for a while. But the Republicans continued to say it year after year. Pretty soon we were 5 or 6 years into the Reagan administration, and they were still blaming Jimmy Carter. I wonder what the Republican Party will say now about the record under the Clinton administration.

This President can't take credit, nor does he try, for all of the economic goodness in this country. But certainly his leadership has provided a role, with the Congress, with the Federal Reserve, and brought us to this position in our history.

We have seen this dramatic increase in our Nation's economic growth of a 4.7 annual growth rate from 1981 to 1992, and now a 12.1 percent real annual

increase in investment in business equipment and software since 1993. Unemployment is the lowest in a generation—4.0 percent. We are also seeing the longest economic expansion in our Nation's history.

The bottom line is this. We believe the President's budget—the one he comes forward with now, this positive message of continued economic growth—says keep the fiscal discipline for a strong economy and make strategic investments, not in big government but smart government.

Take a look at the President's budget over a 10-year period of time. You will find that he is slightly below the funding for current services. That means, if you apply the rate of inflation for every single year to last year's budget, just keeping up with inflation at the end of 10 years, the President's proposal for defense and nondefense spending is less than the increase for the rate of inflation. He is asking for not big government but smart government investments in education, health care—things families hold dear—and attractive, targeted tax cuts that American families applaud from Illinois and across the Nation.

Mr. DASCHLE. Mr. President, will the Senator yield?

Mr. DURBIN. I am happy to yield to the minority leader.

Mr. DASCHLE. I didn't have the opportunity to hear the initial comments of the Senator, but I appreciate very much his calling attention to many of these issues. What an appropriate time to do it as we consider the budget. The budget was just released yesterday.

Did the Senator from Illinois make comment that we actually have a lower percentage of Government spending as a percentage of GDP than at any time in the Reagan administration or, for that matter, any time in modern days? Did the Senator state that?

Mr. DURBIN. That is exactly right. The Senator from South Dakota, the minority leader, has made the point. I think it is one that bears repeating. Those who argue that we are "growing" the Government at the expense of family needs across America just don't have the facts straight.

Our gross domestic product, the sum total of goods and services in this country, continues to show a decline in the percentage spent on Government.

Mr. DASCHLE. Did the Senator from Illinois also make the point earlier that we actually don't go into the non-Social Security surplus with this budget, that we keep approximate current services, but we dedicate many of these new investments to areas that directly affect working families? Did the Senator make that comment?

Mr. DURBIN. The Senate minority leader is correct. I think it is a sharp contrast to some of the rhetoric we hear on the Presidential campaign trail from the Republican candidates. Some have suggested again this theory of massive tax cuts that go way beyond our ability to pay without raiding the

Social Security trust fund. I think that has become an accepted premise for all budgets on Capitol Hill, Republican and Democrat alike: We are going to say the Social Security trust fund is not going to be raided; we will set it aside. We hear candidates on the campaign trail calling for tax cuts that require raiding the Social Security trust fund.

The President does not. He says we will hold to that basic principle. I think in so doing, he is standing for principles Americans believe in: Protect Social Security and make certain we bring down the debt incurred by Social Security as a way of forcing fiscal discipline in the process.

Mr. DASCHLE. I appreciate the answer from the Senator from Illinois.

The debt, under this budget, would be completely retired by the year 2013; Medicare solvency would be extended to the year 2025; Social Security solvency would be extended through the year 2050; we broaden health care coverage; all of these plus maintain the kind of commitment we have begun to make in areas such as investments in education and in increased law enforcement activity that have made a real difference in this country.

Did the Senator from Illinois talk about those things as well?

Mr. DURBIN. The Senator from South Dakota has been on Capitol Hill a few years longer than I have. I cannot recall a budget such as this budget, one that is so positive, that looks to the future with such optimism, a budget based on reality and on fiscal discipline.

Many politicians on Capitol Hill throw charges around about irresponsible people, favoring increased taxes, big government spending and new programs. This budget says to America, we can continue this economic expansion if we are careful, if we make sure we bring down this debt and do it in a responsible way, with a targeted investment, so America can grow, so our families are healthy, so our children are educated.

I believe the Senator from South Dakota has made that point again. I hope during the course of this debate on the budget our friends across the aisle will be as honest with this side as we will be with their side. We should accept the premise that we are not going to raid Social Security, that we are going to reduce the publicly held debt of this Nation to zero by 2015 while making sure Social Security and Medicare are strong for years to come.

Often our friends on the Republican side of the aisle do not want to mention the word "Medicare." Yet for tens of millions of Americans, Medicare is crucial. We need to make it part of this debate as well.

Mr. DASCHLE. I appreciate very much the leadership of the Senator from Illinois in bringing Members to the floor for a colloquy of this import as we consider the extraordinary implications of this budget.

I was disappointed this morning to read in one of the newspapers some of our Republican colleagues have already pronounced this budget dead on arrival. What is there not to like about this budget? This is a budget that protects the Social Security surplus, a budget that ensures we protect the non-Social Security surplus for other commitments we may want to make in tax cuts or in dedicated investments, a budget that ensures the solvency of the Social Security trust fund through the year 2050 and Medicare through 2025, a budget that understands, as the Senator from Illinois said, there is a prudent middle-center approach that recognizes the importance of ensuring the tremendous strides we have made in reining in Government and doing what we must to make the efficiency of the Government our task. All this is in this budget, and we are told it is dead on arrival.

I am somewhat stunned and disappointed that some of our colleagues, who I am sure have not thought through the implications of their statement, would comment without a more careful consideration of the extraordinary impact that this budget could have if we pursued it this year.

I thank the Senator from Illinois.

Mr. DURBIN. I close by saying the old cliché, "If it ain't broke, don't fix it," applies to this situation. Our economy isn't broken; it is strong. This budget will continue our economic growth as a nation. In this budget I can say to my children and grandchildren: We are doing the right thing. We are reducing the debt of the Nation so that your burden is reduced as well. We are providing for Social Security so that this Senator and many others, when it comes time for retirement, will have Social Security to turn to. A strong Medicare will be there as well. We are going to invest in our future in terms of education, health care, the things Americans value, and provide tax cuts targeted for middle- and low-income families to deal with long-term care expenses as well as college education expenses and the other burdens they face.

I challenge my friends on the other side of the aisle, in the true spirit of this deliberative body, to come forward with a better budget. Let's debate it on the floor. I am prepared to say at this moment that the principles behind the President's budget are principles I endorse. They are principles I think most of the American families endorse.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask the Senator from South Dakota a question. In his questions to the Senator from Illinois, he has pointed out the core of this budget is balance. It is a balanced budget in the traditional sense that we are not spending more than we bring in. In fact, we are doing the opposite, by paying down the debt. However, it is also balanced in terms of the needs of the American people.

The No. 1 priority we have is to save Social Security by buying down the debt; second, target tax cuts for middle-class people who need help. They don't need help day to day. People are doing fine making \$40,000, \$50,000, or \$60,000 a year, but they do need help with the big financial notes such as college tuition costs and long-term care.

Finally, spend in a careful way in areas where we have to, such as education, where everyone knows we have to do better. I know the Senator from Washington, Mrs. MURRAY, has been a leader on this issue. I am sure we will hear from her.

I ask the Senator from South Dakota, our minority leader, in his years of experience, has he seen a budget as balanced as this, that cares for the American people in a thoughtful, rational way, that is built on a platform of prudent Government responsibility?

Mr. DASCHLE. In answer to the Senator from New York, I have to say no. What a contrast from the 1980s when we made the huge cuts in taxes and then ran up the huge trillions of dollars in a deficit we are still trying to pay off today. What a remarkable contrast this is. This recognizes the importance of fiscal responsibility. First and foremost, it says we have made some tremendous strides in our budgetary and fiscal policy in the last 7 years. This will build on it.

It is no accident today that we are seeing the economic achievement in this country with the fiscal and monetary policy. This says we want to build on that, we want to continue in this coming decade what we have pursued in the last decade: We have the lowest number of Federal employees since 1962, with the lowest percentage of spending for GDP since 1967. We recognize we can do a lot more with a lot less. We recognize we can still target tax cuts to the middle class. We recognize the importance of education by providing the largest single Head Start expansion in history in this budget.

How remarkable it is in this budget we are able to keep our current services at below the cost of inflation in the coming year and still provide the largest Head Start expansion in history or deal with child care by providing low-income families with more affordable child care than they ever had in any other budget.

You can look all the way down the list of opportunities this budget presents: Helping working families with greater EITC, helping working families with greater opportunities for college through deductibility, helping working families by providing safer communities. This is a budget of which we can be proud. It builds on what we have already done. Are there going to be naysayers? Of course. There always are. We have overcome them for 7 years. We will have to do it again.

But it is here. I ask my colleagues to look at it. My colleague from New York asked exactly the right question:

Is this a balanced budget? By any definition of that word, this is a balanced budget.

Mr. SCHUMER. I thank the Senator from South Dakota and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I wonder if my leader, Senator DASCHLE, will engage in just a bit more of a colloquy at this point?

Mr. DASCHLE. I will be happy to.

Mrs. BOXER. I have been on budget committees for years, 6 years in the House and now, since I came to the Senate, it is a total of 13 years. This is a remarkable moment in history, as my friend has pointed out. I wanted to talk to him about why we are where we are.

It has been very difficult for quite a while, back to the days of the burgeoning deficits that started under President Reagan and escalated under President Bush and only were brought under control with the Clinton-Gore team. Finally, we now can do something for the American people, do something they need. Now we can do something they need in education. We talked about Senator MURRAY's push to reduce class size. We see in this budget the ability to do that. We see in this budget \$1 billion for afterschool care, for which we have struggled mightily, which means millions of kids are going to have that. We see the targeted tax breaks.

So my question to my friend is, we are at this point and we are at this point for a reason. It was hard to get here. Fiscal responsibility does bring rewards. We tell that to our children: Save for the time you need to spend; be careful with your resources. We have done that. I wonder if my friend can recall the key vote, back in 1993, when, without one Republican vote, we were able to get through a budget which has led to these kinds of surpluses and the surpluses, in turn, are giving us the ability to pay down the debt, save Social Security, save Medicare, and make these targeted tax cuts and investments? Could he recall for us what it was like to get that through?

The PRESIDING OFFICER. The Chair will advise the Senator from California, under the previous order she has a minute and a half remaining.

Mr. DASCHLE. Mr. President, I ask the colloquy be taken off my leader time, if I could.

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

Mrs. BOXER. I am done with my remarks. I want to get my friend to evoke for us how hard it was to get to this particular point in which we find ourselves.

Mr. DASCHLE. It was so hard that there are some colleagues who are no longer here because they paid the price. Before we could see the results, of course, there were some across the country who made a judgment about the prudence of their very difficult decisions in 1993 and chose not to send them back to Washington. They paid

the ultimate political price so we could enjoy the fiscal glory we are enjoying today.

I can recall so vividly talking to some of my colleagues who, up until the very last moment, weighed whether this was the right thing to do. Only in the last few moments they made the decision to take the chance. But this was in the face of tremendous opposition, vocal opposition from the other side, projecting recessions and unemployment and extraordinary fiscal repercussions that we would feel for perhaps the rest of our professional lives. There were warnings, extraordinary in their scope and depth and visceral disgust, for what we were attempting to do.

It was an overpowering moment, to see the Vice President cast that tie-breaking vote to give us the opportunity to put this budget on the fiscal path, a moment that we now look back on with great pride. What remarkable opportunities it presented. Twenty million new jobs—how do you put a value on that? We have an economy that has taken the stock market to heights we never dreamed. We have more homeowners than at any time in our history; two out of every three people have their own homes today, in large measure because of our fiscal responsibility and the incredible success we have enjoyed. I would say these did not come easy.

Maybe the fight this year will not be in any way near the proportions or depth of feeling as when it was fought out on the floor of the Senate back in 1993. But it has the same repercussions. How fragile this all is. How easy it would be to go back and cast our votes for a huge tax cut that would destroy all of this in one fell swoop. It could happen again. If we don't understand the repercussions of a tax cut by now, it could happen again.

I urge my colleagues to read this budget, to think carefully about what it is we have been able to do and how we have been able to do it, and make absolutely certain, before we depart from a blueprint that I think demonstrates remarkable balance, that we think long and hard about alternatives.

Mr. President, I appreciate the question proposed by the Senator from California.

The PRESIDING OFFICER. Under the previous order, the time until 10:30 a.m. shall be in the control of the Senator from Wyoming.

The Senator from Wyoming.

#### THE PRESIDENT'S BUDGET

Mr. THOMAS. Mr. President, I appreciate the opportunity to comment a little. I suppose I might have a different view than what we heard in the last 35 minutes, about what a wonderful budget we have and that we can now return to the era of big government. Not everyone is happy about that, as we might have heard over the last few minutes.

As we look realistically at these things, we have to look at a time that has been prosperous. It started in 1991, in fact. We moved forward. We have a surplus projected, largely because of the strong economy, of course. Also, it is a result, frankly, of a majority in this Congress that, since 1994, has held down spending. That is a little difficult for my friends to accept, of course, but we have now an opportunity to take a look at a relatively prosperous time. Certainly, we want to continue that. We want to take a look at the things that ought to be done for the people of the United States, using their tax money. We ought to take a look at how we strengthen education and return the opportunities to make the decisions about education to the local level rather than doing what the President wants to do, and that is to decide in Washington what each school district ought to have.

We have quite a different philosophy on how we approach this, and that is reasonable. That is why we are here, to represent different views. The things we heard this morning would all represent the idea of more Government, more Government spending, more decisions made in Washington. That is a legitimate point of view. It is a point of view of many in the minority. It is not the point of view of most of us in the majority. So that is what we will be up to, over the next several months and, indeed, this year: deciding as best we can how to come together on these decisions.

It was not long ago, you will recall, when President Clinton suggested in his State of the Union Address that the era of big government was over. That seems now not to be the issue at all. In fact, apparently the era of big government has returned. If this budget is put into place, that is exactly what we will see. Many think that is the greatest way to go. I think that is legitimate. So that is what the debates will be about.

We have before us suggestions of substantial amounts of surplus. This is the first time in 25 years the budget has been balanced. That is largely because of some controls on spending. We have been increasing spending over the last couple of years, I think amply, but still in the level of about 3 percent. Prior to that time, in the early 1980s and the early 1990s, we were expanding as high as 12 percent. That has been reduced some, and that is part of it. Certainly the President's tax increase, back in 1994-1995, had some effect.

Also, the tax reduction brought on by the Republicans helped stimulate the economy. We will have a lot of basic things about which to talk.

This is a huge budget, \$1.8 trillion. What is that, 1,800 billion dollars? We will have to talk about each of the areas in which that spending will take place.

Basically, there are some philosophical things. If we think about

where we are going with our Government and the decisions we will be making in elections—that is what politics is about, to set the direction of Government, and we will be doing that.

We start with some basic things. We start with putting priorities on the role of the Federal Government and then funding those priorities. Again, not everyone will agree, but that needs to be done, it seems to me. There is no end to the way we can spend money. There are many programs on which we can spend it. I believe we can start by saying to ourselves: What are the legitimate functions of the Federal Government? What should the taxpayers' money be used for, and what are the priorities?

When we come to some agreement on that and, in fact, have begun to fund those priorities adequately—I just came from a breakfast with the Commandant of the Marine Corps. Having been in the Marine Corps, I was happy to be there. The defense of this country is one of the real priorities, and certainly we need to fund the military adequately. We need to fund education. We need to fund health care. There are a number of things, perhaps, at which we ought to take a long look.

The President has proposed 43, I believe—in the neighborhood of 40—new programs. There is a surplus, he says, so let's spend the money. Fine, but let's take a look at the priorities and see, with respect to local governments, if this is where it ought to be done.

Social Security: I do not think there is anyone who does not agree that Social Security is an issue that is a high priority. As I said yesterday, these young people who are starting to pay into that program will pay the largest percentage of their income for a longer time than they will pay in any other tax. Are they going to have benefits at the end of 40 or 50 years? The answer should be, yes, they will. To do that, we have to make some changes.

There are no proposals in this budget to make any significant changes in Social Security, other than to take something out of the general fund, which is not a long-range proposal. We have some ideas how we can do that.

The other thing we have to recognize, even though certainly it is a step in the right direction, is the idea of reducing the deficit with Social Security funds. We have to take a long look at that. It is a good idea, and we should put that Social Security money there as opposed to spending it in the general budget, but the fact is that we are replacing publicly held debt with some other debt that has to be repaid by the taxpayers when that Social Security is drawn out. It is less expensive as well, so it is a good idea, and it does get it out of the grasp of the Congress.

What we ought to be doing, if we are serious about the debt, is instead of spending more, we ought to be saying: Let's take a certain amount of that money out of the operating funds, decide over a period of time we are going

to pay off this debt, and do it as one does with a home mortgage—we are going to pay so much every year for 15 years; not Social Security money, but regular operating money.

That Social Security money also needs to be taken out of our grasp, and we are hoping we can do that by having individual accounts where Social Security money belongs to the older person who paid into it, where those dollars, as a way of ensuring there will be benefits, can be invested in equities or bonds and will produce a higher return. It will also belong to the person. If they are unfortunate enough not to live to get all the benefits, it will go into their estate.

These are the things we ought to be talking about, not spending \$400 billion on new programs, not going through a State of the Union Message in which there is \$4 billion a minute proposed. That is, I believe, a reckless budget, and I do not think that budget is going to move in this Congress without a considerable amount of change.

There are, hopefully, some things on which we want to agree with the President. He wants to talk about strengthening the military. We ought to do that. We ought to do something to encourage recruiting, to encourage retention, and to provide what is necessary to carry out the missions of the military. We certainly should do that.

We want to do some more things for schools based on the idea that it be given to the districts, that they can make the decisions as to how that is done, so we can strengthen education.

We ought to be doing something about Medicare prescriptions. We have a program that can be done that keeps it in the private sector generally and allows those who have supplemental programs to continue to have them, perhaps supplement them with a tax reduction but not to do an overall health program, as the President tried before. That is not what we want to do.

It is interesting that, of course, we have this great surge of enthusiasm over the idea of spending all the money we possibly can, but we ought to be thinking about taking a minimum amount of money from the taxpayers of this country to run the Government. It has to be paid. Everybody understands that. But when we do have things like surpluses over time—certainly we do not want to be reckless—but to call every tax reduction reckless is distressing. That money belongs to the people who paid into it.

If we do not have something to limit these kinds of surpluses, the very thing will happen the President is talking about now, and that is, we will find a way to spend it. What we are looking for is a way to adequately finance the Government, to deal with those things that are high priorities for America, to do something about the national debt, to secure Social Security, and then return this money to where it came from so that it is not here, so it has an opportunity to be in the communities, to

be in the towns, to be in the States, and to strengthen this economy. That is what keeps the economy going is people having money to invest and create jobs and these are the directions most important to us.

I wanted to let everyone know there are certainly more directions we will take. There are different ideas, all legitimate, as to where we should go. I hope as we proceed, we have an idea of where we want to end up.

I was reading "Alice in Wonderland" the other night. Remember when Alice fell down and she did not quite know where she was going. She ran into various people. She talked to the rabbit who did not have any ideas, except to promote himself, and the mushroom, who was very unpleasant, and the queen who was going to cut off everybody's head. Finally, she came to a juncture in the road, and there was the Cheshire Cat sitting in a tree. She said: Mr. Cat, what road should I take?

He said: Where do you want to go?

Alice said: I don't know.

The cat said: It doesn't make any difference then, you take whatever road you choose.

We need to know where we want to be when we look at this budget, what it has to do with principles of government, the principles of smaller government, the principles of adequate government, and then try to avoid the idea that there are some bucks out there. So let's try to find a way to spend them.

I suspect that is what we will hear a great deal about in this session. Unfortunately, I believe we will hear more about issues that can be used politically than we will about trying to solve problems. There are some we have identified and with which we agree. We need to come together and find some solutions to those particular issues. The country will be much better off.

I thank the Chair for the time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### ORDER OF BUSINESS

Mr. LOTT. Mr. President, momentarily I will ask consent for the Senate to go to S. 1287, the nuclear waste bill. I know there have been negotiations underway in an effort to reach a comprehensive agreement on a manager's amendment to the nuclear waste bill. I thank Senator MURKOWSKI for the work

he has put into this important legislation now going back at least 2 years.

We have had a good amount of time spent on this legislation on the floor of the Senate, having passed it once before. A lot of work has gone into it this year. I believe we are within the realm of being able to get an agreement which would allow this legislation to move forward and be completed in a very fair way this week.

I also extend my appreciation to the Democratic whip, Senator REID, for his diligence and for his work. He has always made an extra effort to make sure we are communicating and there are not any surprises or dilatory actions taken as we try to come to an agreement that is acceptable to the largest number of people. Senator BRYAN of Nevada is here. This is very important to these two Senators and to their State. I understand that and I have always tried to be sensitive, understanding their need to offer amendments or to make statements, and to be very careful as we consider this legislation. I thank them.

I understand negotiations have been underway between Senator MURKOWSKI in discussions with Senator BINGAMAN and others, but I do think we need to go forward. This is important legislation. I believe we are very close to getting an agreement that is going to be acceptable to a large number of Senators. We do need to have either this agreement worked out and understood so we can move forward without a cloture vote or go ahead and go to cloture because we have to set up a process that allows this to be considered, hopefully favorably, and completed this week. We have been working on it a long time and now is the time to begin to close the deliberations and pass this legislation.

I understand Senator REID has been attending a hearing and is on his way so we can proceed with this action. I do not wish to proceed without his presence because I know if any procedural action or any agreement is worked out, he wants to be here and be a part of what is done. I do say, though, I do have a commitment on the House side I am going to have to attend. I was supposed to speak at 11 o'clock, so I do need to go to the House to carry out my commitment as soon as possible. I will withhold any formal request at this time, but by making this comment now I hope maybe we can move expeditiously to call up this bill and to filing cloture.

I have one final comment. I say again, as I have said several times in the Senate last year and the year before and again this year, this is one of the most important environmental bills we will have in this Congress. Billions of dollars have been spent on this issue, and an inordinate amount of time in the Senate, trying to find a way to get it done. If we can come to an agreement and get this legislation completed, I believe history will look back on this action as one of the most

important bills we will have done this year. If, at the end of this week, we will have already completed the final version of bankruptcy legislation, which included a minimum wage increase and tax relief for small businessmen and businesswomen, and address the question of health care costs, and then pass this important nuclear waste bill, we will be off on a very positive step. It will be done in a way I think is fair to both sides of the aisle. We can continue to make progress. As soon as Senator REID arrives, we will move forward on the nuclear waste legislation.

I observe the absence of a quorum.  
The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. LOTT. I thank the Senators for being here as we prepare to move forward on this important legislation. I explained what has been occurring and the need to move forward.

#### NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to consider S. 1287, the nuclear waste bill.

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

The legislative clerk read as follows:

A bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

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

Mr. LOTT. Mr. President, again, while the Senators from Nevada are here, I have already noted my appreciation for the cooperation of the Senators from Nevada. We wanted to make sure we did not go forward without their presence.

#### AMENDMENT NO. 2808

(To provide a complete substitute)

Mr. LOTT. Mr. President, I send a manager's amendment to the desk. This was circulated to the Members on Friday. I know there are others who need to review this. I hope they will take advantage of the opportunity they have to review it.

Mr. BRYAN. Will the Senator yield for a question?

Mr. LOTT. I yield to the Senator.

Mr. BRYAN. Mr. President, I inquire of the distinguished majority leader, the Friday draft is the one from which we are working. There have been so many. I just want to be sure. Is this the one marked February 4, 2000, 4:45 p.m.?

Mr. LOTT. I believe it is.

Mr. BRYAN. That is consistent with our understanding. I thank the Senator.

Mr. REID. If I may say to the leader.  
Mr. LOTT. I yield to the Senator.

Mr. REID. I say to the leader and the chairman of the full committee that I am sorry I was late, but we had a hearing on suicide which Senator SPECTER was gracious enough to hold. I was there because, as the leader knows, my dad killed himself a number of years ago. It was a very emotional hearing for me. I know it has been inconvenient for Senator MURKOWSKI and the leader, Senator BRYAN, and others, but I do appreciate their understanding. The hearing is over, so I can give my full time and attention to this matter. I appreciate everyone allowing me to be late.

Mr. LOTT. Mr. President, I say to the Senator from Nevada, we were aware of this particular hearing and how important and emotional it was for him. We have to be prepared to yield to each other on occasion and be considerate of each other's needs. We certainly understand. I also appreciate his cooperation in moving forward.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. MURKOWSKI, proposes an amendment numbered 2808.

Mr. LOTT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

#### CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the amendment to the desk pursuant to the gentlemen's agreement.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment to S. 1287, the Nuclear Waste Policy Amendments Act of 1999:

Trent Lott, Frank H. Murkowski, Slade Gorton, Don Nickles, Tim Hutchinson, Conrad Burns, Mike Crapo, Phil Gramm, Thad Cochran, Richard Shelby, Larry E. Craig, Jim Bunning, Judd Gregg, Charles Grassley, Wayne Allard, and Bob Smith of New Hampshire.

Mr. LOTT. Mr. President, as a result of our gentlemen's agreement last week—and I know all the Senators involved have been working to keep that commitment—I think progress has been made.

I ask unanimous consent that this cloture vote occur at 2:15 p.m. today, that the mandatory quorum be waived, and that Members have until 6 p.m. this evening to file first-degree amendments and 12 noon on Wednesday to file any second-degree amendments.



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

CLOTURE MOTION

Mr. LOTT. Mr. President, I now send a cloture motion to the pending bill to the desk. Before the clerk reports the motion, it is my sincere hope this cloture vote will not be necessary. It is my hope that rather than the cloture vote on the amendment today at 2:15 p.m., there will be a bipartisan outcome and the Senate can conclude this bill in a relatively short period of time. However, without that ironclad assurance, I have no choice but to file this cloture motion to the underlying bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 180, S. 1287, the Nuclear Waste Policy Amendments Act of 1999:

Trent Lott, Frank H. Murkowski, Jim Bunning, Thad Cochran, Kay Bailey Hutchison, Mike Crapo, Richard Shelby, Larry E. Craig, Craig Thomas, Judd Gregg, Jeff Sessions, Bob Smith of New Hampshire, Phil Gramm, Slade Gorton, Tim Hutchinson, and Don Nickles.

Mr. LOTT. Mr. President, again, I thank Senators on both sides for their cooperation.

I yield the floor to the chairman and ranking member and hope substantial progress can be made during today's session. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, we have a historic opportunity today to resolve a problem that has been occurring ever since the first nuclear plant came online in this country. That date was 1960.

The question was: While we now have this new source of power, clean generation, what are we going to do with the waste?

Today we have an opportunity to resolve what we are going to do with that waste. It is an obligation that goes across party lines. It is an obligation, it is a responsibility, it is a commitment, to resolve this once and for all.

How long have we been at this? One can go back 17 years when it was addressed at great length in an energy package that was debated at great length, but the portion on what to do with high-level nuclear waste was not resolved.

Over a period of time, it was agreed that the Federal Government would enter into a contractual commitment to take the waste in the year 1998. That went by and, as a consequence, we find ourselves in the situation where the ratepayers in this country who have the benefit of nuclear clean power have paid in some \$15 billion to the Federal Government.

Where did that go? It did not go into an escrow account. It went into the general fund. But those ratepayers and those power-generating companies, utilities, went into that contractual agreement with the Federal Government in good faith, believing that the contract would be honored by the Federal Government, believing that, indeed, the Federal Government was under an obligation under the sanctity of contract principle to honor the contractual commitment.

The Federal Government has not honored that commitment and, as a consequence, we are dealing with an exposure to the American taxpayer of some \$40 billion to \$80 billion in damages associated with the inability of the Government to come to terms with the contractual commitment it made with the utilities.

Each day we delay resolving how we are going to take that waste subjects the American taxpayer to additional liability. We did a little calculation, and the additional liability to each and every American family is somewhere between \$1,300 and \$1,400. That is the liability that extends to the American family. That is why, in spite of the differences as to how we resolve this problem, the commitment should be to resolve this problem with the legislation we have or the amendments that will be forthcoming.

There is a tradeoff. We have had clean power from these nuclear plants. These are not isolated sources of power. These plants contribute approximately 20 percent of the domestic energy produced in this country.

What is the tradeoff? The tradeoff is what we are going to do with the waste. We made a commitment to put that waste at Yucca Mountain. We have expended in excess of \$6 billion on Yucca Mountain. There is a procedure to go through before Yucca Mountain can be licensed. But I remind my colleagues and staff and those who are following this debate, we simply must deal with it.

The Senator from Alaska does not have a constituency in his State relative to nuclear power. We had a small plant at a military base at one time, but it is long since gone.

But as chairman of the Energy and Natural Resources Committee, I have a responsibility to address this. I have a responsibility to the taxpayers. I have a responsibility to every Member of this body. That is what the professional staffs of both sides, Senator BINGAMAN, as the ranking member, and myself, have been working towards.

We simply cannot address this debate in the theory of: If we don't like this aspect or we don't like that aspect, if we can't come to terms on one point or another, we are going to simply throw the baby out. That is absolutely irresponsible. It is mandatory that we come together now and resolve this issue because we have that responsibility to the taxpayers of this country.

What is the administration's position on it? I can probably honestly say it is

split. That may mean they are for certain aspects we have come to terms with but are opposed to certain other aspects. But I implore the administration to recognize that they have an obligation to come to grips with the contractual commitment that was made. The Department of Energy, as the lead agency, has to address how it is going to come about.

I have had numerous conversations with Secretary Richardson. I think we have made progress. But the reality is, if we are going to pick this legislation apart and lose sight of our objective, I am wasting my time and, Mr. President, you are wasting your time listening to me because we are not going to get anywhere. We have to come into this debate committed to working this out and resolving this so we can address the problems associated with what we are going to do with that waste.

I am not here to lament on what others are doing with high-level waste. We know what the French are doing. They are reprocessing their waste. They recover the plutonium. They put it back in the reactors. They vitrify the waste which has less life and is disposed of. We do not have that policy in this country. We may have it someday, but we are committed to a permanent repository at Yucca Mountain in Nevada.

You are going to hear a lot from my Nevada colleagues, as you should, because the difficulty with this issue is nobody wants the waste. You cannot throw it up in the air because it has to come down somewhere. That is all there is to it. When you have a situation where nobody wants it, you have a real problem because those that come from the area where it is proposed to go are going to do everything they can to stop it.

That is the situation with regard to my colleagues from Nevada. Let's be honest with one another. They have a vested interest. They don't want it in their State. But we have to put it somewhere.

Let me refer to a couple of charts here because I think it represents reality and where we are today.

The chosen site for the waste is Yucca Mountain in Nevada. Everybody, I assume, knows where Nevada is. It is next to California and Arizona. But what we also have on this chart is where the waste currently is. You have it all over the East Coast. You have it in the Chicago, IL, area. You have it along the West Coast, and in south Texas, and so forth.

What we are looking at here, shown in brown on the chart, are the commercial reactors. These are the power-generating reactors in the various States that generate power to light the homes, light the sidewalks, light the highways, heat the homes, heat the hot water tanks. This represents 20 percent of the energy in this country.

The storage facilities where this waste is were designed to hold a specific volume of waste. That volume was



basically controlled by the various States. Many of these facilities are full or about to be full. These States are either going to allow the increase of that storage in their State or in the reactor pool or those reactors are going to have to be shut down. If you shut down the reactors, where are you going to pick up the power?

The critics of nuclear energy don't care about that because they do not want to see nuclear energy expanded to any extent. They are not interested in where you are going to get the power from another source. But you only have so many alternatives. You can put in more coal-fire plants. That does not do anything for air quality. Some suggest we just hook up to gas, that gas is cheap.

But the National Petroleum Council came out with a report the other day that suggests that if those people think they are going to be able to plug into gas, they have another thing coming. The infrastructure isn't there for the volume demand. We are using about 20 trillion cubic feet of gas currently in this country. It is anticipated in the next 10 years that will be up over 31 trillion cubic feet of gas.

We have a problem with access in the areas on public lands, where we could initiate exploration for gas, because this administration simply will not open up public lands or offshore areas, for the most part. Where are you going to find the new gas necessary to meet the anticipated demand, even without the exposure associated with the issue at hand; that is, what to do with the high-level waste?

The other issue with the gas, as I have indicated, is the infrastructure isn't there yet. To suggest it is going to be cheap, you have another thing coming. It is not going to be cheap. The price is going to increase. It is estimated the demand for gas, at the end of the next 10-year period of time, is going to amount to about 14 million new users. It is going to require an investment of about \$1.5 trillion. So for those people who suggest we just go get gas, that is not realistic.

Some people say: Let's go to solar. It gets dark at night, in case some have not noticed. In my State of Alaska, in the wintertime it is a long night.

Wind. Sometimes the wind does not blow.

So for a long time we are going to be looking to our conventional fossil fuel sources. We should be looking to the role of nuclear.

But my point is, this chart highlights where the nuclear waste is. It is in 40 States. If we don't do something about this now, with this legislation, it is going to stay in those 40 States. There are 80 sites where various reactors are located in the 40 States.

There is another contributing consideration to which every Member ought to be very sensitive. We have shut down reactors with spent fuel. We have them in California. We have them over here on the East Coast. We have sev-

eral throughout the country—in Oregon.

What are we going to do with that waste in those shut down reactors? The alternative is to leave it there. Do you want to leave it there? Nobody wants to leave it there. They want to move it.

We have commercial spent nuclear fuel storage facilities where we have waste in a number of States. That is shown on the chart in black. As a consequence, that will stay.

We have non-Department of Energy research reactors in States which are shown in green on the chart. What do we do with that? Leave it?

We have naval reactor fuel in Idaho and the State of Washington which are shown in yellow on the chart.

There is DOE-owned spent nuclear fuel and high-level radioactive waste strung around the country at various places.

To those who say this isn't a crisis, that we don't really have a responsibility here, I say that logic is simply ducking the responsibility. We have to address a resolve of this issue at this time.

We have to address what to do with the waste. We have to get it out of the areas where it currently resides. Those areas were not designed to hold and maintain that waste indefinitely.

They were designed to hold the waste up to their licensed capacity. So that is the problem we have now.

I want to go through and try to regionalize and personalize how significant this crisis is by a series of charts, the first of which will show you where we propose to put this waste in Nevada, in the desert. We have a chart that shows the area out at Yucca Mountain as it exists today. This is the proposed location for the permanent repository at the Nevada site.

I am sensitive to the reality that this is the soil of the State of Nevada. But I am also a realist and recognize that, for 50 years, we have been using this area for nuclear testing. It is hot, Mr. President. We have had over 800 nuclear weapons tests in this area. If you believe in the theory that an area, at some point in time, becomes pretty heavily polluted—if I can use the word—does it make sense, then, to try to recognize a site for what it is and ask, well, if the geological area is sufficient, is this a good site for a permanent nuclear repository underground?

That selection was made a long time ago, so that is not the issue today. The issue is how we are going to proceed with an understanding of how we can go forth, begin to move the waste, when this site is licensed by the various agencies and we can proceed in placing the waste in that permanent repository where we have spent \$6 billion.

I have been there. I have been through the tunnel. The tunneling is basically done. If we don't put it there, where are we going to put it? Some say, leave it at the site. Some others say, put it in casks above ground and

store it. Well, then what do you do with it—put it off? Remember, all this time, we are in violation of our contractual commitment to take the waste in 1998. So the clock ticks. There is a full employment act for lawyers who are filing damage suits. They love this delay. The American taxpayer doesn't know what is hitting him because the damages click on. That is why we have an obligation as Members of this body to address and resolve this now.

Let's go through some of the 40 States that are affected. I hope that the staffs of each of the States watch this. If you disagree with me, that is fine. Get ahold of the staff and we will try to proceed.

Arkansas. A few of our prominent people come from Arkansas. Arkansas residents paid over \$365 million into that waste fund in their utility bills. There are two units, Nuclear Unit 1 and 2. The waste stored is 690 metric tons. Their waste—under their permit, unit 1 runs out in 1996 and unit 2, in 1997. Those dates have passed. The State of Arkansas gets 33 percent of its electricity from nuclear energy. These charts were made up some time ago. So the waste stored now is more. The question of whether Arkansas is going to increase its licensing is up to the folks from Arkansas. But the point is, that is one State. We have 40 States. I am going to go through a few of them.

Connecticut. Residents paid in \$655 million. They have two units, Millstone 2 and 3. Waste stored is 1,445 metric tons, DOE/defense waste. Millstone 2 runs out in 2 years; Millstone 3, in 2003. That State is 43-percent dependent on nuclear energy. That is the hard cold fact.

Massachusetts. Their waste fund is \$156 million. One unit, Pilgrim 1. Waste stored is 495 metric tons. There is a vacancy if they install new racks. The State's electricity is 12-percent dependent.

Oregon. The waste fund is \$108 million. One unit, Trojan. Waste stored is 424 metric tons. Hanford site, waste stored is 2,133 metric tons. Trojan closed for decommissioning. Think about that. Do you know what that means? That means that waste isn't going to go anywhere other than to stay in Oregon, unless we pass some legislation that proceeds in a process so we can move this waste out of these sites.

Moving south, Louisiana. Residents paid \$339 million. Two units, Riverbend 1 and Waterford 3. There are 567 metric tons stored. Waterford runs out in 2002; Riverbend, 2007. Louisiana is 22-percent dependent on nuclear energy.

Illinois. The waste fund is \$2 billion. The residents of the State of Illinois have paid \$2 billion in their electric bills. The reason they paid that is so the Federal Government would honor its contract and take the waste in 1998. They have 11 units: Braidwood 1 and 2; Byron 1 and 2; Clinton; Dresden 2 and 3; La Salle 1 and 2; Quad Cities 1 and 2.

DOE research reactor full, stored 40 metric tons. Dresden 3 expires in 2000. Dresden 2 expires in 2002. Clinton expires in 2003. Quad Cities expires in 2006. Zion expires in 2006. La Salle expires in 2013. Bryon expires in 2005. Braidwood expires in 2019. The State is 39-percent dependent.

From where is this power going to come? Not from thin air. Somebody has to produce it. Do you want a brownout? These plants are in violation after that date. There is a necessity of us resolving this in a bipartisan manner. We have that obligation. We should make a commitment on this floor to proceed with the objective of solving this.

Michigan. Their waste fund is \$696 million. There are four units: Cook 1 and 2; Fermi 2; Palisades. Waste stored is 1,493 metric tons. DOE research reactor. Palisades expires in 1992; Fermi, in 2001; Cook, in 2014. The State is 24-percent nuclear dependent.

Wisconsin. I remind my fellow colleagues from these States that if we don't do anything, it is going to stay right in your State. Is that what you want to have happen? In Wisconsin, the waste fund is \$344 million. They have three units, Kewaunee and Point Beach. Waste stored is 967 metric tons. Point Beach expires in 1995. Kewaunee expires in 2001. They are 8-percent dependent. Maybe they are waiting on the assumption that we are going to address this problem once and for all.

Georgia, in the South. Their waste fund is \$529 million. They have four units: Hatch 1 and 2, Vogtle 1 and 2. The waste stored is 1,182 metric tons. The Savannah River site waste stored is 206 metric tons. Hatch 1 and 2 were out in 1999. The State is 30-percent dependent.

Washington State. The waste fund is \$344 million. One unit, WNP 2. Waste stored is 292 metric tons. They are up this year. State's electricity is 6 percent. To a large degree, they depend on hydro, but they still have a problem.

Maine. Their waste fund is \$233 million. One unit shut down, Maine Yankee. Waste stored is 536 metric tons. Does Maine want that waste to sit there? Do the elected Representatives of the State of Maine want this waste to sit there or move it to one central location that was designed to take the waste?

I see my colleague from Pennsylvania on the floor. In his State, the ratepayers have paid \$1.338 million for the waste fund. They paid \$245 million in their electric bills. They have nine units: Beaver Valley, Limerick, Peach Bottom, Susquehanna, Three Mile Island, and 3,327 metric tons. Beaver Valley is out in 2015, Limerick is out in 2005, Peach Bottom is out in 1999, and Susquehanna is out in 1998. Pennsylvania has a generating capacity of 34 percent which is dependent on nuclear energy.

Finally, Vermont. I am not going to go through all States. But I want to make the point that \$186 million has been paid by the ratepayers with one unit.

Vermont Yankee: Waste stored, 429 metric tons. Vermont Yankee runs out in 2005. In this State, generating capacity is 73 percent nuclear energy.

I think that highlights my point that there are very few States that are exempt. Out of the 50 States, there are about 10 that have no nuclear waste in their States.

Again, the locations of the spent fuel and radioactive waste designed for geologic disposal are all of these colors. From all of these places it is going to go to the proposed one site at Yucca Mountain. How can we work with Nevada to reach some kind of an accord?

That is tough because Nevada doesn't want it as a principle, but it creates jobs. But, by the same token, they are very sensitive to this. I can appreciate that sensitivity. I again appeal to reason. We have to put it somewhere. We identified this as the appropriate place.

We are proceeding with the process of licensing. We have an obligation as elected Representatives to resolve the problem. It is not a partisan issue. I defer the thought process to the obligation we are putting on the taxpayers as we put off, whether it be the Senate, the House, or the administration, reaching a decision on how to proceed with this because it is costing the taxpayers more money. One of these days the taxpayers are going to wake up to the fact that each family in this country is carrying a proportionate share of between \$1,300 and \$1,400 for the damages that are anticipated associated with the inability of the Government to take that waste in 1998 as it agreed to do under a contractual commitment, let alone overlooking the fact that the ratepayers have paid \$15 billion to the Federal Government to take the waste.

It is beyond me as to why the current administration has not been more aggressive in saying, yes, it is our responsibility to get it resolved. We have had a number of objections from the administration over the years in the process of trying to proceed with this.

These objections cover a series of legitimate concerns. But I think in some sense they have lost sight of what our objective had to be, and that is to recognize we have the obligation to resolve the problem.

I met with the Secretary of Energy early last year. At that time, we were hung up on how to proceed and what to do about the extended litigation that was occurring as a consequence of the Government's inability to honor the contractual commitment. The issue was, well, how can we find a compromise? We agreed to meet the administration's proposal that the Department of Energy may take title to spent fuel and may pay some of the costs of that storage. That was a significant good-faith effort to try to reach an accord.

The other alternative would have been the utility simply suing the Federal Government. But this was the suggestion of the Secretary. We concurred and agreed with it.

The other issue was the concern of previous bills which would allow interim storage to occur at Yucca Mountain until Yucca Mountain was licensed. This is important because we need relief. The most immediate way to get relief is to begin moving this waste to Yucca for temporary storage in casks on the surface until such time as Yucca Mountain is licensed and the waste can be put in a permanent repository. The administration opposed that. Nevada opposed that because they looked at it as the last straw and with certainty that the waste was definitely going to Nevada. We were trying to find a way to remove the crucial time element where some of these plants had to shut down, move the waste out under some plan, and put it in casks on the surface until such time as Yucca Mountain opened. We dropped that at the insistence of the administration. We eliminated the ability to temporarily move that waste until Yucca could be licensed.

That was a very significant effort to come to grips with the concerns of the administration. But clearly the administration was concerned about elections in Nevada. I can understand that and appreciate that. We didn't move the waste into temporary storage. Now the question that seems to be crucial is how we are going to get a radiation standard that is attainable. It is a legitimate question.

We are proposing to get the best science available. What is the best science? There is a lot of science out there. We want a radiation standard that will be attainable which will allow us at such time as Yucca is licensed to be able to move the waste there. If we have a standard that is unattainable, this whole thing is for naught. We will have expanded dramatically the obligation of the American taxpayer not only in damages where we failed to adhere to the sanctity of the contract but damages associated with further delay.

We have proposed in general terms to bring with the best science, which is pretty hard to do in this kind of climate. That science consists of those who are very familiar with items of this nature. One of them is the Nuclear Regulatory Commission, which licensed the plants and which has probably more Ph.D.s associated with the nuclear industry and nuclear issues than any other agency—to bring that agency together with the National Academy of Sciences and the Environmental Protection Agency to work towards a solution on a radiation standard in a positive sense so that we have good, sound science. We have a problem with that to some extent.

I hope we can come to grips and recognize in the spirit of good faith the objective is to get the best science, from whatever sources.

The EPA has the final obligation for rulemaking. However, we are proposing that not occur until after June of the year 2001. In the meantime, we want them to come together to achieve an

attainable level of a radiation standard with which we can live. The radiation standards are all over the ballpark. They are in the eyes of the beholder.

In this debate, we will have an opportunity to explain at greater length the concern we have that, after completing this process, the Environmental Protection Agency promulgates a rule on radiation standards that is simply unattainable. If everything were equal in evaluating this, I would not have that concern. However, there are some in this country, including environmental groups—and I am sure the National Academy of Science as well as the Nuclear Regulatory Commission perhaps to a lesser extent, but certainly within the Environmental Protection Agency—who would like to see no solution.

What is their motivation? There is a fear that somehow we will expand nuclear energy or the role of nuclear energy. Some suggest if we overcome what to do with the waste, it will stimulate the construction of new plants.

I am not here as an advocate of nuclear energy, but I am here as a realist to recognize we cannot have it both ways. We are concerned about air quality. We are concerned about global climate change. We are concerned about Kyoto. We should be. Is there a role for nuclear energy? There should be. From the administration, the Vice President, no mention is made of the role of nuclear energy in any proposals on climate change. One can only assume that the environmental groups that oppose the nuclear industry prevail in the mindset associated within the administration. If they do, that is fine; let's be open. But we should recognize we have an obligation to come up with an alternative.

To suggest the solution is simply to let this industry choke on its own waste is unrealistic and irresponsible. That is why we must work in a bipartisan manner for a solution and not lose sight of our objective, which occurs around here, by getting hung up on various aspects of detail and legalistic language. We are either going to move this waste or we are not. If we move it, we are going to save the American taxpayer money. We will adhere to the sanctity of the contractual agreement to take that waste in 1998. That is where we are.

Mr. President, I know my colleagues want to be heard and we have not entered into any time agreement. Ordinarily, we break for the policy luncheon. I believe we have a cloture vote scheduled at 2:15. Without losing my right to the floor, how can we accommodate our colleagues, recognizing we have a limited time?

The PRESIDING OFFICER. Under the previous order, we break at 12:30 p.m. for the policy luncheons. Under the Pastore rule, only germane debate can be accepted in the first 3 hours.

Mr. MURKOWSKI. That occurs beginning at 2 o'clock.

The PRESIDING OFFICER. 11:21 was the start of the debate, so for the next 3 hours the debate has to be germane.

Mr. MURKOWSKI. It is the intention to break at 12:30 and we come back in at 2:15 and we have a cloture vote.

The PRESIDING OFFICER. That is correct.

Mr. BINGAMAN. Mr. President, if I could make a parliamentary inquiry, it is my understanding we have a unanimous consent agreement in place calling for a vote on the cloture motion at 2:15.

The PRESIDING OFFICER. That is correct.

Mr. BINGAMAN. Mr. President, I hope to speak for about 15 minutes to give an opening statement explaining my views on this issue. I know there are other Senators wishing to speak on this issue. I have no need for additional time other than that.

Mr. MURKOWSKI. Mr. President, I am happy to yield to my friend. I hope in a bipartisan spirit we can come to grips with our obligation to resolve this issue to benefit the American taxpayer as a renewed sanctity of the contractual commitment the Federal Government has made.

I pledge to work with the Senator and my colleagues from Nevada in that spirit in hopes we can reach a satisfactory resolution and not be buried in an impossible situation that simply detracts from our objective.

I yield the floor.

Mr. BINGAMAN. Mr. President, I thank the Chair, as well as the Senator from Alaska.

Let me first discuss where we are procedurally because I think it is important to put my comments in context. We are going to vote at 2:30 on a cloture motion to proceed to consider an amendment I will be discussing in my remarks. There have been substantial discussions between the chairman and me since that amendment was distributed last Friday. It is my understanding there are going to be major changes made to this amendment after the cloture vote occurs. We will be able to see those. We have not seen them in writing yet, but we have had extensive discussion.

I want to make it clear that I will raise serious questions about the bill on which we are voting cloture. At the same time, I will indicate I support cloture so we can move the process forward and I hope we can find in the course of this debate a way to resolve the issues to which I will allude in these comments.

The issue of disposal of spent nuclear fuel and high-level radioactive waste has been debated in the Senate, in one form or another, as long as I have been a Member.

Nuclear waste is a serious issue that demands serious attention by all Senators. It is a problem that is national in scope.

It is also a particular responsibility of the Federal Government. After all, it was the Federal Government that proposed, beginning with the Atoms for Peace Program in the Eisenhower administration, to develop the peaceful

uses of nuclear power. The problems of disposal of spent nuclear fuel that we face today are the legacy of our past laws and decisions.

There are serious problems facing the national nuclear waste program that merit attention now, in this Congress.

I have some important disagreements with the chairman. I will go through those in some detail here, about the substitute amendment that is going to be voted on, on cloture, because I believe that particular amendment is fatally flawed in several respects. But I also believe the chairman is doing the right thing by pushing the issue to decision and by forcing the Senate and the Congress to grapple with the issue of how to store our Nation's nuclear waste.

Let me point out what I think are some of the important nuclear waste-related issues that call out for our attention and require us to take some action, if we can, in this Congress.

First, ratepayers have paid over \$8 billion in fees to the nuclear waste fund. That money which has been paid in has earned about \$2 billion in interest. Only \$5 billion of that total of \$10 billion has been spent on the program. Our current budget rules and accounting principles make it nearly impossible to give the program, each year, the appropriation it deserves and requires. For example, in fiscal year 1996, the President asked for \$640 million for DOE's Yucca Mountain program. Congress appropriated \$315 million, less than half of that.

As a result, the program had to abandon a comprehensive program plan that was less than 2 years old and go through yet one more strategic planning exercise to figure out how to cope with the inadequate funding they had been provided.

The result of all this is to create considerable concern on the part of many about this nuclear waste program, in particular the Nuclear Waste Technical Review Board, which has stated the program is not making adequate technical progress at Yucca Mountain in order to make a defensible determination of its suitability in the next few years.

I think that is a concern we need to take seriously in the Senate. Not surprisingly, the utilities themselves and the public utility commissions and the States that are paying in \$600 million each year and seeing only a fraction of that being spent, and the possibility looming there will be further delays because we lack the technical answers to questions about site suitability, are also upset by the state of affairs, and they have every right to be.

Let me go on to another reason why we need to address this issue in this Congress. The Department of Energy did not meet the January 31, 1998, deadline to which Chairman MURKOWSKI referred. That is a deadline to dispose of spent nuclear fuel. Not only did we not meet that, we are way behind the original schedule in building the repository.

Utilities and ratepayers are beginning to make plans to pay for onsite storage for spent fuel in addition to what they would otherwise have needed if the Department of Energy had met its deadline.

While many thought the 1998 deadline was unrealistic when it was first picked as a target date, nobody thought we would miss it by as wide a margin as we have. Lawsuits have been filed. The Department of Energy has concluded it does not have the legal authority to settle the suits by directly addressing the needs of utilities to do something with the fuel that is on their hands. So additional legislation is required to deal with that issue. Hopefully, we can come up with an agreement on that legislation before we conclude action on this bill.

We could choose to ignore the problem, but I believe we would do so somewhat at our own peril. Lawsuits are working their way through the Court of Federal Claims with contradictory results at the lower levels of the court, so no one can say how the courts will ultimately rule on the Department of Energy's contractual obligations—but the Federal courts have surprised the Government previously in recent years with rulings in favor of the utilities.

A third reason we need to deal with this in this Congress is the transportation of spent nuclear fuel and high-level nuclear waste is a legitimate concern to the communities through which it will travel on its way from the nuclear plants where it is located to any repository. This is true nationwide. It is true in my own State of New Mexico. The standards governing shipment of spent nuclear fuel and high-level waste are currently below those for less radioactive waste streams, such as the waste going to the WIPP project in my own State. This situation arises because Congress instituted higher standards for packaging and shipment of transuranic waste in the WIPP Land Withdrawal Act of 1992. The WIPP provisions have, so far, had some success. One could argue whether there are lessons learned that should be applied to spent nuclear fuel and high-level waste in the form of even stricter requirements than for WIPP, since spent fuel and high-level waste plausibly involve greater risks to the public, in case of an accident. It certainly does not make much sense, though, and it is not in the public interest to ignore the advances in standards and transportation procedures that have occurred since passage of the original Nuclear Waste Policy Act of 1982.

These issues I mentioned speak for themselves. It is possible to build a good set of amendments to the Nuclear Waste Policy Act of 1982, and to deal with these problems. The amendment we are going to vote cloture on does not do that. I hope the substitute we can come up with will.

Let me cite some areas where we have agreement because there are

some. Clearly, those need to be mentioned. Anyone who looks at the substitute amendment and compares it to the original bill introduced in the Congress has to admit, and I readily do, that although there are still crucial flaws in the bill, major progress has been made on a number of topics—progress toward getting a decent bill. These include abandoning the plan to have interim storage in Nevada while the Nuclear Regulatory Commission is deliberating on the license application for the permanent repository. That was major progress for which I commend the chairman.

Second, embracing instead a plan to have the Department of Energy authorized to take title to fuel where it can work out settlement agreements with utilities, that is also major progress in my view. And making a significant move toward accepting the EPA's final rulemaking authority, that is important. I hope that is something to which we can finally agree.

But there are areas of disagreement. Let me mention those very briefly. They include restrictions on the EPA standard-setting process; second, inadequate transportation safeguards—these are concerns with the bill which we are voting cloture on; third, one-sided take-title provisions—I can go into detail on these; fourth, the support for foreign reprocessing of nuclear fuel which, to my mind, is not a good investment of taxpayer dollars. If there is research to be done, we should go ahead and do it, and there is clearly research to be done. And fifth, neglect for the pressing funding needs of the program, that also is not addressed.

Preserving the integrity of the EPA rulemaking process for the Yucca Mountain radiation standard is one of the threshold issues in this bill. The chairman's substitute dilutes both EPA's rulemaking authority for the remainder of this administration as well as changing the substantive standard of protection. Right now, the standard EPA has to follow is to protect public health and safety and the environment. Under the chairman's substitute, EPA, for the next 16 months, would be able to do so only to the extent that it would allow the agency to meet the standard of being "attainable" at Yucca Mountain. This effectively stacks the deck in the standard-setting process. It also, in my view, may create a more lasting problem of legitimacy for the standard and for the program as a whole in the minds of disinterested citizens.

In New Mexico, we have had experience with EPA standard setting for radioactive waste disposal facilities. EPA both set the compliance criteria for the waste isolation pilot plant, or WIPP, and certified that the facility, as built, met those criteria. It was a long and arduous process. But in the end, the fact that EPA was able to do the job on the merits was important to the facility gaining legitimacy in the minds of most New Mexicans.

I believe that EPA can do a fair job of setting a standard for Yucca Mountain, and I will continue in that belief until someone shows me the record in this rulemaking that indicates the contrary. Surely, the draft rule published by EPA last August, which laid out a number of options for such a standard, cannot be characterized as arbitrary or capricious. DOE, the NRC, and the National Academy of Sciences have taken exception to a number of options and approaches in the rule, as is their right. They have put comments in the rulemaking file that EPA will have to grapple with honestly, if the agency wants to see its standard survive judicial review.

Given this, I would not favor either transferring the job of EPA to another agency, or giving some other Federal agency an effective veto over EPA's discretion. The bill reported from the Committee on Energy and Natural Resources did the former, and the chairman's substitute did the latter. This is a major reason for my opposition to this substitute.

A second major concern that I have with the substitute is its approach toward the transportation of nuclear waste. Transportation of nuclear waste is a matter of concern to many members of the general public. The chairman's substitute does not address these concerns adequately, in my view. There is no independent oversight of the design and manufacture of the shipping canisters in which nuclear waste will travel. The Nuclear Regulatory Commission has testified before the Senate Energy Committee that it lacks adequate regulatory authority over DOE shipments. Unfortunately, this gap in regulatory authority is not addressed in the bill or the substitute. What is in the bill looks like an excessively ornate structure of plans that conflict with one another and probably give rise to lost of litigation. It is hard to see how that sort of extra bureaucracy protects public safety.

In addition to provisions that don't effectively protect the safety of citizens living along routes where nuclear waste will be transported, the chairman's substitute contains provisions that cancel out certain routes in certain states, by means of criteria such as maximum downgrade percentages. I would oppose this sort of provision on principle, as I have consistently opposed carve-out amendments on prior nuclear waste bills. In this particular case, my own State of New Mexico is being particularly disadvantaged, as trucking routes in Colorado are canceled out, thereby shifting truck shipments through Wyoming on I-80 and New Mexico on I-25 and I-40. Speaking for New Mexicans, I can think of few worse places for a truck of nuclear waste than on the interchange, in the center of Albuquerque, of I-25 and I-40. New Mexicans call it the "Big I," and it is legendary for its poor design.

A third major flaw in this bill concerns the ground rules that the bill

lays out for the Department of Energy in its negotiations with the utilities over taking title to spent nuclear fuel. The only reason to have a take-title mechanism is to respond to DOE's non-performance with respect to specific contracts. Yet, the language of the chairman's substitute contains several changes to what the committee reported last spring on these lines. All these changes are in the direction of clouding the issue of what DOE is responsible for. The probable result of this blurring of responsibility is that numerous utilities will claim that the Congress intends for DOE to go beyond making them whole for specific non-performance on specific contracts. The bill for this extra scope for DOE's relief of the utilities will be borne by either the general taxpayer or the Nuclear Waste Fund, and both sources of funds are a problem. In the former case, it is not fair. In the latter instance, the Waste Fund is already supposed to pay for the repository and the legitimate costs of taking title. It is not reasonable to create a scenario where utilities can claim that Congress intended DOE to pay more than those legitimate costs associated with contractual breaches.

A fourth major flaw in the bill is its authorization for DOE to spend taxpayer dollars to fund foreign reprocessing and transmutation activities in countries that are not willing to pay for such activities themselves. I do not know why we should have blanket authority for DOE to spread reprocessing technology worldwide in this manner. Most other countries that have looked at the sort of reprocessing and transmutation that would be supported by this bill have concluded that there are serious technical challenges that will take decades to resolve. Our own National Academy of Sciences agreed in its 1996 report on "Nuclear Wastes: Technologies for Separations and Transmutation."

Finally, the fifth major flaw in the bill is its lack of attention to the most critical problem facing the Yucca Mountain program—the lack of funding to characterize the mountain properly, or to build the repository, if authorized. The chairman's substitute does nothing either to make the balances in the Nuclear Waste Fund more readily available to fund the work needed to demonstrate the mountain's suitability and licensability, or even to make a special one-time fee under current law for certain utilities directly available to the program. The latter provision would not score under our budget rules, since it is currently outside the 10-year scoring window. If DOE took title to fuel from certain utilities, it might be able to collect the one-time fee early, but without special legislation, the fee would vanish into the Treasury without a trace, and without helping the program.

Let me get to a conclusion so others can speak before we go into recess for our caucuses. I do think this issue of

adequate funding so the program can go forward, so the site can be characterized, is absolutely crucial. I hope very much the Senate will address that before we pass a bill or before we conclude action on an amendment on the Senate floor in the form of a substitute.

Let me conclude my remarks by reiterating the basic principles behind my opposition to the substitute amendment. These are things which I hope very much can be resolved in the alternative that is now being prepared and is going to be available for us to review this afternoon. We ought to focus, in this legislation, on making the current program work. That means, No. 1, giving the Department of Energy the tools it needs to resolve current litigation over its failure to meet past contractual obligations. I hope we can do that in an effective way.

Second, it means upgrading transportation standards for spent nuclear fuel and high-level waste. Again, I hope we can do that in the legislation we finally act on.

Third, it means making the needed funds available to characterize Yucca Mountain, and to build Yucca Mountain if it is licensed by the NRC. I hope we can act on that.

The fourth item is, the program does not need to suffer a loss of public legitimacy by legislatively stacking the deck against EPA's ability to carry out its statutory authority on protecting health and safety. We can find a solution to that. I hope very much we do.

Finally, the fifth item I want to mention is the program does not need extra doses of paper-pushing bureaucracy and bureaucracy related to transportation of nuclear waste, accompanied with unrealistic deadlines for putting waste on the road.

We found that we, American taxpayers, have incurred substantial liability because of our writing into law deadlines which turned out to be unrealistic before. Let's not make that same mistake again in legislation on the Senate floor this week.

I did not support the chairman's amendment even though I appreciate his attempts to improve it.

He has been negotiating in good faith to improve this amendment, and I greatly appreciate that. We have not seen that alternative substitute provision, so I cannot say whether we have reached agreement or not on the various items I have identified, but I hope we have made progress on each of them.

It is important to move the process forward. It is important to come to closure on this bill in a bipartisan way. This is not a partisan matter. I hope all Senators will support the effort to invoke cloture so we can move ahead, and then I hope we can all work in good faith to improve the basic bill we are considering before we have to vote on a final bill.

Obviously, I could not support a vote in favor of the final bill on which we

are invoking cloture, but I hope before the process concludes I can support a piece of legislation that will solve the problems I have enumerated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, Senator HARKIN and I came to the floor 40 minutes ago with the expectation of introducing legislation. We found we were already on the bill. I have checked with the managers, Senator MURKOWSKI and Senator BINGAMAN, who have no objections—nor does Senator BRYAN—to Senator HARKIN and myself proceeding for approximately 10 minutes. I ask unanimous consent that Senator HARKIN and I be permitted to speak for 10 minutes as in morning business for the purpose of introducing legislation.

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

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER and Mr. HARKIN pertaining to the introduction of S. 2038 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until 2:15 p.m.

Thereupon, at 12:32 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

#### NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999—Continued

##### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

##### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment to S. 1287, the Nuclear Waste Policy Amendments Act of 1999:

Trent Lott, Frank H. Murkowski, Slade Gorton, Don Nickles, Tim Hutchinson, Conrad Burns, Michael Crapo, Phil Gramm, Thad Cochran, Richard Shelby, Larry E. Craig, Jim Bunning, Judd Gregg, Charles Grassley, Wayne Allard, and Bob Smith of New Hampshire.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on substitute amendment No. 2808 to S. 1287, a bill to provide for the storage of spent nuclear fuel pending completion of the nuclear

waste repository, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Nebraska (Mr. KERREY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

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

The yeas and nays resulted—yeas 94, nays 3, as follows:

[Rollcall Vote No. 7 Leg.]

#### YEAS—94

Abraham	Feingold	Mack
Akaka	Feinstein	McConnell
Allard	Fitzgerald	Mikulski
Ashcroft	Frist	Moynihan
Baucus	Gorton	Murkowski
Bayh	Graham	Murray
Bennett	Gramm	Nickles
Biden	Grams	Reed
Bingaman	Grassley	Robb
Bond	Gregg	Roberts
Breaux	Hagel	Rockefeller
Brownback	Harkin	Roth
Bunning	Hatch	Santorum
Burns	Helms	Sarbanes
Byrd	Hollings	Schumer
Campbell	Hutchinson	Sessions
Chafee, L.	Hutchison	Shelby
Cleland	Inhofe	Smith (NH)
Cochran	Inouye	Smith (OR)
Collins	Jeffords	Snowe
Conrad	Johnson	Specter
Coverdell	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Voinovich
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Lincoln	Wyden
Edwards	Lott	
Enzi	Lugar	

#### NAYS—3

Boxer	Bryan	Reid
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#### NOT VOTING—3

Kennedy	Kerrey	McCain
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The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I believe the Senator from Arkansas is going to request unanimous consent there be a few minutes in morning business so he can introduce a bill. I will be happy to accommodate him if there is no objection.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

Mr. HUTCHINSON. I thank the Chair.

(The remarks of Mr. HUTCHINSON pertaining to the introduction of S. 2039 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, it is my intention to continue the debate on the manager's amendment to S. 1287, the Nuclear Policy Act Amendments of 1999. It is appropriate to highlight a couple more charts before I explain what this manager's substitute does.

I will reiterate the purpose of addressing the responsibility we have as the Senate to resolve what we are going to do to dispose of this high-level waste in conformance with the contractual commitment that the Department of Energy and the Federal Government entered into to take the waste beginning in January of 1998.

As I indicated earlier today, the Federal Government is derelict in not meeting its fiduciary responsibility. It is appropriate to point out that the ratepayers in this country have paid \$15 billion to the Federal Government to take that waste beginning in 1998. Damages for nonperformance to the contractual commitment by the power industry in this country against the Federal Government suggests the liability is somewhere between \$40 billion and \$80 billion. The longer this body delays in addressing its responsibility of disposal of this waste, the greater the obligation to the American taxpayer, which currently is estimated to be about \$1,400 per family.

As a consequence, we have the responsibility, in a bipartisan manner, to come together and resolve the obligation we were elected to address, and that is to meet contractual commitments, honor the sanctity of the contract, and resolve the waste problem and not allow the nuclear industry to, basically, choke on its own waste.

There are a couple of charts with which I want to proceed. First of all, I want to identify, again, the locations of the waste for those who may have missed it earlier. Around this country, there are approximately 80 sites. One can see the sites on the map: the commercial reactors, the shut down reactors with spent fuel onsite; and they will not be removed unless we proceed with this legislation to address one site at Yucca Mountain in Nevada for a permanent repository. It also includes the commercial spent nuclear fuel storage, the non-DOE research reactor, the naval reactors, and the DOE-owned spent nuclear fuel. My point is simply to show we have 80 sites in 40 States. It is an obligation we have to universally address this with appropriate resolve.

The next chart shows radiation exposure. This is very important and very germane to the debate because we are all concerned about the manner in which the radiation exposure will be addressed and by what agency.

I am not here to promulgate who has the best science, but I think it is fair

to say this issue deserves the very best science. Traditionally, the Nuclear Regulatory Commission addresses licensing, examination, and conformance of nuclear plants. They are pretty good at it. They probably have more Ph.D.s than any other agency dealing with nuclear radiation.

However, the National Academy of Sciences also has a great deal of expertise, and we are suggesting that their scientific contribution be part of a determination on setting a radiation level that will conform to, as well as achieve, our objective, and that is to put the waste in a permanent repository at Yucca Mountain.

There is a lot of concern about radiation. I think it has to be put in some perspective that is understandable.

For those working in this Capitol, they get 80 millirems of exposure each year.

If one is living in a brick house, they get 70 millirems per year.

The exposure from cosmic radiation to residents in Denver is 53 millirems.

The average annual radiation exposure from the ground is 26 millirems.

Diagnostic x-rays are 20 millirems.

Dental x-rays are 14 millirems.

If one flies from New York to Los Angeles, they get 6 millirems.

Exposure for half an hour from a transport container on a truck 6 feet away—let's assume they are moving this in a prescribed cask, transporting it by rail or by highway with an escort—the exposure is 5 millirems.

These are accurate measurements. The EPA's proposed radiation exposure level is 4 millirems, and that is a ground water standard.

I am not going to argue the merits of EPA other than to say that their exposure level, from the standpoint of its relationship with these other exposure levels, seems a little out of line. We will let it go at that because I want to move on. I want to make the point, as we look at radiation exposure levels, it is important to keep in perspective what we are exposed to already.

Let's look at transportation because that is going to be debated extensively. We have been transporting used fuel from 1964 through 1997, as this chart shows. These are the routes used for 2,913 shipments. Obviously, they have been going through all the States. They have been going by railroad through Minnesota, Iowa, Illinois, a portion of Nebraska, I believe Missouri, and a couple of other States, as indicated in red. We are and have been moving these shipments. The significance of this is that the public health has never been exposed to radiation from spent fuel cargo. We have never had an exposure. That does not mean it cannot happen; it means we have taken practical safeguards to ensure the exposure is at a minimum.

I learned a long time ago in my State of Alaska when we had the Exxon Valdez accident that these accidents can occur. That ship went aground in a 10.5-mile-wide channel simply because

of the incompetence of those on the bridge. You can have accidents, and you can prevent them.

We have a pretty good record here. Between 1971 and 1989, the Department of Transportation tells us there have been seven minor accidents that have occurred involving nuclear waste, but no radioactivity was released at any of the accident sites simply because of the containment of the vehicles that enclose the waste. Those, of course, are the canisters which are built to withstand exposure. Some time ago when we were talking about moving nuclear waste by aircraft, there was the assurance that we have the technology to build a canister that would survive a free-fall from an aircraft at 30,000 feet.

As evidence of the thousands of safe used-fuel shipments since 1964, this is the type of cask that is used, and the waste is stored in that. These are required to survive a 30-foot drop onto a flat, unyielding surface, a drop of 40 inches on a steel plate, being engulfed in a 1,475-degree fire for 30 minutes, submersion under 3 feet of water for 8 hours, and on and on. We have taken safeguards to construct these casks in such a way as to ensure there is a minimum of risk associated with transportation.

I have been to Great Britain, Sweden, and I have seen in France the manner in which they move high-level waste. They move it by ship, by rail, by road, and they take safeguards to ensure that it is properly contained.

We have transportation safety concerns. We have provisions in this bill to deal with them. It involves the Department of Energy developing comprehensive shipping and transportation plans under the same guidelines as we currently move the WIPP. That is the waste isolation project in New Mexico. These are the same guidelines we are going to be using to move this waste.

We have been moving waste to New Mexico. That is basically low-level waste. I have been there and been in the salt caverns and observed the process down there. There is great care taken to ensure there is no exposure that cannot be rectified through adequate engineering technology.

The used fuel is going to have to travel as designated by the States, they having a determination of what the most appropriate route is. Clearly, the material has to move; otherwise, you cannot get it out of the States—280 sites and 40 States—and you cannot move it to one area that we have predesignated, which is Yucca Mountain in Nevada.

Then we are going to have training which would meet Department of Transportation standards so that we have people who are adequately trained to move this waste and cover whatever emergency response readiness is necessary before the shipments begin.

So what we have done—perhaps we can do more and perhaps we should and I certainly am open to that—is taken every precaution to try to ensure the exposure is taken out of the process.

Let me show you a couple other charts that I think are relevant. For those of you who missed it, this is the location out in the Nevada Test Site that has been chosen to be the permanent repository. This site has been already pretty well bombarded as a consequence of over 50 years and 800 nuclear weapons tests. If you buy the theory that you kind of desecrated one area so maybe that is the best area for a permanent repository, this site should certainly fit.

Let me show you one other chart that shows another aspect. As I have indicated earlier, about 20 percent of our energy comes from nuclear power. You see on the chart, shown in red, nuclear power accounts for 18 percent of our energy use in the country. In any event, this chart shows the mix: Coal is 53 percent; nuclear is 18 to 20 percent; natural gas is 14 percent; hydroelectric is 10 percent; other is 2.7 percent; oil is 2 percent; wind is .08 percent; and solar is .02 percent.

It is obvious we are going to be dependent on these sources for some time. If we do not address the nuclear waste issue, we are going to pick up 20 percent of our power generation some other way. I think those who are critical of the effort to address our responsibility are a bit irresponsible in not suggesting where we are going to pick up this differential.

On this next chart we look at air quality. If we look at our concern over global warming, if we look at our concern over Kyoto, we have to recognize that there is significant avoidance of emissions by the contribution of nuclear power. You can see shown on this chart the regions that were subject to caps from 1990 to 1995 and the emissions avoided by having nuclear generation and where these States would be without it.

It is a pretty tough set of facts. The reality is, a good portion of the Northeast corridor would no longer meet its mandate for emission reductions if, indeed, we had to sacrifice the nuclear power industry.

Approximately 80 of the 103 currently operating nuclear energy plants are located in or adjacent to areas that are unable to meet the Clean Air Act standards for ozone. Any use of emitting generation in these areas in place of the existing nuclear capacity moves the region further away from attainment of these standards. So I encourage my colleagues from these States to recognize that the nuclear power industry makes a significant contribution, and without it you are going to be looking to some other unidentifiable means to offset the loss of power from the nuclear industry.

Let me turn to the substitute that is before us and briefly reflect on where we have been. We have passed bills in this body by a broad bipartisan margin. The last time the vote was 65 to 34—pretty close to overcoming a veto but not quite.

I think these bills mark a historic pattern of trying to meet the objec-

tives of the administration through compromise, through changes, and through accommodations. Those bills were a complete substitute for the existing Nuclear Waste Policy Act of 1982 that gave authority to build an interim storage facility for nuclear waste, a temporary above-ground storage pad adjacent to the Yucca Mountain site. It contained extensive provisions on licensing for Yucca Mountain and the interim storage facility, including NEPA radiation protection standards and transportation safety. But the administration was not satisfied. They saw fit to veto the legislation because it opposed the interim storage before the viability assessment was made about the permanent repository.

We still think we were doing the responsible thing by trying to address the difficulty of those plants that were about out of license time and would either have to shut down or seek additional relief under State licensing by allowing them to move their waste and store it at Yucca Mountain until such time as a permanent repository was completed.

Obviously, there was a fear from Nevada that if that were adopted, the waste would end up in Nevada. Of course, today we are faced with the concerns of various Governors that if we adopt the take-title issue, and title is indeed taken, the waste will go into canisters and be stored onsite in those States, the Government would have title and the waste would still be in the States, that it would not move.

The point is that we are either committed as a body to resolve this problem and get on with addressing the transportation of that waste to a permanent repository, or we are going to be faced with the reality that we will simply put it off for another day, put it off for another administration. If we do that, I think we are acting irresponsibly.

What we have attempted to do in this bill is a different approach in the manager's amendment. It is not a complete substitute for the old act. It is a minimalist approach. It does not contain an interim storage provision. So we responded to the administration. We responded to the minority. We left that out. We said: It doesn't move until it is licensed.

We propose to do two major things. We propose to give the Department of Energy the tools it needs to meet its commitment to move the spent fuel by opening a permanent repository at Yucca Mountain. Secondly, we think it provides fair treatment by permitting utilities to enter into voluntary settlements with those who have fulfilled their end of the bargain by paying over some \$15 billion which the ratepayers have paid over the contract.

What has the Department of Energy done? It left them holding the bag because the Department of Energy and the administration have not seen fit to lift the terms of the contractual agreement to take the waste. So the manager's amendment to S. 1287 clarifies



the existing unconstitutional White House veto for raising the fee and states that Congress can vote to raise the existing 1 million per kilowatt fee, if necessary, to pay the expenses of the program. It allows plaintiffs in the lawsuits and the DOE to reach voluntary settlements of the Department of Energy's liability for failing to take the waste in 1998.

I still have to refer to the example the Federal Government sets when it doesn't honor the sanctity of a contractual commitment. They simply ignore it. They simply ignore the liability of the taxpayer, which, as I have indicated, is something in the area of \$40 billion to \$80 billion in damages. We, as elected representatives, have an obligation to address and correct that. That is what we are attempting to do in this legislation.

Further, it permits the EPA to continue with its rulemaking—and it is the appropriate agency—on radiation standards as long as we have the best science. Where is the best science? As I have indicated, it is in the Nuclear Regulatory Commission in consultation with the National Academy of Sciences. That is the best science we have in this country. If that isn't good enough to set a radiation standard, I don't know what is.

Obviously, that standard will protect the public health and safety and the environment, but it has to be attainable. If the EPA has a policy of non-attainment that we come up with ultimately, we will waste a lot of time and money, and it will cost the taxpayers a lot of dollars. It will allow fuel to be accepted when the NRC authorizes construction of the permanent repository in the year 2007. Further, it allows the Department of Energy to begin moving fuel as soon as possible after Yucca Mountain is licensed.

Transportation provisions are based on those used for the waste isolation plan, as I have indicated. Furthermore, we have moved that fuel in the United States around the world. So S. 1287 builds on existing safe systems by adding money for education, emergency response, local communities, transportation personnel, and provisions for allowing the State to determine the routes and rules for population areas. Who is better qualified than the States? Also, there is advance notification for local government.

As I have indicated, we have attempted to compromise, and we continue to try to meet the concerns of the administration and the minority. But in order to do that, we have to agree on our objective, and that is to meet our obligation to address, once and for all, some finality to the nuclear waste storage dilemma. We have eliminated the source of the administration's opposition to our previous bills on interim storage.

EPA, secondly, may proceed with its rulemaking. All they have to do—all we want them to do—is be reasonable in the sense of using sound science and

participating in peer review with both NRC and the National Academy of Sciences. And in this existing proposal, we have allowed the utilities to enter into a voluntary settlement with the DOE. This was the idea of Secretary Richardson.

The manager's amendment to S. 1287 gives us an opportunity, I think, for a triumph of substance over process, safety of people over politics. As I have indicated, the Senate has twice passed this legislation by large, bipartisan margins.

Where does the administration stand on this? Well, I have a letter from the administration called "statement of policy." I think it should be "statement of administrative mixed policy." It states that the administration has reviewed the February 4 manager's amendment and they find it unacceptable. Although the amendment appears to allow the EPA to exercise its existing authority, they still believe it would allow another entity to block EPA's authority. I don't know whether they have read the bill or not, but that isn't what the bill says. Consequently, one can only assume the administration is opposed to it because it always has been, regardless of what we have attempted to compromise. Furthermore, I think it is appropriate to recognize that.

Again, the administration seems to be working to create a problem that really we can address. The rationale is, I assume, only that they could object to the legislation. That really isn't an adequate excuse. I encourage my friends who have the same responsibility as I do to recognize that the administration has an obligation to come forward and say how we can meet this obligation collectively, the Congress and the administration.

The administration, as I indicated, basically objects to a provision that requires EPA to consult with scientists before adopting a standard. What is wrong with the best science? The administration talks about good science and making decisions based on sound science. In fact, the administration's position on science is that it is good. But I wonder if it is good only when it supports a predetermined policy decision.

That is kind of where I think we are. I think that is unreasonable. I think that is irresponsible. I think it deserves a greater explanation than the one offered. The only reason for the administration to object to having EPA consult with scientists at the National Academy of Sciences, or with the participation of the NRC, is that they know it is possible to adopt a reasonable standard but they simply don't want to do it. I have a hard time with that because I think that in itself is somewhat irresponsible.

I have some other examples that concern me. I will not take the time now, but maybe I will later. The EPA is an extraordinary agency. They carry a big responsibility, but one questions the

balance they use. I am going to cite a couple of instances with which I have had personal experience, and I invite my colleagues to share those. As we question the legitimate authority of the EPA, which is statute—that is in law—EPA does have authority for final rulemaking; we just want them to use the best science available.

In my hometown of Fairbanks, it snows. With snow, you have one of two options: You either leave it there or you move it. Several years ago, they had a heavy snowfall where the city and school buses park. This was a paved lot. They moved the snow off the lot. The buses cooperated and they put it on the back lot, which was determined by EPA to be a wetlands. Well, the EPA notified the city of a violation of the wetlands permit. Now, there was snow that came naturally on that other lot where they pushed the snow. It makes no sense. The snow was frozen water. How can wetlands be damaged by more snow? I don't know.

We had a problem in Anchorage, AK. This was a storm water treatment: when it rains, the rain goes off the highway into the gutters. In the particular community of Anchorage, it was charged into Cook Inlet; this is water off the streets. Cook Inlet has some of the highest tides in the world, next to the Bay of Fundy, nearly 30 feet, almost twice a day.

However, EPA Clean Water Act regulations interpreted that the city was in violation because it had to remove 30 percent of the organic matter from the untreated water. The problem was it was rain water. There was no organic matter to remove. Yet they were still in violation. But the water was too clean to begin with. The city appealed to the EPA. The EPA denied the appeal and told the city they were subject to a fine. One of the city council members suggested they go down to the fish plant and add some fish guts to the drain water so there would be some organic matter to remove and thus meet the national discharge standard. This got notoriety all over the country. It made no sense to pay to contaminate pure rain water and then pay to remove the contamination. We were finally able to convince them as a consequence of public opinion and public notoriety of the impracticality of EPA.

In this instance, I have one more little item that I will share with you. In 1993, the EPA proposed to take pepper spray bear repellent off the market until its safety could be certified. The spray was at that time the only effective nonlethal repellent that Alaskans could use to protect themselves against bears. I say nonlethal. You can take a gun or you can take some pepper spray. While the EPA reconsidered the decision and allowed the pepper spray repellent to remain while it permitted a speeded up regulatory review, the preliminary decision to recall the spray was idiotic, to say the least. Alaskans or anyone who wants to can put cayenne pepper in their chili. They could

legally throw the pepper at a charging bear, if they wanted to. It was insane to say that could not be placed within the spray can; namely, the chili spray.

What was really insane was that EPA initially argued they couldn't speed up registration of the pepper spray until it was field tested and on, do you know what? Wild bears—a difficult and rather dangerous thing to do. It was especially odd that the bear undoubtedly would much rather be sprayed by the pepper spray than the alternative 30.06 bullet.

I have recycling asthma inhalant examples, vehicle gasoline rules, ozone standards, background contamination on MTBE, battery enterprise examples, mining examples, and recycling center examples.

I am not going to bore my colleagues with that other than to say what we want is the best science. We want EPA to take advantage of that science and then come down with their rule-making. But very particularly, we don't want EPA to set an attainment standard that is unattainable for the nuclear waste to be disposed of.

I know my friends want to be heard from, and there will be amendments forthcoming. But I want to conclude with a reference on what we can do.

Again, I point out that it is the obligation of the Government—that includes those of us in the Congress and the administration—to solve this problem. This bill is the congressional solution, and the administration has an obligation as well.

We voted out this legislation in the last two Congresses by bipartisan votes—65 to 34 in the Senate, and in the House of Representatives 307 to 120—again, not enough to override a veto.

This year, we introduced the interim storage legislation, S. 608. The legislation had votes to be favorably reported. I proposed that the committee consider a new approach to accommodate the Secretary and the administration. We hoped to find a solution to the nuclear waste dilemma to gain full consensus and avoid procedural problems of the past. Senate bill 1287 was approved in the committee by a bipartisan vote of 14-6.

Here are the five essential points that I believe have to be addressed if we are going to have anything meaningful when we are through.

We need congressional approval before there is any increase in the nuclear waste figure. We simply cannot give the executive branch carte blanche. It has to have congressional approval; second, authorize settlement of lawsuits for DOE's failure to perform; third, the radiation protection standards, as I stated, for the repository to be set by the agencies that have the expertise—the NRC, National Academy of Sciences working with the EPA.

I compromised on this point in my manager's amendment. The EPA may now go ahead with its standard-setting regulations provided that they take ad-

vantage of the best science available, and that the NRC in consultation with the National Academy of Sciences and the EPA agree that the standard is attainable.

Some suggest that the EPA cannot have the last word. That is not the intent. If we have to rephrase it, we will do it. The intent is authority by statute to belong to the EPA, but clearly the best science should include input from the National Academy of Sciences and the Nuclear Regulatory Commission.

The fourth prerequisite: Operation of a repository fuel acceptance facility key to the Nuclear Regulatory Commission authorization for the permanent repository in the year 2007, and a transportation system based on the Waste Isolation Pilot Plant model, which is WIPP.

Those are the five principles that we outlined. Those are the principles that we worked on with the minority to try to achieve a consensus.

I think the bill reflects significant concession by the supporters of the past legislation. I believe this new approach still gives the DOE the tools it needs. I still don't know why the administration seems so possessed, policy-wise, to oppose it. But that is what we have before us.

I conclude this portion of my statement by again identifying where I think we are in the differences we have. That, again, is the radiation standard.

As you heard me state time and time again, I think the Nuclear Regulatory Commission is the appropriate determiner of that standard. But the manager's amendment now contains new language that would permit the EPA to go ahead as long as the National Academy and the Nuclear Regulatory Commission are consulted. Obviously, that interest is a science that will protect health, safety, and welfare. As to the objective, it is most important that we have an objective of achieving the radiation standard that is attainable.

This is a reasonable approach. It provides the best science after peer review. Yet it does allow EPA to ultimately complete the rule after we have had the input of the best minds on the subject and have consulted with one another.

If the EPA and the NRC cannot agree, then the EPA is not permitted, obviously, to adopt any rule until after June 1, 2001. But after June 1, 2001, the EPA may go ahead and adopt a rule pursuant to existing authority under section 801 of the Energy Policy Act.

Part of the problem with the EPA standard that was detailed in the proposed rules that came out last August was that it applied unrealistic standards to ground water. They proposed 4 millirems for ground water. This is a standard that comes from the Safe Drinking Water Act, which I support.

This chart shows the levels of radiation. For those working in the Capitol, we get 80 millirems; anyone living

in a brick house, 70 millirems; annual exposure from cosmic radiation, 53 millirems; annual average radiation from the ground, 26 millirems; x ray, 20 millirems; dental x ray, 14 millirems; round-trip flight from New York to Los Angeles, 6 millirems; exposure from a transport container carrying high level waste 6 feet away, 5 millirems. But the EPA proposal is 4 millirems for the drinking water standard.

This chart shows the proposed site: 800 nuclear weapon tests over 50 years. They are going to come down and propose a 5 millirem level; remember, 4 millirems is the level for drinking water.

Is that really in the interests of proceeding with this legislation or is it to set an unattainable standard? No one will drink the ground water that comes from this site. I hope not.

The Safe Drinking Water Act should not be applied to ground water. However, if the water becomes tap water, the act should apply; but not while the water is in the ground. The EPA wants to take extremely low standards that were designed to apply to drinking water out of a tap and apply to water in the ground, whether people drink it or not.

Let me be very clear. This dispute has nothing to do with a level of protection for the people in Nevada. Whether or not the drinking water standard is applied to ground water has nothing to do with how much additional radiation, if any, Nevadans would be exposed to from the facility. The EPA applied similar regulations to the WIPP Transuranic Nuclear Waste Disposal Facility in New Mexico. The drinking water standard was not an issue when WIPP was licensed by EPA because WIPP is a salt mine. Obviously, there is no potable water around it. Maybe EPA thinks all nuclear waste should be disposed of in a salt cavity, but I am not sure everybody in the country or in this body would agree.

The National Academy of Sciences did not recommend that the Safe Drinking Water Act be applied to ground water. Instead, they addressed "requirements necessary to limit risks to individuals" as required by law. In fact, the National Academy specifically said they don't make such a recommendation.

Finally, the National Academy concluded that the decision regarding the acceptable level of risk for Yucca Mountain is a policy decision. What does that mean? That means a decision for Congress, not the scientists. In our legislation, we propose the best scientists come up with a recommendation to EPA and EPA be part of that process. I think it is appropriate that Congress make a decision regarding the level of risk.

Finally, the ultimate myth. I think everyone would agree, this administration says it cares about clean air and preventing climate change. Here is where our electricity comes from: 53 percent comes from coal; 18 to 20 percent is nuclear; 14 percent is natural

gas; 10 percent is hydroelectricity; the remaining few percent is oil, wind, and solar.

DOE's Energy Information Administration says the Kyoto treaty would require a 30-percent reduction of CO<sub>2</sub> emissions from the predicted 2010 level.

How do we do this without nuclear power? We cannot get there from here. There are no nuclear emission-free sources that can economically take its place. For the moment, forget about the Kyoto treaty and think of the present.

This chart shows the emissions avoided from increased nuclear generation. This is a reduction in SO<sub>2</sub> from nuclear power generation. From 1990 to 1995, 37 percent of the sulfur dioxide reductions required by the Clean Air Act came from increased generation from existing nuclear powerplants. That is where it came from. These were sulfide reductions.

Is that not ironic? They gave credit for the reductions to the nuclear plants. They don't have any emissions. That is where they get the reductions. Clever. Even with nuclear power, it is difficult and expensive to meet the new regs; without nuclear power it is impossible.

As this body addresses the broad obligation of reality, we have to focus in on the difficulty we have. That is, that the nuclear industry is choking on its own waste. We have the responsibility to come up with a solution.

This chart shows an overlay of nuclear plants in noncontainment areas. In fact, almost all nuclear plants are located in or near areas that have significant air quality problems. What happens when the nonemitting sources are replaced with emitting sources—the only realistic alternatives?

EPA can pass all the regulations in the world, but if the President and Vice President really did care about clean air, they would get behind this bill. This contributes more to clean air than any possible thing we could do in the area of increasing dependence on hydrocarbons.

The administration has a policy: Delay and more delay, for the American people who care for their safety, their environment, and their pocketbook. Let's look at the pocketbook. The litigation goes on. The \$15 billion has been paid by the ratepayers. The liability associated with nonperformance to the contractual commitment, \$40 to \$80 billion, or \$1,400 per family.

Is the President concerned about clean air, about climate change or is this some kind of a cynical diplomatic/political exercise? I don't know. Previously, the administration said it objected to siting a temporary storage facility before 1998 when the viability assessment for Yucca Mountain would be completed. At that time, I said anyone who believes that the availability of the viability assessment will make passing legislation easier is out of touch with reality. I take no pleasure in the fact that I was right. The reality

is no one wants nuclear waste stored in their State. I am sensitive to that. I understand the position of my Nevada friends. However, we have it in 40 States. Do we want to leave it there or put it in one area that has been determined to carry a repository for our high level waste?

At the committee hearing on S. 1287 in February, all four members of the Nevada delegation stated that no level of scientific proof would lessen their objection to this project. Let me repeat that: All four members of the Nevada delegation stated that no level of scientific proof would lessen their opposition to this project. I understand that and I accept that. It doesn't make any difference what level of scientific proof is available, they are going to oppose it. A further reality is that this administration apparently will not support a solution to this problem as long as the Nevada delegation opposes it. I can understand that.

Let's call the shots as they really are. The ultimate reality is that the Federal Government had an obligation to start taking the waste in 1998 and it violated the sanctity of the contract. We have reached a crossroad. The job of fixing this program is ours. Time for fixing the program is now. Much progress has been made at Yucca. Much money has been spent at Yucca. We can build on this progress.

The bill contains the tools that the Department of Energy needs to make the permanent repository work. Every day we wait to move the fuel, the liability of the American taxpayer increases. We can choose whether the Nation needs 80 various storage sites in 40 States or just one: the arid, remote, Nevada Test Site where we exploded scores of nuclear bombs during the cold war. Is that not the most safe and most remote location for nuclear waste storage? Over 800 nuclear tests were conducted at this site.

Mr. President, the time clearly is now. I note my colleagues from Nevada are on the floor seeking recognition. I have taken a good deal of time and look forward to their statement. I am happy to respond, I might add, to any questions they may pose. Obviously, we are going to be on this for some time. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, as is so often the case when it comes to debating the various legislative proposals related to nuclear waste that have been advanced since I have been a Member of the Senate, the issues generate more heat than light. With all due respect to the distinguished chairman of the Senate Energy Committee, much of what he had to say was utterly irrelevant to the situation we confront today. The chairman would have us believe that unless this legislation is enacted, nothing will occur with respect to going forward and siting a high-level nuclear waste repository.

Let me be clear. The process that was used to select that site is one to which

I am strongly opposed. But in reality, if this legislation never leaves this Chamber—and it is my view it will never become law—the process by which Yucca Mountain is to be studied—or the scientific term, “characterized”—goes forward. The time line that has been laid out is that sometime next year there will be a site recommendation; sometime in the year 2002 there will be an application for license; sometime thereafter there will be a construction authorization; and ultimately licensure will be approved if, indeed, all of the scientific questions that have been raised are satisfactorily resolved.

That is a process that began its course back in 1983. We continually revert to the history of this process to illuminate those who have not followed it and lived with it as long as I and my fellow Nevadans have, to try to explain the context in which this debate is occurring.

In 1983, the Nuclear Waste Policy Act was signed into law by President Reagan. It contemplated—and I must say I think the scientific approach was reasonable—that we would search the Nation; that we would look for various kinds of geological formations in which high-level nuclear waste might be buried; that we would balance the burden, in terms of the storage of the nuclear waste, with some sense of regional equity. Three sites would be studied, or characterized, those three sites would be presented to the President of the United States, and the President would make that decision.

I was a newly elected Governor in 1983, and I believe the broad outline of that process, the approach, was reasonable; that is to say, a national search would be conducted, and among the geological formations that were uppermost to be considered were granite formations in the northeastern part of the country, salt dome formations in the Southeast, and in our part of the country the so-called welded tuff.

That was a piece of legislation that, by and large, sought to deal with this issue. I think, to use the chairman's terminology, that was a responsible approach. That was an inquiry that, although we in Nevada were apprehensive about it because welded tuff was being considered, nevertheless represented science, it represented a fair approach, and it represented some regional balance and equity.

May I say, from that point on, what has occurred with respect to the siting process should be referred to as an antiscience approach. It is blasphemy to discuss any kind of scientific orthodoxy in terms of what has occurred. Let me remind my colleagues what occurred that in no sense of the word could be justified as in the interest of science.

Early on, some of my colleagues expressed concern they did not want it to go to the northeastern part of the country. I fully understand that. That had nothing to do with science, everything to do with politics. I have been in

the business a while. I understand that. And what occurred? The Department of Energy, in its own internal documentation, unilaterally decided we ought not to look at the Northeast.

Was that science? Was that responsible? I think any person who had an associate of arts degree in some area of science would conclude by no standard could that be considered a scientific approach. It was politics.

In the 1984 Presidential election, the issue came up as to those salt dome formations in the Southeast. What was said at that time? The President said: Look, not to worry, not to worry; we will not site it in a place where the salt dome formations are.

Does that have anything to do with science? Not even to look at it? To, in effect, blind ourselves and say we ought not to look at the salt dome formation? We ought not to look at granite? Of course not. And no sensible person and no scientist worthy of being called a scientist would ever assert for a moment that that had anything to do with science. Was it responsible? Of course not. Was it political? Yes, indeed.

Then 1987 comes along, and a bill which shall live forever in the infamy of congressional actions in our own State—the so-called “Screw Nevada” bill. Let’s call it what it is. Remember, I indicated the original legislation contemplated there would be three sites that would be studied or characterized? What occurred in 1987?

In 1987, a decision was made to look only at one site, Yucca Mountain—exclude any other consideration in any other region of the country. Was that science? Was that responsible? You do not have to have a political science degree from Oxford to recognize that is politics—politics, not science. So when I hear this great paean to science and responsibility, I am compelled to revisit the history of this process which has been corrupted and perverted in every stage in the process where science ought to have prevailed. In every instance, it has been politics that prevailed.

So if I speak with some energy and if I speak with some anger, it is because we have been victimized, not by a scientific process but by a political process in which Nevada has been victimized, and I strongly object to that as a Nevadan, as a citizen. I hope my colleagues will reflect in a broader sense that what has occurred to us could occur to them in another context.

Having said that, the reality in which we deal today is that Yucca Mountain is being considered. This process we have talked about, these milestones, continues forward. So all this talk about nuclear waste piling up and responsibility, we have to do something—hopefully, we will do the responsible thing; hopefully, we will do the scientifically prudent thing. But in no sense is this legislation necessary for this process. I do not like its origin, in terms of the “Screw Nevada” bill,

but it is going forward. That is, currently, as we are debating on the floor of the Senate, the steady process goes forward. The final environmental impact study is being finalized—not yet final.

Sometime late next year, we are going to have a site recommendation and sometime in the year 2002, or thereafter, an application for a license.

I say to my friends, no decision has been made at this point that, in fact, Yucca Mountain is suitable. That decision is yet to be made. Hopefully, it will be made not in the political way in which other decisions have been made, but it will be made in a scientific way.

The first thing I want to disabuse my colleagues of and those listening is that somehow there is a compelling necessity to have this piece of legislation enacted, that if it is not enacted, somehow this process I have described to you will stop. That simply is not true. From a Nevada perspective, I am not happy with that process, but it is going forward and will continue to go forward.

Let me, as a sidebar, try to address the red herring that is raised every time that somehow there is going to be some insurmountable problem in providing onsite storage. That simply is not the case. Those utilities that need to provide additional onsite storage can do so in a manner which is consistent with what the scientific community acknowledges, with a dry cask storage system, will be available.

In terms of dealing with the equities, about the ratepayers who have paid a lot of money, yes, they have paid a lot of money. That is not the fault of people in my own State. That is part of a process which has been very difficult, and I must say, rather ineptly handled by the Department of Energy over a number of years.

It is true, as the chairman pointed out, that 1998 was promised as the date in which a permanent repository or a waste dump would be opened. We have passed 1998. It is now 2000. That permanent repository, the dump at Yucca Mountain, will not, as I indicated in these guidelines, be available if ever—if ever—for some years to come.

Early on, as a new Member in the Senate, I recognized there was an equity argument, that to the extent ratepayers would have to pay for additional storage as a result of the permanent waste dump not being opened in the year 1998, there ought to be some kind of relief and compensation. I introduced legislation that said, in effect, to the extent that such delays occur, if they do, and if, indeed, as a result of those delays additional storage is required, the dry cask storage system is required, that whatever those expenses are ought to be deducted from the amount of money the ratepayers are required to pay into the nuclear waste fund. It strikes me as being fair.

That is where we begin to scratch the surface and find out that what is really involved in that kind of discussion is

not fairness or equity, but the nuclear energy industry, through the Nuclear Energy Institute, has a very different agenda because, incredibly, they oppose that legislation.

Let me repeat that. For those who are listening who are ratepayers in States that have nuclear utilities, I was prepared and remain prepared today and agree with those parts of the bill that provide such compensation to any ratepayer who has been subjected to additional expense as a result of the permanent waste dump not being available ought to be compensated in some way, and the compensation should be reducing the amount of money the ratepayers are required to pay into the nuclear waste fund by an amount equal to the expense they have incurred.

That is equity. That is fairness. Let me repeat, that is not what the nuclear industry is all about. They have no interest in that.

We have heard a good bit about responsibility and science. What we want is the best science, we are told. I do not believe that is what they want at all. Let me try to frame the issue and let me use the chairman’s own words.

The chairman has said—and I appreciate his candor; we disagree very strongly about this, but I want to make it clear to him and others that this is not a matter of personal acrimony; it is a major policy difference. This is what the chairman said in the last go-round we were about to have. This is an article that appeared in the Las Vegas Sun, December 6, 1999:

What we want is to make sure that the measuring is under a regulation that allows waste to go to Yucca.

“What we want is to make sure that the measuring is under a regulation that allows waste to go to Yucca.”

Not one word is expressed about public health and public safety, and that is precisely what they want. As my colleagues know, I will not be a Member of this august body this time next year, but I predict that if the nuclear utilities feel they need more legislation, they will be attempting to reduce the standards further.

S. 1287, which is the vehicle we are debating, as it came out of committee had these kinds of standards. Let’s talk about that because that is pretty important for our consideration.

S. 1287 provided that 30 millirems per year would be the authorized dosage each individual can receive. For most of us who are not scientists—and I acknowledge that I am not—I do not know that I would recognize a millirem if I ran into one. Suffice it to say that millirems are the way in which we measure radioactivity, radioactive exposure. We all know that.

Many of us who are getting a bit long in the tooth—and I exempt the distinguished occupant of the Chair from that categorization—can remember in our youth when we would go to the shoe store and there would be a little fluoroscope there. Your mom would be there, and that fluoroscope would flash

on and your bones in your feet would be exposed. The shoe salesman would say: I think those are the right size for Richard because he can move his toes freely.

As a kid, I revelled in it because I could see my feet—exposure, radioactivity. Do we do this today? The distinguished occupant of the Chair and I not only are parents but grandparents and are proud of that fact and are interested in their health and safety. That was abandoned a generation ago. Why? Because there are risks involved.

In less than a decade after Roentgen developed the x ray, there had been a fatality. That process indicates that radiation poses some very real risks to human health and safety. The experience in my own lifetime has been that, by and large, those standards are tight. We do not have fluoroscopes for fitting shoes on youngsters or adults, there is a constant effort to reduce the amount of exposure, and x rays we get when we go to the dentist are much less invasive than they were a generation ago. Why? Because the cumulative impact of all of that has a profound impact on health and safety.

We are not talking about some theoretical concern that might happen. That is the experience of more than a century, and although not completely applicable to this piece of legislation, we now know that workers who were a part of the nuclear industrial development that made it possible for us to produce the atomic weapons upon which our security has been predicated for more than half a century, the Department of Energy now acknowledges they were exposed to radiation and their health has been potentially impacted. They have acknowledged that for the first time decades later.

We are talking about something that can have a profound, even a potentially deadly impact. Yet our friends in the Nuclear Energy Institute and their allies shoehorn the standard so that it fits Yucca Mountain, irrespective of what good scientists say about health and safety.

Does that make me angry? You bet it does. Any parent, any grandparent, any responsible citizen should be absolutely appalled at the notion that this is being politicized, and it is. I will have more to say about that.

In 1983, the year the legislation was signed into law by President Reagan, the Environmental Protection Agency was established as the individual Federal agency to set the standard. Nobody challenged that.

In my first 6 years in the Senate, we had a decision with respect to the WIPP facility, a nuclear repository dealing with transuranic waste located in the State of New Mexico.

The Environmental Protection Agency set the standard. What was the standard they set? It was 15 millirems. Was there an objection from the nuclear industry? No. Was there a contention that somehow this was an outrageous and unreasonable standard?

Was it suggested somehow this was wild science? No. It was set at 15 millirems.

At about that time, however, the nuclear energy crowd's interest in locating a high-level waste dump in our State began to be a little fretful. Could Yucca Mountain, which was developing a number of problems—a question of seismic activity, a question of volcanic activity, a question in terms of water table or thermoloids that were greater than expected, an earthquake which visited the site and created some damage—all of this began.

So in the energy bill of 1992—never debated on the floor of the Senate or the House—that was going forward, all of a sudden a provision was inserted into the bill that sought in some way to maybe bracket or to limit the EPA in setting the standard. In effect, what was requested was that the National Academy of Sciences ought to take a look and see if whatever the Environmental Protection Agency came up with, to use a metaphor from the street, was in the ballpark: Are they being reasonable?

That was the first assault upon the EPA and its standard-setting capability advocated by the proponents of the high-level nuclear waste dump at Yucca Mountain. This was not something the Senators from Nevada and those of us who have been concerned about health and safety advocated. This was what the nuclear utilities argued for.

Let's go over the verdict. What was the cycle? The National Academy of Sciences did, in fact, take a look at the EPA standard that was proposed for us at Yucca Mountain. The EPA standard: 15 millirems, the same as WIPP. Pretty reasonable.

The National Academy of Sciences, in looking at that standard, said: We think the standard with respect to the millirem exposure rate per person per year is somewhere between 2 and 20. We think that is the range.

So those are the brackets you see there on the chart: 2 and 20. Frankly, the EPA came right down in the middle. For those of us in Nevada, we would much prefer that they would be at 2 or 5 or 10 millirems. But it was set at 15. It was consistent with what had been done in WIPP.

Let's talk about the agenda. What does the nuclear utility crowd want? They don't want the 15-millirem standard. That is science. What they want to do is to game the system—to, in effect, shoehorn in any kind of a standard that makes it possible for them to dump nuclear waste in Nevada.

Their most recent iteration of this is S. 1287, the underlying vehicle, although the substitute amendment we are debating does have some changes. I want to make that clear for the record.

What did they propose? Thirty millirems—twice as much. A moment ago, I stated it is my belief that next year, the year thereafter, we get to 2002, and all of a sudden they will say:

Look, we can't build that site with a 30-millirem standard. They would be rushing onto the floor of the Senate, as they have year after year, to say: Look, we need a standard that allows an exposure rate of 60 millirems, or 90 millirems, or 100 millirems—whatever it takes.

That is the underlying basis for this statement right here. This reflects the policy: What we want is to make sure that the measuring is under a regulation that allows waste to go to Yucca. There is not one reference to health, to safety, or to science. The shorthand view is: Look, whatever it takes to get it there, devil be whatever the standards will be, that is what we want.

That is the risk we have. That is not responsible. I exhort my colleagues to be responsible. That is not scientific. I urge my colleagues to be scientific. That is not scientific.

Why should there be a different standard set for WIPP than there is for Yucca? Why? Why is that necessary? No objection was raised to the WIPP standard. Why shouldn't it be the same? Logically, the EPA reached the scientific conclusion that it should be the same.

The National Academy of Sciences—and there is nobody in Nevada who was part of that review process—said: Look, that is within the recommended range; that is fair. But fairness and science and responsibility is not what this bill is all about. Any fair-minded person would look at this and understand that it has a political overtone.

In the last few days, the process has been extremely frustrating. On Friday, we received two different versions of the substitute. By 4:45 on Friday afternoon, we had received the version that has been offered today.

Based upon that version, here is what we know: The EPA strenuously objects to the language as it relates to standards that are in the draft before us today. The Council of Environmental Quality strongly objects to that standard as set forth in the substitute. And the President of the United States has indicated he will veto such legislation if, indeed, the bill in that form reaches his desk.

This Statement of Administration Policy is dated February 8, 2000:

The Administration has reviewed a February 4, 2000, manager's amendment to S. 1287—

That is the substitute we are talking about now—

and understands that this amendment will be brought to the Senate floor.

Indeed, it has and is what we are debating.

Unfortunately, this amendment undermines EPA's existing statutory authority to set standards to protect public health and the environment from radioactive releases; therefore, it is unacceptable to the Administration. Although the amendment appears to allow EPA to exercise its existing authority to set appropriate radiation release standards for the Yucca Mountain repository, it will allow another entity to block EPA's authority until June 1, 2001.

This may not be readily apparent to everyone, but the thrust of this new language would be to strip the EPA of the authority to promulgate, in final form, this 15-millirem standard and kick it over until next year. Why? Why would they do that? Is that science? Is there some scientific reason for that? No.

This rule has been in the gestation process since the early 1980s.

It has been out for public comment, which is certainly appropriate—those who criticize it or support it make recommended changes to it; all of that has occurred. That is part of the process. That is not only good science but it is responsible public policy. Is it responsible to suggest that? No.

What is involved? Well, as we all know—and I must say it has begun far too early for most of us, even those of us who have had a lifelong fascination with politics—this is about Presidential election politics. We are going to have a new President next year. President Clinton is constitutionally precluded from succeeding himself. We all know that we are going to have a new President. So this is a political, cynical effort to deprive EPA of the authority to do its job in accordance with science and in a responsible fashion, and to inject what into the process? Politics. That began in 1983 with the Northeast being taken out of the dialog, and in 1984 with the salt dome formations in the Southeast being taken out in 1987—if we look at the one-site and put-all-the-nuclear-eggs-in-one-basket approach.

Again—it should come as no surprise to those who have followed the process—we have politics as usual. Kick this into next year, to a new President who may take a less protective view of health and public safety and responsibility and take a different approach. That is what we are being asked to do.

This draft is replete with politics. Let me mention one of these provisions to give you an idea. This draft has no more to do with science or public responsibility; this is a political instrument; this is a political deal. Let's be honest about it. What do we have here? We have a little sentence that talks about transportation. Let me say that the concerns about transportation, shipping 77,000 metric tons of high-level nuclear waste on the interstate highway systems in America, on the rail transportation corridors of America, that will go through 43 States, 51 million Americans live within a mile or less. So lest those of you who may be observing this debate are thinking this only affects the good people of Nevada, let me assure you that your backyard can be affected, as well as your church and schools that may lie within that mile or less of the Interstate Highway System or rail.

In looking at what those routes might be, one would think we ought to try to take the safest, most direct route. But no, no, we have politics in this. We are told we should avoid high-

ways with downgrades of more than 7 percent. I know why that was put in there. He is a very good friend of mine, but the able Senator from Colorado, who voted with us last year in opposing this ill-conceived attempt—this is an attempt to acquire his support. I do not criticize him for it. He is trying to protect his State. I offer no criticism. But that is the cynicism that is involved. No science. No public responsibility. This is politics.

Now, look, I happen to love politics. It has been a lifetime of mine. I am proud of my involvement. I have had experience at the local level and the State level, and I am proud to have been a Member of this august body. This is my twelfth year. So I do not shirk from or blanch at the thought that we are talking about political issues and public policy. That is why I came to the Senate. This is why I have devoted my career in public service to policy formation. But this is not public policy; this is public cynicism. That is what this is all about. We ought to reject this.

So I guess I will simply return to the premise I began with, which is, is this piece of legislation necessary? The answer is no. If this legislation fails to be enacted into law, does it in any way impede the process occurring at Yucca Mountain? The answer is no. Parenthetically, I wish it did. But it does not impede it. That process goes forward. Does it do anything with respect to these guidelines in the sense of when the decisions are going to be made in the year 2001 and site recommendations? Does it deal with that guideline or the site application for licensure process? No. That all goes forward. That is in the law now and that is part of the planning process. It is not necessary. It is totally unnecessary.

What we are talking about is a very artful attempt to circumvent the process in which good science and good public policy ought to be used in making these decisions. That will not be allowed to happen in this piece of legislation in this form.

This is a moving target. I am talking about the substitute before us today. I alluded a bit ago to the frustration I have. This piece of legislation affects my State more than any other State, although—let me be clear—43 States will be affected by the transportation corridors. Yet we have largely been in the dark in terms of what kind of a substitute amendment we might face.

Friday afternoon, we received the version that we are debating today. We are prepared to debate it. We are prepared to accept the President's veto, the support of all the environmental community, support of the EPA and Council on Environmental Quality, and all those charged with that responsibility. We are prepared.

As we speak, a new substitute is being worked up. Whether or not there will be agreement, we don't know. Perhaps some of these comments, in the context of the new substitute, may

have to be modified. But that is a sense of frustration I share with colleagues. Imagine, if you will, something that was particular to your own State, and the negotiations affecting your State excluded you from the process. And you kind of waited with bated breath each morning. You have a proposal; can we see it? What is it going to be? That, Mr. President, is where we in Nevada have been.

I am deeply offended by that process. I was not sent to Washington by the people whom I represent to sit on the sidelines and be that potted plant somewhere in the back part of the Senate Chamber. I want to know what is going to happen because I know from bitter experience that good science and good public policy have absolutely nothing to do with the way this process has been implemented since its earlier auspicious beginning in January of 1983.

So I recognize in these kinds of debates, I am sad to say, that unlike the days when the giants of the Senate took the floor and we saw each other and debated back and forth, that is not the way the process works. I understand that, in numbers, we are no match for the phalanx of lobbyists from the nuclear utilities. We do not have their financial resources; I acknowledge that. All we have is our honor, our integrity, and what is good science and public responsibility.

I hope that argument will prevail because it ought to be the way we in this Chamber make the decision. It ought to be the process by which every piece of legislation is dealt with on the floor of the Senate and in its various standing committees. We are here debating the substitute. We will wait and see what other pieces of legislation there might be. But I implore my colleagues to look at this carefully and understand what is coming about. This is not necessary. It is not science. It is simply not responsible public policy.

I urge you to oppose this legislation.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WELLSTONE. Mr. President, first of all, I have been coming to the floor every day because of a commitment I made. I will just take a couple of minutes on this.

The PRESIDING OFFICER. We are in a postcloture situation.

Mr. WELLSTONE. I ask unanimous consent that I be allowed to speak in morning business for 15 minutes.

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

Mr. WELLSTONE. I thank the Chair.

## CAPITOL HILL SECURITY

Mr. WELLSTONE. Mr. President, first of all, I have been speaking about the security of the Capitol Hill police. I made a commitment to myself, much less to others, that I would continue to speak on it. I always start with the service for Officers Chestnut and Gibson and a commitment I am absolutely sure we made to the Capitol Hill police that we would do everything possible to assure security for them, much less the public.

One of the things we have to do—and we have to do it today; if not today, tomorrow; but I don't think we should let time go by—is make whatever kind of policy change and whatever kind of commitment of resources need to be made to assure that at every post there are two officers.

Again, a lot of the posts have many people entering. If there is one officer with lots of people coming through a door and, God forbid, somebody deranged enters with the intention of committing an act of violence, it would be very difficult for that single officer to deal with such a person.

I again call on all Members to do better by these police officers and to live up to this commitment. I am sure Republicans and Democrats all agree, but I will focus on this until I am sure we have followed through on a commitment we made because I don't think we have followed through on it yet.

## CHECHNYA

Mr. WELLSTONE. Mr. President, yesterday I met with members of the Chechen Government. They discussed the horrific conditions currently facing their homeland. It is clear that the Russian Government must move to immediately allow into Chechnya and neighboring Ingushetia an international monitoring force to monitor and report on the humanitarian situation. It must also immediately move to assist those persons who have been displaced from Chechnya as a result of this conflict and to allow representatives of the international community access to those persons in order to provide humanitarian relief.

As many of you know, the Russian assault on the Chechen capital Grozny is only one more campaign in a long series of Russian military offensives in Chechnya. In September I expressed my concerns to Boris Yeltsin and Putin about the humanitarian tragedy that was—for the second time—unfolding in Chechnya. It is hard to imagine that after the use of force in Chechnya from 1994–1996—which left over 80,000 civilians dead—the Russian leadership could again see the use of force as enhancing the prospects for a durable settlement to this conflict. Nonetheless, the Russian leadership has again chosen to use force and the current tragedy has now reached unimaginable heights.

Russian forces have used indiscriminate and disproportionate force in

their bombings of civilian targets. This has resulted in the deaths of thousands of innocent civilians and displaced over 200,000 others. But the suffering is not limited to Chechnya. The neighboring province of Ingushetia has been flooded with refugees. Mr. President, I remind you of the recent snow storm that swept the east coast. I need not remind you of how it compares to a Russian winter. A humanitarian crisis equal to that within Chechnya itself is beginning in Ingushetia.

I implore President Putin to hold firm to his commitment made to the Council of Europe Parliamentary Assembly Group last month to allow into Ingushetia an international monitoring presence to determine what is happening—to determine the best means of getting some immediate relief to the refugees and those trapped in Chechnya. And I urge the Russian Government to lift its press restrictions so that the citizens of the Russian Federation see the truth for what it is. For there is no doubt that if the people knew the full story of human suffering in Chechnya—on both sides of the conflict—they would devote every effort to its peaceful resolution.

Russian authorities maintain a virtual ban on access to Chechnya by international and local journalists. Groups—such as the Soldiers' Mothers Committee can only monitor Russian casualties through their own sources, through word of mouth, and struggle to determine the fate of their sons in Chechnya. In the past few weeks Russia's main commercial television station was kicked out of the military's journalist pool for showing an interview with a Russian military officer describing troop losses, and Russian officials arrested Andrei Babitsky, a 10-year-veteran reporter for the U.S.-sponsored Radio Liberty, who had been reporting from the capital Grozny. The Russian Government then exchanged the journalist for Russian soldiers held by Chechen rebels yet as of today, the journalist has not been seen or heard from.

The stories of the refugees fleeing Chechnya are horrific: incidents of widespread looting, summary executions, detentions, and rape.

Three weeks ago the Russian Commander for the North Caucasus Group of Forces blamed Russian "mistakes" on their "soft-heartedness." He then ordered that only children under 10, men over 60, and girls and women would be considered refugees. Although the order was eventually repealed, teenage boys and civilian men had been in effect sentenced to die. Orders such as these are intolerable and must be condemned. It is fundamentally unacceptable to deny any civilian the right to flee the fighting—to trap them in this dangerous war. And where will these trapped civilians go? Into detention camps? No one needs to be reminded of the systematic torture that took place in detention camps set up to detain Chechens in the 1994–96 Chechen

war. That event stains the memory of the Chechen people—and its happening again. Today adolescent boys are being ripped from their mothers arms at the border as they try to escape. Mothers remain in the war zone because they refuse to leave without their sons.

Zura, a mother of three, told human rights monitors at the border that guards prevented a 59-year-old man from crossing over, and that two boys, aged 12 and 13, made it past border guards only by concealing themselves on the bus. Russian leadership are obligated under humanitarian law to do everything to avoid civilian casualties and allow civilians to flee to safety.

Then there are the numerous reports of rape. In the Chechen town of Shali a six-months pregnant 23-year-old woman was raped and murdered. Her mother-in-law was executed in the same incident. And Mr. President, many incidents of rape and sexual abuse go unreported. For many women in towns and villages all over Chechnya the shame is simply too great—they won't come forward to report these horrible crimes. Chechnya's culture and national traditions made it difficult to document cases of rape and sexual abuse—unmarried women who are raped are unlikely to be able to get married, and married women who are raped are likely to be divorced by their husbands. The effects of these rapes on Chechen society will be profound and long lasting. I remind the Russian leadership that rape is war crime.

President Putin must move quickly to resolve this situation in a manner consistent with Russia's obligations to the international community. I urge my colleagues to join me in full condemnation of the use of indiscriminate force against the civilians in Chechnya and to remind the Russian leadership that the world is watching. The Russian Government must move to immediately allow into Chechnya and Ingushetia an international monitoring force to determine what is happening. It must immediately move to assist those persons who have been displaced from Chechnya as a result of this conflict and to allow representatives of the international community access to those persons in order to provide humanitarian relief. And the Russian leadership must begin now to investigate and prosecute those responsible for human rights abuses in Chechnya—it promised to do this after the last Chechen War but failed to do so. Those responsible for human rights abuses in Chechnya must be held accountable.

President Putin must end this conflict and must devote every effort, including the acceptance of third party mediation offers made months ago by the Council of Europe and the Organization for Security and Cooperation in Europe, to its peaceful resolution.

## THE BUDGET

Mr. WELLSTONE. Mr. President, I have not read his article today in the



New York Times, but I congratulate former Secretary Robert Reich for a piece he wrote. I have only had it summarized, but he raises questions about this budget the President submitted. Without having even read the piece, I think I understand his framework.

I say to the administration and to Democrats, I find a little unbelievable, with the economy booming and such flush economic times, when one actually looks ahead over the next decade, the nonmilitary discretionary spending and where we are going to be making cuts. I hear the Democrats talking about how we will reduce the debt, but I hear precious little about the investment.

What I worry about is a disconnect between the words we speak and the budgets we present. The President said he had a budget that was all about making sure there would be health care coverage for every citizen, that he had a budget which would be about ending child poverty in America, that he had a budget which would be about making sure every child would come to kindergarten ready and able to learn, that he had a budget which would provide economic security for senior citizens. But looking at the investment in this budget, it is not there. I worry about that.

I think one of the reasons people become disillusioned is that they think they will make a difference. I gave an example today at our luncheon meeting. My parents both had Parkinson's disease. We hear discussion that there will be economic security for senior citizens, there will be a commitment to long-term care, and then we see a tax credit that amounts to a particular amount of money; maybe for an individual family it would be \$2,000 a year. For a family faced with long-term care needs, trying to figure out a way of staying at home and to have people help one stay at home, \$2,000 a year is not going to do it. It is not going to even come close.

I am troubled sometimes to hear my Senate colleagues, whom I love, taking the position that discretionary spending is actually staying below the cost of living. We are really keeping it down. We are adding no new dollars.

But why is that good if, in the first place, some of our spending—I will say that, or investment—is inadequate? We should be a major player in pre-K, pre-kindergarten. That is where the Federal Government can make the biggest difference, getting the money and the resources down to the communities and neighborhoods so we can make a commitment to early childhood development, so we can make sure the men and women who want to work in this field are professionals who get decent salaries, rather than getting paid \$7 an hour with no health care benefits; making sure families can afford this if both parents work or a single parent works; making sure this child care is not custodial but it is developmental and really helps children. We are going to have to spend a lot of money. It cannot be done on the cheap.

We are going to have to dig into our pockets and make an investment. With all due respect, I appreciate some money for refundable child care tax credits, but when I look at this overall budget, the investment is not there. I am glad we are putting more money into Head Start, but we are not putting in anywhere near enough money to make sure every child who could benefit from Head Start will be able to benefit. We are certainly not putting the investment into affordable child care.

I would argue the most important national goal for our country would be to make sure all children—no matter income or color of skin or rural or urban or boy or girl, by the time they go to kindergarten, through a combination of public sector investment, private sector help, volunteers—have been read to widely, all these children know the alphabet and know colors and shapes and sizes, and they know how to spell their name and they have been challenged and there have been people to nurture them and to support them.

We are not doing that. So I say to the Chair—he is a Republican—I am actually being more critical of Democrats. I am starting to think the policy debate goes like this. Republicans say when it comes to the most pressing issues of working families' lives, like affordable child care, the President says we want health care coverage for citizens—but this budget does not provide that. It does not take us anywhere near universal health care coverage. So Republicans say universal health care coverage, affordable child care, investment in children—listen, when it comes to these issues, there is not that much the Government can or should do.

I understand that. That is a legitimate ideology or point of view. Although, frankly, I think it works best for people who own their own large corporations and are wealthy. I don't think it works for most of the people.

The President says: No, we care about children. We are going to invest in children. We are going to have universal health care coverage. We are going to have economic security for the elderly. We are going to make sure no child is in poverty. But then what we say is: But, politically, we cannot make the investment because then it will look as if we are spending too much. In which case, frankly, the differences between the two parties don't make a heck of a lot of difference to a lot of our most vulnerable citizens.

So I wanted to come to the floor, first of all, to congratulate former Secretary Bob Reich for raising questions about the priorities of the President's budget and all the money that is being put into debt reduction. You can and should put some money into debt reduction. But do you know what else? It would seem to me we also want to make sure we do well for children right now. In the next century, we are going to be asking them to carry an awful lot

on their shoulders. We know there are a lot of children we are not doing very well by. My question is, in the words of Rabbi Hillel, his third century admonition: "If not now, when?"

If we Democrats do not start speaking up for children and talk about the need to invest in children and to invest in pre-K and get it right by way of developmental child care—which should be huge, it should be all over the country and there should be resources—if we do not speak up for children, Democrats, and for investment in early childhood education, then who will?

"If not now, when?"

I think I have run out of time. I yield the floor.

The PRESIDING OFFICER (Mr. MURKOWSKI). The Senator from Nevada.

#### CAPITOL HILL POLICE SECURITY

Mr. REID. Before the Senator from Minnesota leaves the floor, I would like to have a brief colloquy with the Senator.

I say to my friend, I have watched very closely your public statement regarding law enforcement on Capitol Hill. I want to be as direct and forthright as I can be in underscoring the work you have done. I think I am the only U.S. Senator who has served as a Capitol policeman. I worked, when I went to law school, on the night shift and went to law school in the daytime. I think I have some familiarity with what the Capitol Police go through.

I have to acknowledge and admit the work they do today, compared to when I was a Capitol policeman more than 30 years ago, is much more dangerous, much more terrorist threatened. They face many more dangers than I have. I said on many occasions the most dangerous assignment I had was directing traffic. But the fact of the matter is, I carried a gun and was responsible for maintaining the safety and security of the U.S. Capitol. I am very proud of that. I still have my badge that I carried. I still have that in my office in the Hart Building.

The Senator from Minnesota has recognized that these men and women work in harm's way every day. What the Senator from Minnesota has stated is when we have these doors, and these men and women are there alone, it is dangerous. Two of our law enforcement officers were killed as a result of a terrorist act, the act of a madman. I think the people who maintain the Capitol Police should come to us. We are in an appropriations cycle. If they need more money, let them tell us they need more money. We are in a period of time where we need to get the real facts.

I say also to my friend from Minnesota, I am very concerned we have waited all these many years and we still do not have a visitors center.

Mr. WELLSTONE. Yes.

Mr. REID. We have taxpaying people who come to the U.S. Capitol and spend hours standing in the cold and the heat waiting to get in, without the opportunity to use a bathroom. There are no

parking facilities around here, so they have all had to walk or take public transportation for a long period of time.

I think it is below the dignity of the United States of America that people wanting to visit this beautiful Capitol do not have a place where they can come and have a soft drink, a cup of coffee, a doughnut, or go to the bathroom. That is also a law enforcement issue. One of the reasons these Capitol policemen who protect us and the American public are threatened every day is because we don't have a visitors center where people can be screened, away from these doors.

So I commend, I applaud the Senator from Minnesota for standing up for the American public and basically standing up for these people who have no voice, the Capitol Police who protect us.

Mr. WELLSTONE. Mr. President, if I might respond to my colleague, I appreciate his words. I think he is right. Senator REID from Nevada is actually the only Senator who actually served on the Capitol Police.

I think on the question of appropriations, you are right. This is timely. My own view is the police have a union so they do have a voice. This is, of course, new. I think the union leadership is very involved. I also say Sergeant at Arms Zeiglar has been very good about this and he thinks this is unacceptable and has to change. I don't think there is any question, whether it is an appropriations matter or whether it is reprogramming and having enough overtime pay so people can staff up that way, I don't know the answer. But I do know this, I think my colleague would agree, I don't believe any Senator or Representative can credibly say to the Capitol Hill police, these law enforcement officers: No, we can't spend the additional resources. It costs too much to make sure there is the security for them and the public. We cannot say that.

My God, we have gone through a living hell here. If you think of Officer Chestnut and think of Agent Gibson and think of their families, I think the commitment we made to one another—of course you could never come up with a 100-percent certainty that you could prevent this from happening again. But we want to do everything we can.

I appreciate what the Senator from Nevada said because it is true. When you have these posts, especially when there are lots of people coming in, you cannot have one officer there. I appreciate the Senator from Nevada speaking out on this. The Capitol Police—I did not expect it necessarily would be this way, but everywhere I have gone the last couple of days people have come up and been very gracious and said: Thank you very much for doing it.

I think they feel in their hearts that it is important to get the support. For the Senator from Nevada to come out here and speak makes a big difference. I thank him.

Mr. REID. If I may also say to my friend before he leaves the Chamber, I hope it is more than just talk. I acknowledge Mr. Ziglar is doing a wonderful job, and I appreciate that. But I want him to come forward with a program to accomplish what we need accomplished. After the two officers were murdered at a door coming into the Capitol, protecting us, there was a hue and cry that we had to start construction of a visitor's center.

Mr. WELLSTONE. Yes.

Mr. REID. Isn't it interesting, the colder they get in their graves, the less talk there is about trying to take care of that problem. Had it been there, their lives would not have been snuffed out.

I am so appreciative of the Senator speaking out for people who have no voice.

Mr. WELLSTONE. I thank the Senator.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999—Continued

Mr. REID. Mr. President, it is my understanding the matter before the Senate today is the amendments to the Nuclear Policy Act of 1999; is that the matter we are on?

The PRESIDING OFFICER. The Senator from Nevada is correct.

Mr. REID. Mr. President, when I was a young man, I used to box. I fought in the ring. I can remember as a 20-year-old, I thought I was in pretty good shape. I weighed 160 pounds or thereabouts. I had trained for a fight near the place where they were building the Glen Canyon Dam, which forms Lake Powell. I was ready to go and had trained for this fight. I arrived there and was told the opponent was not going to fight, so I would not be able to fight that night. I was very disappointed.

A manager came out and said: We have somebody here who could fight you, but he has no experience. I know how badly you would like to fight, so if you agree to kind of take it easy on him, I will go ahead and let him fight. He is a little bigger than you are, but I am sure everything will be fine if you take it easy on him.

Mr. President, he worked me over really good. It was one of the worst beatings I ever took. It was the first time I had ever had broken ribs from a fight.

The reason I mention this story is, I have learned since then that if you are going to have a fight, you have to know the rules, you have to know

whom you are fighting. Ever since then, I have never gotten into a fight unless I pretty well understood who the opponent was.

With the matter now before the Senate, I am having some difficulty finding out who the opponent is. We had been told there was going to be an amendment last Friday. We got an amendment last Friday, but it was not the one we thought it was going to be.

I say to everyone within the sound of my voice, whatever happens in the Senate these next few days on the matter that is now before the Senate, S. 1287, it is not the bill that directs nuclear waste to go to the State of Nevada. If nothing happens in this Chamber regarding S. 1287, as we speak, there is characterization taking place at Yucca Mountain to determine if, in fact, Yucca Mountain is suitable for a nuclear repository. At a time subsequent, the Nuclear Regulatory Commission will make a determination as to whether or not Yucca Mountain is suitable to be licensed.

It does not matter what we do today, tomorrow, the next day, or whenever we finish S. 1287. Characterization is still taking place; the decision on licensing the site is up to the NRC.

What is happening in S. 1287 is the same thing that has happened in the last 4 or 5 years with interim storage. The very powerful nuclear industry wants to short-circuit the system, wants to do an end run around the system, wants to speed up the disposal of nuclear waste. Good sense dictated, and the President of the United States said he would veto the interim storage bill.

As a result, interim storage is no longer an issue we are debating, for that I am very grateful. I appreciate the chairman of the full committee taking another approach. That approach is S. 1287. I say to everyone in the Senate and others within the sound of my voice that S. 1287, unfortunately, is still an attempt to short-circuit the system. It is not the mass outage that interim storage would have caused, but it is still a short-circuit.

What does this bill do? Originally, the main purpose was to take the Environmental Protection Agency out of the business of setting standards for radiation at Yucca Mountain. Again, the President issued a veto statement and said: If that is in there, I am going to veto this bill.

There have been conversations between the chairman and the ranking member that that is going to be taken out of the legislation and EPA will still be in the driver's seat. We were told just the other day one of the standards in it was, you could not take nuclear waste through Colorado. We understand that may be taken out of the bill.

The point I am making is this, we do not yet know what the vehicle is. We do not yet know whom we are going to be fighting. By the way, the man I fought in Kanab, Utah was named

Swaderski. I never forget that name. I do not know if this is a Swaderski or it is something else. Until the Senators from Nevada and the rest of the Senate have an idea of what is going to be the vehicle we are going to be debating, what the amendment is, we are at a real loss as to how we should proceed.

We have other problems with S. 1287, but the main problem is with the nuclear radiation standards we have talked about.

There are all kinds of things which at the right time we can talk about in some detail—about radiation protection, what the standard should be. What we have not talked about at all, and which we certainly need to talk about, is not only the radiation standard generally, but a radiation standard for children.

For example, I did a lot of work on lead abatement. Lead in the environment is dangerous to adults, but not as dangerous and it is disastrous to children. Little children's nervous systems cannot take lead. Most of the work we did with lead abatement was directed toward children.

As with lead, radiation more drastically affects children than it does adults, and this is something about which we will have the opportunity to speak at a subsequent time—the risk to children.

We are learning a lot about ground water protection as it relates to radiation. We know that ground water must be protected. There is such a shortage of it in Nevada and especially in the Yucca Mountain area. We want to make sure that ground water which we believe flows into the Amargosa aquifer is something that is not going to be damaged.

We know during the last 3 years we have had a significant number of very serious earthquakes at Yucca Mountain. We can talk about this in some detail, but it is something that goes to the ultimate licensing of this repository.

The cost of the program is in the billions of dollars. We were told originally it would cost \$200 million to do the characterization for three sites, a total of \$600 million. For just Yucca Mountain alone, we are now over \$7 billion for the characterization. There has been a loss of confidence. We have various organizations that are concerned.

I have heard people come to the Senate floor and talk about, how they are taking care of nuclear waste in Europe. That is really not quite true. They are having all kinds of difficulty transporting the nuclear waste. Of course, those are very small countries. Here in the United States, we are talking about transporting nuclear waste not hundreds of miles, as they have had difficulty doing in the European countries, but transporting waste for thousands and thousands of miles. That is something we need to talk about. We need to discuss the loss of public confidence in how we handle nuclear waste. Of course, transportation, as I

have just mentioned, is a very serious problem.

Senator BRYAN and I have had the good fortune of being able to travel to St. Louis, Denver, and a number of other places. But to take those two places alone, we met with the city council in both of those entities, and they immediately passed resolutions saying they did not want nuclear waste in their cities and counties. If people know how dangerous it is to transport nuclear waste, they, of course, do not want it.

Nuclear waste has to be transported either by truck or by train. In years past, we have talked on this floor in great detail about how dangerous the transportation of anything is but especially something that is the most poisonous substance known to man—plutonium.

Terrorist threat: We have recognized there is a terrorist threat with respect to transporting nuclear waste. The sad part about it is, this is something that does not seem to concern some people. They simply want to have a repository and will worry about how to transport it at a later time.

We have a lot to talk about in relation to this legislation. But until we get a bill, until we know who we are fighting, and not only who we are fighting but the whole context of the fight, we are not in a position to work in detail to improve this legislation.

There will be amendments filed by the deadline tonight by some. I think the Senators from Nevada, based on the situation now before us, are not going to file amendments because this legislation is such that we do not know what amendments should be offered based upon the RECORD, which is now before us.

Cloture has been filed on the underlying bill, S. 1287. At a subsequent time, we are going to have to take a look at that to determine whether or not we are going to ask our colleagues to support us in relation to the cloture motion, whether or not we should be for or against that.

I hope there can be a distribution of the proposed amendment at a rapid time so our staffs can have an opportunity to look at it. At this stage, there is an amendment out there somewhere, but it has not been given to our offices. We are having difficulty understanding what the amendment is. It is a moving target, to say the least. It keeps changing. Until that is defined, I think we are going to have a great deal of difficulty talking to the White House as to whether or not this legislation is in keeping with fairness, equity; whether the rulemaking power of this administration is being jeopardized.

We do know one of the provisions in the bill is to make sure this decision made by the EPA is not going to be made until the next Presidential election, for obvious reasons; that is, the proponents of this bill are hoping that a Republican will be elected because Vice President GORE has been a stal-

wart on this, recognizing the environmental dangers of what has been attempted by those people who want to jam nuclear waste not only down the throat of Nevada but expose all the people along the transportation routes to Nevada.

So, again, at such time as we get this legislation, I will come back and revisit the legislation. At this time, I have no legislation to visit and will have to wait until a subsequent time to make that determination as to how the legislation affects the State of Nevada and the country.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MURKOWSKI. Mr. President, I just listened to the statement of my good friend from Nevada. I thought perhaps I could contribute something meaningful to our consideration by trying to explain some of the procedure that we have run into and the rationale behind the process.

As the Senator from Nevada indicated, last Friday we were able to supply the amendment which was acknowledged by the minority. In my numerous conversations with the minority and the ranking member of the committee, it became necessary to consider making changes. We have been in constant consultation with the ranking member and professional staff to try to see if we could reach an accommodation on the suggested changes that have been primarily communicated to us by the Senator from New Mexico.

It was not the intention to do an end run, by any means, on my good friends from Nevada. But it was an effort to try to advance, if you will, the continuing negotiations. That situation has been changing. In my opinion, the goalposts have been moved a little bit, but I am not going to argue the merits of that.

We have been talking about various aspects. I think it is a fair characterization by my friend from Nevada to say that if you do not know who you are fighting, it is pretty hard to know what the rules are—or words to that effect.

We have to file the amendments prior to 6 o'clock. There obviously is going to be one more chapter and verse to this. I assume the two Senators from Nevada are conversing with the minority and are a part of this process.

But, in any event, that is the best explanation I can offer as to why this thing has not remained somewhat stationary but has been moving, as we have tried to accommodate certain concerns that have been brought up, many of which have been quite germane and appropriate.

One of the things that I think we should identify is something that I had been under the impression the Secretary of Energy was addressing; that was the concern of a number of Governors. I will read the names of those Governors. They include Governor Jeb Bush of Florida; Governor Howard Dean of Vermont; Governor Angus King, an independent, from Maine; Governor John Kitzhaber of Oregon; Governor Jeanne Shaheen of New Hampshire; Governor Jesse Ventura of Minnesota; and Governor Tom Vilsack of Iowa. Let me share with my friends what those Governors have said:

We Governors from states hosting commercial nuclear power plants and from affected states express our opposition to the plan proposed by Energy Secretary Richardson in his February 1999 testimony before the Senate Energy and Natural Resources committee. Secretary Richardson proposes that the Department of Energy take title, assume management responsibility, and pay costs at nuclear plant sites for used nuclear fuel it was legally and contractually obliged to begin removing in January 1998. This proposed plan would create semipermanent, federally controlled, used nuclear fuel facilities in each of our States.

I think it is rather ironic that the whole argument we previously had the last time we took up this legislation was whether or not to site a temporary repository in Nevada. The fear of the Nevadans is, if we started to move this waste out there, Nevada would be the proclaimed site for the waste because it had already moved out there, even though the process of licensing was to continue. Here we have the States expressing the same concern Nevada had when the Nevadans argued against putting a temporary repository in their State and shipping the fuel out before Yucca Mountain was licensed.

Here are the Governors saying:

This proposed plan would create semi-permanent, federally controlled, used nuclear fuel facilities in each of our States.

They have the same fear. The fear is that if the Government takes title, the waste will sit there in their States. Now, there is some rationale in that fear because the Government certainly hasn't been upfront in addressing its responsibility, in contractual terms, to take the waste in 1998. It seems as if the Government is prepared to leave the waste wherever it might be rather than accept it. That is the only conclusion you can come to, as evidenced by the reluctance to take it in 1998, the reluctance to support previous legislation that would put that waste in a temporary repository at Yucca Mountain until Yucca Mountain was determined to be licensed. So now the fear is that these States are going to be stuck with that waste because the Federal Government is going to take control of it in their State, and it will sit there.

Let me cite the specific reasons for the opposition of these Governors. Again, they are Jeb Bush, Republican from Florida; Howard Dean, Democrat from Vermont; Angus King, Independent from Maine; John Kitzhaber,

Democrat from Oregon; Jeanne Shaheen, Democrat from New Hampshire; Jesse Ventura, the Reform Governor from Minnesota; Tom Vilsack, Democrat from Iowa. That is a pretty broad bipartisan group. In the letter, it says:

Specific reasons for our opposition are:

The plan proposes to use our electric consumer monies which were paid to the Federal Government for creating a final disposal repository for used nuclear fuel. Such funds cannot [in their opinion] legally be used for any other purpose than a Federal repository.

Well, if that is correct, then that is correct, they can't be used to store the fuel in those States next to the reactors.

Further, it states:

This plan abridges States' rights. . . .

I think we need to hear a little bit more about States' rights around here.

[I]t constitutes Federal takings and establishes new nuclear waste facilities outside of State authority and control.

Yet within their very States.

These new Federal nuclear waste facilities would be on river fronts, lakes and seashores [where the plants are] which would never be chosen for permanent disposal of used nuclear fuel and in a site selection process.

The plan constitutes a major Federal action—

I think it does—

which has not gone through the National Environmental Policy Act (NEPA) review process.

So the administration is circumventing NEPA.

Further:

The new waste facilities would likely become de facto permanent [waste] disposal sites.

This is the crux of it, Mr. President. They say:

Federal action over the last 50 years has not been able to solve the political problems associated with developing disposal for used nuclear fuel. Establishing these Federal sites will remove the political motivation to complete a final disposal site.

The letter to the President concludes with:

We urge you to retract Secretary Richardson's proposed plan and instead support establishing centralized interim storage at an appropriate site. This concept has strong, bipartisan support and results in the environmentally preferable, least-cost solution to the used nuclear fuel dilemma.

The PRESIDING OFFICER. The Senator has used all his time.

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. MURKOWSKI. On behalf of the leader, I ask consent there be a period

for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### THE LATE SENATOR CARL T. CURTIS

Mr. THURMOND. Mr. President, we begin the new session of the 106th Congress on a sad note, marking the passing of a good friend and former colleague, Senator Carl T. Curtis of Nebraska, who died recently at the age of 94.

For those of you who are new to the Senate, Carl was a great man who rendered a valuable service to his state and our nation throughout his career. First elected to the United States House of Representatives in 1938 and the United States Senate in 1954, Carl holds the record for being the Nebraskan to serve the longest in the United States Congress. In total, he spent almost forty-one years on Capitol Hill before retiring from the Senate in 1979.

During his tenure as a Federal legislator, he earned a well deserved reputation for fiscal conservatism, limited government, and was known as a champion of farmers and agricultural issues. He was party loyalist and a true conservative who never sacrificed personal convictions for the sake of public opinion. Among other issues, he was steadfast in his backing of President Nixon and our fight against communism in Southeast Asia even though these were highly unpopular positions at that time. An indication of his commitment to the conservative cause was the close alliance between he and Barry Goldwater, as a matter of fact, Carl managed the floor during the 1964 Republican Presidential Convention in San Francisco when Senator Goldwater was seeking the nomination of the party. Perhaps most importantly, Carl was known for his commitment to his constituents, nothing was more important to him than helping the people of Nebraska. Such dedication to helping others is truly the hallmark of an individual devoted to public service.

During the course of our time in the Senate together, I came to know Carl quite well as we had much in common, as a matter of fact, he and I both entered the Senate in 1954 and that was not the least of our similarities. Beyond being like-minded on so many issues, we were essentially contemporaries, having grown-up on farms, read for the law instead of going to law school, and preferring to be out meeting with our constituents. It was always a pleasure to work with Carl on any number of issues and I valued his alliance as a Senator and his friendship as an individual. It was a high honor to be asked to serve as an honorary pall bearer by the Curtis family, though I hate to say "goodbye" to my old friend.

Carl Curtis was the embodiment of a public-minded citizen who dedicated

his life to making a difference. From his stint as Kearney County Attorney to his role as an elder statesman, Carl Curtis always sought to build a community, state, and nation that were better for all its citizens. He set an exemplary example for integrity, diligence, and conviction, and others would do well to follow the high standards to which he held himself. My sympathies go out to his widow, Mildred, his son Carl T. Curtis, Jr., his grandchildren and great-grandchildren. All can be proud of this fine man who we are all better for having known.

#### "DON'T BE DOWN ON THE FARM"

Mr. DASCHLE. Mr. President, last week I joined several of my Democratic colleagues at a hearing on the agriculture crisis that is forcing many family farmers out of operation. We heard a number of witnesses tell compelling stories about how the 1996 "Freedom to Farm" Act has failed them and their communities.

Lori Hintz, a registered nurse and farm wife, talked about the impact of the '96 farm bill on her community in Beadle County, South Dakota. She emphasized that farmers are not the only ones in her area that are struggling.

When farm prices are depressed in a rural community—like they are in Lori's—small businesses, health clinics and schools also feel the pinch. Lori spoke eloquently about the urgent need to invest in rural communities and promote a healthy farm economy, thereby reducing out-migration and preserving the way of life that built and still defines the Midwest.

I believe I speak for all Democratic Senators who participated in last week's hearing when I say that the testimony presented by each witness was both powerful and thought-provoking. That testimony only strengthened our determination to address the agriculture crisis facing this country.

Few people have a better appreciation for the problems confronting our family farmers, and for what we in the Senate need to do to fix those problems, than my close friend and colleague, Senator BYRON DORGAN. Senator DORGAN has stood throughout his public career as an effective and tireless advocate for America's family farmers and ranchers, and his perspective on the economic difficulties felt by many rural residents merits the undivided attention of policymakers in Congress and the Administration.

Today, I would like to express my gratitude and appreciation to Senator DORGAN for an article published in a recent edition of the Washington Monthly that presents a poignant and persuasive argument for the family farm. I commend this article, entitled "Don't Be Down on the Farm," to my colleagues' attention.

Senator DORGAN knows this topic as well as anyone. We have all learned from Senator DORGAN's entreaties, many of which have been delivered in

this chamber, about the economic challenges facing the people to whom we entrust the safe and abundant production of our nation's food and fiber supply. We have listened to Senator DORGAN's impassioned oratory about conditions in rural North Dakota, and how the economic survival of many communities in his state depends on successful family farms. His words resonate deeply in me, because they often evoke similar scenarios in my state.

In his article, Senator DORGAN makes a number of important observations—things we know to be true, but that too often are recklessly discounted in the crafting of farm policy. He reminds us of the proven efficiency of family farms, and how viable family farms translate into robust, successful communities. He also asks a question to which we still have not received a persuasive answer. What does society gain by replacing family farms with corporate farming operations?

Senator DORGAN also reminds us of the social costs that we may all have to bear for the emergence of corporate agriculture, including the challenge of waste disposal, the threat of related environmental degradation and the loss of a valued way of life.

Finally, Senator DORGAN asks whether we will take steps necessary to ensure the survival of family farms and ranches for the future. That is a question of interest to many members in this chamber, and one to which we simply must find the right answer.

The eloquence and urgency of Senator DORGAN's message reinforces the views of the many Senators who want to secure a strong future for our country's family farms. I appreciate both the effort and conviction evident in the article, and thank Senator DORGAN for his commitment to this vital issue.

I ask unanimous consent that Senator DORGAN's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Monthly, Sept. 1999]

DON'T BE DOWN ON THE FARM

WHAT WE CAN DO TO PRESERVE A NATIONAL TREASURE

(By Senator Byron Dorgan)

A Traveler through Western Europe these days observes something unusual to American eyes. Family-based agriculture is thriving there. The countryside is dotted with small, prosperous farms, and the communities these support are generally prosperous as well. The reason, of course, is that Europe encourages its family-scale agriculture, while America basically doesn't care. The difference was apparent at the World Trade Organization meetings in Seattle. The European representatives were talking about families and communities, while the Americans talked about markets. You listen to the speeches, as I did, and a question looms up in your mind. If American trade representatives think these European values represent the problem, just what do they think represents the solution? If prosperous rural economies are not a worthy goal then what is?

The question is of great urgency among U.S. farmers these days. Out beyond the

prosperity of Wall Street and Silicon Valley, the producers in America's food economy are struggling for survival. The weather has been miserable. Prices for some commodities are at Depression-era levels. Imports are soaring, and giant agribusiness firms are squeezing out farmers for a bigger share of the food dollar. In this setting, farm auctions have become a grim daily counterpoint to the Wall Street boom.

The stories are wrenching beyond description. I received a letter from a woman whose son refused to get out of bed the day the family farm was auctioned off. His dream was to become a farmer like his dad, and he couldn't bear to watch that dream get sold off by a bank. Suicides among farmers are now three times the rate of the nation as a whole. One Iowa farmer left a note that said, "Everything is gone, wore out or shot, just like me."

Many in the opinion class offer an obligatory regret and then wonder why we should care. Family farmers are just poignant footnotes to the bright new economy, they say, like the little diners that got left behind on Route 1 when the interstates came in. "The U.S. no longer needs agriculture and is rapidly outgrowing it," said Steven Blank, an economist at the University of California at Davis. In his view, farms, like steel mills and television factories can move to low-cost climes abroad, and should. "It is the improvement in the efficiency of the American economy."

Most express themselves in more diplomatic terms. But that's basically the expert view. An economy is just a mathematical equation and efficiency, narrowly defined, is the ultimate value. If family-based agriculture disappears, so be it. This view isn't just distasteful. It is shortsighted and wrong.

The fact is, family-based agriculture is not unproductive or inefficient, even by the narrow calculus of the economics profession. (I'll go into that a little later.) First off, if we care about food, we will not welcome an economy in which control of the food chain lies in a few corporate hands. Monsanto-in-the-Fields is not everyone's idea of the food economy they want. But the basic issue here goes far beyond food. It speaks to us as citizens rather than just as shoppers; ultimately it concerns the kind of country we are going to be. The family farm today is a sort of canary in the mine shaft of the global economy. It shows in stark terms what happens to our lives, our communities, and our values when we prostrate ourselves before the narrow and myopic calculus of international finance. So doing, it raises what is probably the single most important economic question American faces: What is an economy for?

For decades the nation has listened to a policy establishment that views the economy as a kind of "Stuff Olympics." The gold medal goes to the nation that accumulates the most stuff and racks up the biggest GDP. Enterprise is valued only to the extent it serves this end. But what happens when we produce more stuff than we need but less of other things, such as community, that we need just as much? Do we continue our efforts to produce more of what we already have a glut of? Or do we ask a different question? If Americans say we need stronger families and better communities, then we need to question whether our economic arrangements are contributing to those ends. If we really believe in traditionally family values, then should we not support the form of agriculture—and business generally—based upon those values?

There's a way to save our family-based agriculture. Harry Truman had the answer more than fifty years ago. Put simply, Truman wanted to confine the agricultural support system to the family-sized unit. This

would promote a modern and productive farm economy and healthy rural communities too. It would begin to align our economic policies with our traditional family values and social ideals. But in order to see the value of this approach, we have to put off the mythologies and ideological blinders that dominate the debate today.

#### OVER THE EDGE

These mythologies start with the assumption that the struggles of family farmers are Darwinian proof of their own unfitness to survive. The fact is, family farmers are in a bind today because of deliberate actions and inactions here in Washington. An impartial market didn't decree their difficulties. Policy makers did. Yes, there has been lousy weather, an expensive dollar, and the collapse of crucial markets in Asia. These come with the territory. Since the New Deal, the federal government has sought to help farmers get through such tough times.

What's different now is that government has tried instead to push family-based producers over the edge. The push started with the trade agreements that opened the U.S. wide to foreign production. Advocates of NAFTA and GATT promised American producers vast new markets, yet today America's trade deficit has reached record levels, and the balance of agricultural trade is heading in the same direction. You need that right. The coal is pouring into Newcastle. By the sublime logic of the global economy, a nation that has depressed prices of durum wheat is importing durum wheat, fruit, poultry, and meat as well.

This did not happen because American farmers are backward or inefficient. It happened because of a high dollar, which works against exports; and because American trade negotiators have been more attentive to the needs of corporate food processors than to the farmers who grow the food. The U.S. trade agreement with Canada is a prime example. Before that agreement the U.S. imported virtually no durum wheat from Canada. (Durum is the kind used in pasta.) The U.S. trade representative at the time, Clayton Yeutter, assured Congress in writing that the agreement would have no effect on grain. Yet durum was pouring across the northern border almost from the moment the agreement took effect. Today, Canadian imports comprise nearly 25 percent of U.S. processed durum. These imports nearly doubled in the first five months of 1999 alone.

Some call this the Invisible Hand. But it has a lot more to do with something called the Canadian Wheat Board, a government agency that handles every bushel of wheat produced in Canada. The Wheat Board publishes no price information, so the workings of the Canadian market are inscrutable to U.S. farmers. There are subsidies for grain handling and transportation that give Canadian producers a further edge. Canada is not an exception. Most nations try to protect their own food production, and understandably so. They have long memories of wars that made food a precious commodity; and as true conservatives they value their rural traditions and cultures.

So tough luck you say: The consumer is king, and cheap imports mean low prices at the supermarket. This degradation of the producer was not what Jefferson and others had in mind when they founded our republic. But that aside, if you think the farmer's travail has been the consumer's gain, you might check your local supermarket. Somehow, those Depression-level prices on the farm haven't shown up on the bar codes. Prices of hamburger and bread have inched up, even as farm prices have plummeted.

Someone is getting the spread, and that someone is the food processing and packing

industry, which has scored big off the misery of U.S. farmers. The big four cereal manufacturers have returns on equity of upwards of 29 percent even as farmers go bankrupt. From a loaf of bread that costs \$1.59 at the store, the wheat farmer gets about five to six cents. In 1981 the wheat farmer got about double that. The processors can reap where the farmer sows, in large part because the industry has become so concentrated in recent years. When Ronald Reagan became president, the top four beef processors controlled about 36 percent of the market. Today the figure is over 80 percent. A wheat farmer today is dealing with a grain industry in which the top four firms control 62 percent of the business. This means a marketplace with the power to say, "take it or leave it."

The antitrust laws are supposed to prevent this kind of bullying. But decades of erosion at the hands of ideologically-disposed economists and judges have reduced these laws to mere "husks of what they were intended to be," as the late Justice Douglas put it. Moreover, budget cuts during the Reagan-Bush years crippled antitrust enforcement just as the current merger wave was gaining momentum. Even after modest increases under Clinton, the antitrust budget has fallen in real terms since the late 1970s. The Microsoft trial has gotten a lot of headlines. But when Cargill, the nation's number one grain exporter and the largest privately-held company, can buy the grain operations of Continental, which is number two, with barely a peep from Washington, then the cops aren't exactly walking tall on the antitrust beat.

There is a pattern here. The U.S. government has undertaken to remake the world in the image of the multinational corporation—an image in which all economic problems get reduced to mathematics. Family-based production has stubborn loyalties to locality and place. It provides a buffer against the ruthless—and often misleading—mathematics of the market. Therefore the government seeks to engineer it out of existence and to replace it with the corporation that has no such inconvenient human tendencies. This was the implicit logic of the Farm Bill of 1996.

#### FAILING THE FARMS

The Farm Bill of 1996 was touted as a radical break from the past. Proponents said that it would "free" farmers from the stifling bureaucracy of the federal government and enable them to make their fortunes in the global marketplace. They called the bill—with mordant irony—the Freedom to Farm Act. It seemed plausible in the flush times of the mid-'90s. But the agricultural marketplace soon cratered, and farmers found out quickly what the bill really left them free to do—Get Out of Farming Fast.

Put simply, the bill phases out the federal-price support program over a period of seven years. During that time, it doles out between \$5 billion and \$6 billion a year in transition payments, supposedly to wean farmers off the federal supports. These go to all agricultural entities, regardless of size and regardless of need. The bigger you are, the more you get—no matter how much money you have sitting in the bank.

It sounds like a parody of a government program. Yet that's how the bill works—or, more accurately, doesn't work. A year after the bill took effect, Congress was enacting "emergency" relief to help undo the damage it had just done. Congress just enacted another emergency measure this year. There is no end in sight. Congress buys a little quiet while the nation's family-based producers twist slowly in the wind.

#### COMMUNITY MATTERS TOO

From the time Franklin Roosevelt established the first farm-support programs dur-

ing the Depression, a central question has gone unresolved: What is the farm program really for? People in Washington have always wrung their hands over hard-pressed family farmers. But the programs they've enacted have favored the biggest farmers and hastened the demise of the smaller ones. In its many permutations, the farm program has proceeded on the assumption that the mode and scale of production don't matter, and all that counts is a given quantity of beef or grain. This view dominates the policy and media establishments and the result is a facile cynicism regarding efforts to help the family-based producer. We need to reexamine this assumption. The embrace of text-book orthodoxies tends to blind reporters to economic reality, and to the social dimension of economic enterprise.

In reality, a family-based enterprise such as a farm produces much more than corn or wheat. It also produces a community. One might say it has a social product as well as a material product. This social product is invisible to economists and policy experts because they see only what they can count in money. But it is crucial in a nation that has more stuff than it knows what to do with but less community and stability than it needs.

This is not rural romanticism. I'm talking about the opposite—the ways that family-based enterprise provides a matrix for community life. A small town cafe, for example, contributes much more to the life of a rural community than its financial balance sheet would suggest. It is a hub of social interaction, a crossroads where people meet in person rather than just as blips on a computer screen. It serves to reinforce the formal organizations in the town, from the volunteer fire department to the PTA. Cafes are so important to small-town life that in Havana, North Dakota, (pop. 124) folks actually volunteer at the local cafe to keep it open.

Family-based agriculture is a prolific source of social product. Study after study has documented this effect. The most famous was that of Walter Goldschmidt of the University of California, comparing two California farm communities in the 1940s. One was comprised of small and medium sized family farms; the other of large scale producers. The localities were similar in other significant respects. Goldschmidt found that the family farms produced a measurably stronger social unit. People showed "a strong economic and social interest in their community. Differences in wealth among them are not great, and the people generally associate in those organizations which serve the community." The locality with larger farms, by contrast, had a more pronounced class structure, less stability, and less civic participation.

This will come as no surprise to people who grew up in such settings. The family and community values that people give speeches about in Washington are a fact of daily life. I remember a farmer in my home town of Regent, North Dakota, a fellow named Ernest, who had a heart attack around harvest time. His neighbors took their combines and harvested his grain. The economics textbooks call these farmers "competitors," and if they were corporations they would behave that way. But because they are real people they acted like neighbors and friends.

The social dimension of enterprise is crucial even in conventional economic terms. Francis Fukuyama, the respected writer on social dynamics, developed this subject in his book *Trust*. "Virtually all serious observers understand," he wrote, "that liberal political and economic institutions depend on a healthy and dynamic civil society for their vitality." Society needs enterprise but enterprise also needs a society.

Jefferson was right. The kind of agriculture we choose affects the kind of communities we have and the kind of nation we are going to be. A nation that tries to divorce the processes of production from larger social concerns—as policy experts do—eats its own seed corn. Neglect the social product of private enterprise, and we create the conditions for our own decline.

#### SMALL FARMS ARE EFFICIENT

Against this, we have to ask what's to gain by displacing family-based farming with corporate agribusiness firms. The answer is, very little.

The supposed efficiency of corporate-scale operations has a large dose of hype. Farms can reach peak efficiency at well within the range of a family operation. Michael Duffy, an agricultural economist at Iowa State University, has found that corn and soybean producers in that state reach the low point on the production cost curve at between 300 and 500 acres. The top 10 percent of pig producers, based on cost of production, averaged 164 sows.

Wheat farmers reach lowest costs at a somewhat larger scale, but still well within a family-sized operation. The belief that bigger corporate operations mean more productive agriculture is just a "bunch of crapolla," Duffy says.

The claims of efficiency, moreover, ignore the costs that sprawling agribusiness operations impose upon the rest of us. Partly these costs are social. When there are no neighbors to drive Aunt Ella a hundred miles to the clinic, she has to use a taxpayer-funded van instead. But the biggest costs may be environmental. Corporate pig factories, for example, have become a nightmare for their neighbors. They foul local water supplies and emit a colossal stink into the air.

A county in Illinois actually had to reduce property assessments by 30 percent in the vicinity of such a plant. In North Carolina, which has emerged as a pig factory haven in recent years, Hurricane Floyd caused massive flooding of the huge lagoons that hold the wastes. The sludge spread over the countryside and leached into the groundwater. Residents were advised to drink bottled water and even to have their wells redrilled. That might be efficiency for the corporation. But it's not for the neighbors, nor for the society as a whole.

I see an economist scowling in the back row. If people want social product, he mutters, then they would demand it in the market.

But that's precisely the problem. Americans can't speak through the market unless the market gives them an effective choice, and under current arrangements they don't have one. When we buy pasta or pork chops at the supermarket there's nothing on the label to tell us the kind of farm it came from.

Markets are the best means we have for allocating resources, when people have both information and choices and when all costs are accounted for. But they don't work so well when information and choice are lacking—the costs get shifted into others, and that's what happens with agricultural production today. Farmers aren't getting full compensation for their production, including social product. They should. The question is how.

#### THE BRANNAN PLAN

After his improbable reelection in 1948 President Harry Truman introduced a farm bill that had a truly far-sighted provision to limit federal farm supports to the family-sized unit. Farmers could become bigger if they wished. They could produce as much as they thought they could sell. But they couldn't expect the federal government to support all their ambitions.

The Brannan Plan as it was called—after then Secretary of Agriculture Charles Brannan—would have made it the policy of the United States that scale and social impact matter, in agriculture at least. Not surprisingly, the larger farm interests opposed the Brannan Plan (thought mostly on other grounds) and it died a quick legislative death.

In the 50 years since, the farm program has gone from one extreme to the other—from supporting everything in sight to hitching the nation's farmers to a market ideology in a world that doesn't always buy it. We've shed crocodile tears over family farmers while promoting their demise. Now the congressional majority is in a quandary. Republicans know they have to do something. But many on that side can't bring themselves to face the implications. So they heap more blame on government, rail at the Federal Reserve Board and the government's failure to open more foreign markets, and hope the problem will just go away.

To be sure, the Federal Reserve Board is a deserving target. When you hand the management of the economy over to money center bankers, then farmers, who rely heavily on credit, are going to get shortchanged. But it's not enough to rail at the Fed. We need to put someone on the Fed who understands the value of family-based farms and who can provide some balance to the economists and bankers who run the place now.

It is good too that Republicans want to open up foreign markets, but we've also got to develop new domestic markets. Since people can eat only so much, that means new uses for farm products. Ethanol barely scratches the surface. There are many materials, from plastics and building materials to paper and inks, that are being made from crops. In Minnesota, farmers are getting from \$20 to \$50 an acre for selling the right to capture the wind energy from their land. David Morris of the Institute for Local Self Reliance has sketched out the possibilities in a report called, suggestively, "The Carbohydrate Economy."

Farmers need more bargaining power in the market too, not just more points of access to it. Senator Paul Wellstone of Minnesota and I have proposed a moratorium on mergers in agriculture-related industries, and a complete review of the antitrust laws as they affect this part of the economy. The measure failed to pass this fall, but we will introduce it again.

But by far the most important issue is the economic safety net. No matter what else you do, farmers are going to confront bad years. There has to be a support structure of some kind, and it should advance the social values of this country rather than undermine them. Harry Truman had the right idea. There should be a support price for an amount of production that is within the range of a family-scale operation. (This would vary by crop and region of the country, of course.)

Beyond that, producers would be on their own. If they wanted to exceed the support range and take their chances in the world market, then more power to them. But we wouldn't ask the taxpayers to support a scale of operation from which there is no social benefit and for which there is no economic need.

This approach would not encourage overproduction, since there would be built-in limits on the amount of production that was supported. The caps would be enough to sustain a family-sized operation in bad years, but they would not make anyone rich. This approach would begin to compensate farmers for their contribution to rural communities—a form of production for which the global market provides no monetary return.

It would recognize that the efficient destruction of community in America is not the kind of efficiency the government should encourage.

If this country can subsidize a public-housing program for millionaire athletes and billionaire owners called pro-sports stadiums, then surely it can provide a safety net for the family-scale agriculture that contributes so much to this nation. Anyone who thinks big corporations are less likely than small enterprises to ask for government help hasn't been paying much attention. Big companies, not little ones, get bailed out in America. Already, the corporate pig factories in North Carolina have asked for millions of dollars from Congress to help upgrade their waste lagoons.

An economy is supposed to provide for human need. At a time of material abundance but social scarcity, shouldn't we encourage forms of enterprise that meet the needs of our dwindling communities? If we truly believe in traditional family values, shouldn't we support the forms of enterprise that embody those values, including the family farm?

The crisis in the Farm Belt is one problem America knows how to solve. We have both the means and the resources; the question is whether we will use them.

#### THE NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT

Mr. DASCHLE. Mr. President, I rise to express my whole-hearted support for S. 1052, the Northern Mariana Islands Covenant Implementation Act, which the Senate considered and passed on Monday, and to recognize Senator AKAKA, Energy Committee Chairman MURKOWSKI, and Ranking Senator BINGAMAN for their determined efforts to shepherd this bill through the Senate. During the recent recess, I had the opportunity to travel with Senator AKAKA to South Asia. Once again, I was reminded why Senator AKAKA is one of the most respected members of the Senate. As we met with leaders from India and Pakistan, Senator AKAKA's humanitarian focus was evident time and again. Yesterday, Senator AKAKA's concern for those without wealth and privilege was on display once more. I wish I could have been here, yesterday, to celebrate his legislative victory.

Senator AKAKA's special interest in the welfare of the residents of the Northern Mariana Islands dates back to WW II when he served with the U.S. Army Corps of Engineers and spent time on both Saipan and Tinian. In 1996, he and Senator MURKOWSKI traveled to the Commonwealth to investigate reports of the horrible working conditions first hand. Senator AKAKA returned with confirmation of those reports and worked quickly to introduce legislation, with Chairman MURKOWSKI, to improve the often horrific conditions faced by alien workers in the Commonwealth of the Northern Mariana Islands. Since then, Senator AKAKA has come to the floor repeatedly to draw attention to this problem and he has worked tirelessly behind the scenes to build effective bipartisan support for this measure. Senator AKAKA's



dedication to this issue reminds us that our work here is not confined to the headline grabbing issues of the day but extends to the quiet pursuit of humane working conditions everywhere.

S. 1052 is a bill to amend the legislation enacted by Congress in 1976 through which the Northern Mariana Islands became a Commonwealth of the United States. This bill provides for a transition period during which the Commonwealth will be incorporated into our federal system of immigration laws. The 1976 covenant enacted by Congress extended U.S. citizenship to CNMI residents, but it exempted the Commonwealth from the Immigration and Nationality Act. Over the years it has become clear what a mistake that was.

Today the immigration situation in the Commonwealth contributes to some very grave social problems. Over the past twenty years, the number of citizens of the Commonwealth has doubled, while over that same period of time the number of alien workers has multiplied twenty-fold. This huge demographic change, and the absence of effective immigration control, has led to deplorable conditions for many of these alien workers.

Senator AKAKA addressed the Senate in October to describe the tragic circumstances in which many alien workers are held as virtual prisoners and are not permitted to leave their barracks during non-working hours. He reported that the Justice Department's Civil Rights Division had obtained criminal convictions of defendants who had forced alien women into prostitution and held them in what has been described as "modern day slavery." I was personally moved by his report. This bill will immediately help to change the circumstances that contribute to these terrible conditions while at the same time minimizing any negative effect on the Commonwealth's legitimate businesses in the local tourism industry. In fact, the bill calls for the Secretary of Commerce to provide the kind of technical assistance that will help to encourage the growth and diversification of the local economy and promote the Northern Mariana Islands as a tourist destination.

This is a first step toward ensuring that every man and woman who works under the U.S. flag works in conditions we can all be proud of. As Senator AKAKA knows, we should do more. We should also guarantee the minimum wage for workers in the Commonwealth, and if the Democratic minimum wage proposal is passed, we will do just that. But we should not let what we know to be the best solution forestall our resolve to implement a good solution, and so I am very proud that the Senate passed this much needed legislation and I thank Senators AKAKA, MURKOWSKI and BINGAMAN for their fine work in this important endeavor.

#### CIVILIAN PLUTONIUM AGREEMENT

Mr. DOMENICI. Mr. President, a front page article in yesterday's New York Times announced an agreement that will halt Russia's production of plutonium from spent fuel used in its civilian power reactors. In exchange for a Russian moratorium on plutonium reprocessing, the United States will provide a \$100 million joint research and aid. I strongly support these efforts and believe that this proposal will help to reduce the threat of proliferation from nuclear materials in Russia.

However, as we pursue new initiatives to better safeguard Russia's civilian plutonium, we must not waver in our support for the more urgent task of disposing of their weapons plutonium. The 50 tons of military-grade plutonium that Russia has agreed is surplus could fuel more than 6,000 modern weapons. I'm pleased that the Administration is also recognizing that the lower-grade, civilian, plutonium presents some risk—but we must continue to place our highest priority on their military materials, which represent a significantly higher risk.

Currently, Russia possesses 30 tons of separated civilian plutonium at Mayak and continues to accumulate 2 tons per year from reprocessing at that facility. This is in addition to the 150 or more tons of weapons plutonium in the Russian complex.

First, we must ensure that these materials are safeguarded. Second, any burn capacity Russia has should be committed to first eliminating military-origin plutonium as mixed-oxide (MOX) fuel. Until the threat from weapons plutonium is eliminated, Russia has no use for this reprocessed fuel, and its continued production represents a proliferation risk, albeit less than the risk from weapons-grade materials. This agreement will help address immediate needs.

As part of this agreement, the United States will contribute \$45 million to improve control and accounting of civilian-grade plutonium already stored at the Mayak site and build an additional large dry storage facility elsewhere in Russia. Another \$30 million will ensure adequate safeguards—protection, control and accounting—on the existing materials. The balance of U.S. contributions—\$25 million for research on proliferation-resistant fuel cycles and permanent geological storage—is conditioned on Russia ending its sales of nuclear technology to Iran.

Mr. President, while I support this new initiative to temporarily halt Russian extraction of plutonium from their spent nuclear fuel, I want to be sure that my enthusiasm is not interpreted as support for stopping reprocessing on a global scale. Some nations, like Japan and France, have decided that reprocessing of spent fuel is key to their nuclear power plans. By this reprocessing, they not only recycle plutonium back into reactors, they mitigate the hazard associated with their nuclear wastes.

In contrast, the U.S. has stuck to an old, 1977, decision to simply bury our spent fuel—plutonium and all. That not only increases the health risk from our spent fuel relative to that in France or Japan, it also means that we are proposing to bury a significant energy resource that our own future generations may need. The origin of the 1977 decision, fear of proliferation of reactor-grade plutonium, is certainly not without validity. But reprocessing can be done, as the French and British have demonstrated, with sufficient care to ensure that proliferation does not occur.

Reprocessing is not something that the U.S. should embrace today—it really wouldn't be economical with today's cheap uranium prices. But I've worked with Senator MURKOWSKI to introduce provisions into his current Nuclear Waste bill to require that we study advanced reprocessing and transmutation systems that would both minimize proliferations concerns related to spent fuel, and also study technologies that minimize hazards from spent fuel for the public and for workers. I will encourage that Russia continue to study these same technologies, because they have great expertise in these areas. Sometime in the future, we may need to use reprocessing to regain use of the energy content in spent fuel.

Thus, I believe we should keep future options for civilian fuel reprocessing open even as we focus attention in Russia on burning military-origin plutonium. Certainly for now, any attempt to burn civilian-origin plutonium in Russia only delays progress in decreasing Russia's excess weapons plutonium stockpile.

Let me return briefly to the more urgent matters associated with military-grade plutonium. As the Chair of the Senate Plutonium Task Force, I have pushed hard for completion of a U.S.-Russia agreement on military plutonium. In 1998, I led the charge to appropriate \$200 million for implementation of such an agreement.

I understand that negotiations for this plutonium agreement are very near completion. This agreement will outline a framework within which the U.S. and Russia will dispose of 50 tons of excess weapons plutonium. This framework will address timetables for progress, rates of disposal, and reciprocal verification of compliance. This agreement will turn the U.S. and Russian political commitments regarding irreversibility into a physical reality.

However, I've been dismayed that the Administration has recently chosen to remove \$49 million from the \$200 million set aside for disposition of weapons-plutonium to fund other priorities. That is very short sighted reasoning. The full \$200 million has served to keep pressure on the negotiating teams to finalize the disposition protocols. We send a completely inappropriate message when funds are withdrawn from that account. I intend to work in the next few months to restore this \$49

million. Furthermore, I will continue to oppose any future use of these funds by the Administration for anything other than their intended purpose.

The Administration's new initiative can work in tandem with the efforts focused on military plutonium. I urge the Administration to make quick and quantifiable progress on both of these fronts. The threat of proliferation from the Russian nuclear complex continues to grow. And it continues to be one of the greatest threats to U.S. security today.

Mr. President, I ask unanimous consent that this New York Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 7, 2000]

MOSCOW TAKES STEP TO EASE U.S. FEARS ON  
PLUTONIUM USE  
(By Judith Miller)

In a major agreement aimed at safeguarding nuclear fuel that could be used to make weapons, Russia has promised to stop making plutonium out of fuel from its civilian power reactors as part of a \$100 million joint research and aid package from the United States, Clinton administration and Russian officials say.

While the administration has several collaborative programs that enhance the safety and security of plutonium produced by Russia's military, this is the Energy Department's first major attempt to secure Russia's huge civilian stockpile of plutonium, from which 3,000 nuclear weapons could be made.

"It's a bold initiative to reduce a 30-ton plutonium threat from Russia's civilian nuclear sector," Secretary of Energy Bill Richardson said in a telephone interview. His department is to make public Russia's moratorium on plutonium reprocessing today when it unveils its budget for the next fiscal year.

Administration officials and arms control experts were particularly pleased with the deal, more than a year in the works, because it comes at a time of growing strains in relations with Russia over its war in Chechnya, policy toward Iraq, and access to Russian nuclear facilities.

The agreement is also likely to place added pressure on other nuclear powers like Japan, Britain and France to follow suit, arms control experts said. Because of concerns about the environment and the spread of nuclear materials to countries like Iran, Iraq and North Korea, the United States has not reprocessed fuel since 1978.

Part of the accord—\$25 million for long-term joint research that is most attractive to Russia—is contingent on an end to new sales and transfers of nuclear technology to Iran. Washington believes that those transactions are helping Tehran acquire nuclear weapons.

"The money for this research will be in our budget," said Ernest P. Moniz, the Undersecretary of Energy, who was in Moscow last week to discuss the agreement. "It's now up to Russia to decide if they want it."

But the bulk of the money will be given in exchange for Russia's decision to halt reprocessing nuclear fuel from its 29 civilian power reactors. That will include, if Congress approves, \$45 million to better secure spent fuel already stored at Mayak, a once closed nuclear complex in the southern Urals, and to build a large dry storage site elsewhere in Russia.

Yevgeny Adamov, Russia's atomic energy minister, insisted in a telephone interview

from Moscow that despite the agreement, Russia would not stop competing to sell new lightwater power reactors to Iran.

At the same time, he said, Russia has lived up to the commitments made to Washington last year not to provide sensitive material or technology to Iran. But it was willing in principle to discuss additional safeguards and "more commitments for greater transparency to remove American concerns."

Mr. Adamov also stressed that Russia was not abandoning its belief that plutonium, which is produced by all nuclear reactors, could eventually be used to fuel a generation of "safe" reactors, not yet developed, that would produce waste more difficult to recycle into weapons.

"We're talking in terms of decades," for the moratorium on plutonium reprocessing, he said. "At least two may be enough."

Russia, officials said, already possesses about 150 metric tons of plutonium and 1,200 metric tons of highly enriched uranium, both of which can be used in nuclear weapons.

Given that, said Thomas Graham Jr., a former arms control negotiator who now is president of the Lawyers Alliance for World Security, an arms control group in Washington, "it is important to stop the accumulation of material that some rogue nations would love to get their hands on."

"This is a very important agreement," he added.

In 1998 alone, Energy Department officials said, Russia's 29 civilian reactors produced 798 metric tons of spent fuel. Normally, Russia would send this material to Mayak for reprocessing—that is, the separation of plutonium, which can be used in weapons, from the rest of the fuel.

But under the new agreement, the plutonium will not be separated out. Instead, the unprocessed material will be stored at a new site somewhere in Russia that the United States will finance.

The location and ultimate cost of the site are still not determined, but Mr. Adamov said he was leaning toward Krasnoyarsk-26, a once closed nuclear city where the Russian military made plutonium.

William C. Potter, the director of the Monterey Institute's Center for Nonproliferation Studies, in California, particularly praised an allocation of \$3 million in the aid package aimed at helping Russia reacquire Soviet-era fuel from countries like Belarus, Ukraine and Yugoslavia. He fears that the material is vulnerable to diversion or military use.

Since the end of the cold war, the United States has spent billions of dollars to protect nuclear materials in Russia and the former Soviet Union and to prevent them from falling into the hands of Iran, Iraq or other aspiring nuclear powers. As of this year, Washington has spent about \$1.2 billion to help prevent the loss or theft of material that could be used in nuclear weapons.

At Mayak, the United States is already financing the construction of a warehouse to protect bomb-grade plutonium extracted from nuclear warheads. A recent American visitor there said that some plutonium was still being stored in milk-pail-size canisters in a wooden storage shed secured mainly by a padlock.

Since 1993, Washington has bought 500 metric tons a year of highly enriched uranium from Russian weapons, sales worth more than \$400 million a year to Russia. The uranium, which is blended down and sold as reactor-grade fuel for power production, meets about half of America's nuclear power fuel requirements.

The new aid package for Russia would provide \$45 million for the dry storage site and security upgrades for the stockpiled civilian plutonium and \$30 million for new efforts to safeguard material from the military sector.

It would also provide \$20 million for collaborative research into devising reactors and fuel that cannot be used to make weapons, and \$5 million for research into the design and development of a permanent geological repository to store used fuel. Administration officials stressed that only those last two items, which are longer-term projects, hinge on an end to Russian nuclear sales to Iran.

Mr. Adamov said on Saturday that Washington would be "wrong" to believe that a \$100 million assistance package would prompt Russia to forgo revenue from future reactor sales, each of which could be worth up to \$1 billion dollars.

"These are huge orders for our industry, and we'll aggressively pursue these orders and win them," he said.

Mr. LUGAR. Mr. President, in the fall of 1998 our majority leader named a bipartisan group of members to a Task Force on Plutonium Disposition to advise the Senate and the Administration on actions with respect to U.S. policy and approaches to bilateral negotiations with Russia on the disposition of weapons-excess plutonium. I was pleased to be invited to join the group and Senator DOMENICI was chosen to chair the Task Force.

Mr. President, Senator DOMENICI has been a pioneer in the area of nuclear weapons material safety, security and elimination. He has spent a great deal of time researching this initiative and engaging our Russian colleagues on the issue. He was instrumental in creating a bilateral dialogue on plutonium disposition that led to the protocol on plutonium disposition signed in September 1998 at the Moscow Summit. This Protocol has led to ongoing negotiations to finalize a bilateral agreement to dispose of large quantities of weapons material.

The need for leadership in this area was clear. Unclassified sources estimate that the United States has 100 tons of plutonium and Russia has more than 160 tons of plutonium. Most of this material is in pit form, or classified weapons shape. In other words, the material could easily be returned to weapons status. The U.S. and Russia have each declared that portions of their respective stockpiles are surplus. This material represents thousands of nuclear weapons on each side, including Russian weapons that until a short time ago were pointed at American cities.

Mr. President, the United States has been working with Russia to dismantle their nuclear arsenal through the Nunn-Lugar Cooperative Threat Reduction program. All over Russia American firms are cooperating with Russian counterparts in deactivating nuclear warheads and dismantling long-range ballistic missiles, strategic submarines and bombers. The U.S. secured Russian agreement to remove the material from these warheads to safe and secure storage at the Fissile Material Storage Facility under construction at Mayak, Russia. But, the U.S. was still left with the challenge of how to get rid of the plutonium, to ensure that this material would never again threaten the American people.

Through Senator DOMENICI's discussions it became evident that a wide gulf separated the views of the Administration and Russian leadership with regard to the appropriate disposition actions. The Russians hold the position that plutonium has great value, and want to ensure that any actions extract the energy resource remaining in the material by using it as reactor fuel. The U.S. was considering both recovery of this resource and immobilization. Immobilization mixes the plutonium with ceramic material and surrounds it with vitrified, high-level waste for long term storage. Some scientists and some Russian leaders have noted that immobilization may be a less secure means of disposition than use as a reactor fuel.

Senator DOMENICI encouraged a solution wherein both nations would pursue the reactor fuel option, with so-called mixed oxide or MOX fuel. In addition, the U.S. can use immobilization for some of its less pure materials that would require significant purification to incorporate into reactor-grade fuel. This solution has been embraced in the current negotiations by both countries. Now both nations are moving toward parallel reductions in amounts of plutonium.

Our Task Force has been briefed by the Departments of State and Energy on the current status of negotiations on a Framework Agreement to implement a plutonium disposition process in Russia and the United States. A U.S.-Russian agreement to dispose up to 50 metric tons of weapons grade material on each side is proceeding in a very positive direction. I am hopeful that they will soon produce a draft agreement. There are still important issues to be resolved and hurdles to be cleared but it is clear that we would not have enjoyed this significant progress if it were not for Senator DOMENICI's leadership. His efforts in cooperation with Senator STEVENS, the Chairman of our Appropriations Committee, to secure forward funding for the implementation of this agreement was crucial in securing Russian participation.

I commend my good friend, the senior Senator from New Mexico, for his leadership in this area and thank him for what I hope will be a tremendously valuable national security program. We will all watch the negotiations proceeding in Moscow and hope for a positive conclusion. When this agreement is finalized and implemented, which I believe it will be, each of us will owe Senator DOMENICI a debt of gratitude for making the world safer for our children and grandchildren.

#### RETIREMENT OF GEORGE T. COSTIN

Ms. MIKULSKI. Mr. President, I wish to take this opportunity to commend and congratulate George T. Costin, Library Technician, upon the occasion of his retirement from the Senate Library

on February 8, 2000. For 32 years—27 in the Office of the Secretary of the Senate—George has labored selflessly every day supporting the work of the Senate. George left his home state of North Carolina in 1963 and a brief stop over in Washington lasted for more than three decades.

George began his Senate career with the Sergeant at Arms in 1967 and joined the Library staff in 1972. He has made our duties far easier and throughout the years he has been the Ambassador of Goodwill with his wonderful smile, kind words, and unmatched style. He was always proud of being part of the Senate Family.

George will be very busy in retirement with church activities, a demanding golf schedule, and the joy of a new grandson. Along with all of his friends, I commend George for his loyalty and dedicated service to the United States Senate. I know that all Senators will join me in thanking George, his wife Gloria, and his three children, Angie, Samantha, and George, Jr., for his dedicated and distinguished service. It is with deep appreciation that we extend our best wishes for many years of health and happiness.

#### FUNDING FOR THE NATIONAL INSTITUTES OF HEALTH

Mr. HARKIN. Mr. President, I am pleased to join my colleagues, Senator SPECTER, as primary cosponsor of a sense of the Senate resolution, introduced yesterday, that puts the Senate on record that funding for NIH should be increased by \$2.7 billion in Fiscal Year 2001. NIH is the premier medical research institution in the world—research funded by NIH is key to maintaining the quality of our health care and key to finding preventive measures, cures and the most cost effective treatments for the major illnesses and conditions that strike Americans.

Two years ago, our Appropriations Subcommittee provided NIH with a \$2 billion increase to set us on a five-year course to double NIH funding over five years. Last year, our Subcommittee was able to secure a \$2.3 billion increase for NIH—continuing on the course to double NIH funding over five years. A \$2.7 billion increase for NIH in Fiscal Year 2001 would keep us on track to double NIH in the five years.

I was disappointed that the President's budget which we received today only requested a \$1 billion increase for NIH. Funding biomedical research is especially important now when research on stem cells and progress made on the Human Genome project offer such promise. I hope to work closely with Senator SPECTER this year to build on last year's increase for NIH as we move to doubling funding for NIH by 2003.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday,

February 7, 2000, the Federal debt stood at \$5,693,618,340,748.18 (Five trillion, six hundred ninety-three billion, six hundred eighteen million, three hundred forty thousand, seven hundred forty-eight dollars and eighteen cents).

Five years ago, February 7, 1995, the Federal debt stood at \$4,806,973,000,000 (Four trillion, eight hundred six billion, nine hundred seventy-three million).

Ten years ago, February 7, 1990, the Federal debt stood at \$2,988,020,000,000 (Two trillion, nine hundred eighty-eight billion, twenty million).

Fifteen years ago, February 7, 1985, the Federal debt stood at \$1,682,610,000,000 (One trillion, six hundred eighty-two billion, six hundred ten million).

Twenty-five years ago, February 7, 1975, the Federal debt stood at \$489,675,000,000 (Four hundred eighty-nine billion, six hundred seventy-five million) which reflects a debt increase of more than \$5 trillion—\$5,203,943,340,748.18 (Five trillion, two hundred three billion, nine hundred forty-three million, three hundred forty thousand, seven hundred forty-eight dollars and eighteen cents) during the past 25 years.

#### MEASURE PLACE ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 2036. A bill to make permanent the moratorium on the imposition of taxes on the Internet.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7432. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled "Budget Estimates and Performance Plan," Fiscal Year 2001; to the Committee on Environment and Public Works.

EC-7433. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Eligibility Criteria for the Montgomery GI Bill-Active Duty and Other Miscellaneous Issues" (RIN2900-AI63), received February 7, 2000; to the Committee on Veterans' Affairs.

EC-7434. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the Andean Trade Preference Act; to the Committee on Finance.

EC-7435. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the Caribbean Basin Economic Recovery Act; to the Committee on Finance.

EC-7436. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Travel and Tour Activities of Tax-Exempt Organizations" (RIN1545-AW10), received February 7, 2000; to the Committee on Finance.

EC-7437. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD 8871: Remedial Amendment Period" (RIN1545-AV22), received February 7, 2000; to the Committee on Finance.

EC-7438. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "General Rules for Making and Maintaining Qualified Fund Elections" (RIN1545-AV39), received February 7, 2000; to the Committee on Finance.

EC-7439. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "February 2000 Applicable Federal Rates" (Rev. Rul. 2000-9), received February 4, 2000; to the Committee on Finance.

EC-7440. A communication from the Administrator, Agency for International Development, transmitting, pursuant to law, a report relative to the Development Assistance and Child Survival and Disease Programs; to the Committee on Foreign Relations.

EC-7441. A communication from the Under Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the processing of a satellite export license application; to the Committee on Armed Services.

EC-7442. A communication from the Under Secretary of the Navy transmitting, pursuant to law, a report relative to the study of certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors; to the Committee on Armed Services.

EC-7443. A communication from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the General Purpose Financial Statements and Independent Auditor's Report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7444. A communication from the Executive Vice President and Chief Financial Officer, Potomac Electric Power Company transmitting, pursuant to law, the balance sheet of the Company, as of December 31, 1999; to the Committee on Governmental Affairs.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-401. a resolution adopted by the House of the legislature of the State of Michigan relative to proposed guidelines for federally funded research using stem cells harvested from human embryos; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE RESOLUTION NO. 253

Whereas, the National Institutes of Health (NIH) has published, for public comment, guidelines for federally funded research projects using stem cells destructively harvested from human embryos; and

Whereas, Since 1996, Congress has prohibited federally funded research in which human embryos are harmed or destroyed; and

Whereas, The state of Michigan has a long legal and ethical tradition of respecting life at its earliest stages; and

Whereas, Michigan law prohibits any research that destroys human embryos, so the NIH guidelines, in effect, instruct research-

ers in how to harvest stem cells from embryos in ways that constitute criminal activity in this state; and

Whereas, Michigan has taken the unparalleled step in this country of respecting human life at its earliest stages by prohibiting the use of cloning to create human embryos for research; and

Whereas, Medical ethics historically have rejected justifying research in the name of medical progress when it requires harming or destroying innocent human lives; and

Whereas, Numerous avenues for developing new medical treatments from stem cells that do not require the destruction of human embryos have shown great clinical promise; now, therefore, be it

*Resolved by the House of Representatives,* That we strongly object to the National Institutes of Health proposed guidelines and policies regarding research on human embryos to ensure full accordance with federal laws that prohibit NIH involvement in destructive embryo research; and be it further

*Resolved,* That we urge the NIH to withdraw the proposed guidelines and to clarify NIH guidelines and policies regarding research on human embryos to ensure full accordance with federal laws that prohibit NIH involvement in destructive embryo research; and be it further

*Resolved,* That we urge the National Institutes of Health to direct all proposed funding for stem cell research to projects that do not use stem cells destructively harvested from human embryos; and be it further

*Resolved,* That copies of this resolution be transmitted to the National Institutes of Health, the Secretary of the United States Department of Health and Human Services, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the President of the United States.

POM-402. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the "Defense of Privacy Act"; to the Committee on Governmental Affairs.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services:

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. Robert L. Halverson, 5509.

*To be brigadier general*

Col. Edmund T. Beckett, 5971.

Col. James J. Bisson, 6236.

Col. Raymond C. Byrne Jr., 5792.

Col. Daniel D. Densford, 0210.

Col. Jeffrey L. Gidley, 9702.

Col. Danny H. Hickman, 0335.

Col. James D. Johnson, 9083.

Col. Dennis M. Kenneally, 2586.

Col. Dion P. Lawrence, 1257.

Col. Robert G. Maskiell, 9965.

Col. Daryl K. McCall, 2627.

Col. Terrell T. Reddick, 9266.

Col. Ronald D. Taylor, 4916.

Col. John T. Von Trott, 1310.

Col. William H. Weir, 0308.

Col. Dean A. Youngman, 4722.

Col. Walter E. Zink II, 8489.

(The above nominations were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Mr. HARKIN, and Mr. INOUE):

S. 2038. A bill to amend the Public Health Service Act to reduce accidental injury and death resulting from medical mistakes and to reduce medication-related errors, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON:

S. 2039. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to provide emergency loans to poultry producers to rebuild chicken houses destroyed by disasters; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BUNNING:

S. 2040. A bill to exclude the receipts and disbursements of the Abandoned Mine Reclamation Fund from the budget of the United States Government, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mrs. LINCOLN:

S. 2041. A bill to amend the Federal Water Pollution Control Act to exempt discharges from certain silvicultural activities from permit requirements of the national pollutant discharge elimination system; to the Committee on Environment and Public Works.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL:

S. Res. 254. A resolution supporting the goals and ideals of the Olympics; to the Committee on the Judiciary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. HARKIN, and Mr. INOUE):

S. 2038. A bill to amend the Public Health Service Act to reduce accidental injury and death resulting from medical mistakes and to reduce medication-related errors, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### MEDICAL ERROR REDUCTION ACT OF 2000

Mr. SPECTER. Mr. President, on behalf of Senator HARKIN and myself, I am introducing legislation captioned the Medical Error Reduction Act of 2000. This legislation is introduced in response to a report from the Institute of Medicine which shows a very high death rate as a result of errors in hospitals.

The statistics show that the death rate from errors in hospitals may be as high as 98,000 people. A chart has been prepared demonstrating that at the 98,000 figure, which is the uppermost estimate, medical errors are the fifth

leading cause of death in the United States, problems which certainly need to be addressed.

The legislation we are proposing follows a hearing which our Subcommittee on Labor, Health and Human Services, and Education conducted on December 13, 1999, and also a hearing conducted on January 25, 2000, in conjunction with the Veterans' Affairs Committee. Our legislation has input—not support, but input—taking into account concerns from the American Hospital Association, the American Medical Association, the American Nurses Association, the Institute for Safe Medication Practices, the American Psychological Association, and others.

The core provisions of the bill will provide for 15 competitively awarded research demonstration projects to make a determination of the scope of medical errors and the ways to correct these medical errors systemically. Five of these demonstrations will have a mandatory reporting requirement with confidentiality when there is a medical error. Five of these demonstration projects will have a voluntary reporting program with confidentiality, and five of these demonstration projects will have a mandatory reporting requirement and also a mandate that the patient and/or the family be notified of the error.

This, we think, is fundamental in terms of the professional responsibility of a doctor and the professional responsibility of a hospital to notify the injured party where error has occurred. Parenthetically, a similar obligation, I believe, is incumbent upon professionals generally.

The legislation has further provisions for the studies to be conducted in a way to make a determination as to what is feasible on hand-held prescription pads and on other technical devices which will look to the system's errors which are encapsulated and encompassed in hospitals and medical care.

On November 29, 1999, the Institute of Medicine (IOM) issued a report, "To Err Is Human: Building a Safer Health System." The report concluded that medical mistakes have led to numerous injuries and deaths, affecting an estimated three to four percent of all hospital patients. The IOM report also concluded that health care is a decade or more behind other high-risk industries in its attention to ensuring basic safety.

According to the IOM, at least 44,000 Americans die each year as a result of medical errors, and the number may be as high as 98,000. We must put this statistic into perspective, as noted in this chart: at 98,000 deaths per year, medical errors are catapulted into the ranking of fifth leading cause of death nationwide. This total outnumbers deaths from motor vehicle accidents, breast cancer, and AIDS. Further, medical errors resulting in injury are estimated to cost the nation between \$17

billion and \$29 billion, including additional health care costs, lost income, lost household production, and disability costs.

The IOM findings are startling and beg for national attention to determine ways to reduce the number of medical errors. We have all heard and read media reports detailing the case of Betsy Lehman, a health reporter for the Boston Globe, who died from a chemotherapy overdose; or the tragedy of Willie King, who had the wrong leg amputated in a Florida hospital. Unfortunately, these are not isolated cases.

On December 13, 1999, I chaired a hearing of the Labor-HHS-Education Appropriations Subcommittee to hear details of IOM's report findings. On January 25, 2000, I chaired a joint Labor-HHS-Education Appropriations Subcommittee/Veterans' Affairs Committee hearing to consider mandatory and voluntary reporting requirements and to begin to determine ways to reduce medical errors. Today, Senator HARKIN and I are introducing legislation that seeks to find solutions to the problem of medical errors. This legislation was developed based on our hearings and with input from many health groups and experts in the field, including the American Hospital Association; American Medical Association; American Nurses Association; Institute for Safe Medication Practices; American Psychological Association; Federation of Behavioral, Psychological, and Cognitive Sciences; American Osteopathic Association; Association of American Medical Colleges; American Association of Health Plans; Hospital and Healthsystem Association of Pennsylvania; and Iowa Hospital Association. It is our hope that we can continue to work together to reduce the number of injuries and deaths related to medical mistakes.

Let me review the key provisions of this bill. It would:

Make grants available to states so they can establish their own error reporting systems and collect data to provide to Federal researchers. The compilation of such data will help researchers understand trends in errors and determine ways to reduce them.

Require the Agency for Healthcare Research and Quality, in conjunction with the Health Care Financing Administration, to establish 15 competitively-awarded research demonstration projects throughout the nation, in geographically diverse areas, to assess the causes of medical errors and determine ways to reduce those errors.

Facilities participating in these demonstrations will be required to employ appropriate technologies to reduce the probability of future errors. Such technologies might include hand-held electronic prescription pads, training simulators for medical education, and bar-coding of prescription drugs and patient bracelets.

Facilities participating in the demonstrations will also provide staff training to reduce the number of er-

rors, and encourage prompt review of errors to determine ways to prevent them from recurring.

Of the 15 facilities who choose to participate in the demonstrations, 5 will have a mandatory reporting requirement of all medical errors to HHS, 5 will have a voluntary reporting requirement to HHS, and 5 will have a mandatory reporting requirement to HHS as well as to the patient and/or his family.

Require the Secretary of HHS to provide information to all patients who participate in Federally-funded health care programs, educating them on ways to reduce medical errors. Require the Secretary to develop patient education programs to encourage all patients to take a more active role in their healthcare.

Make grants available to health professional associations and other organizations to provide training and continuing education in order to reduce medical errors.

Require the Secretary to report to the Congress within 180 days of enactment on the costs of implementing a program that identifies factors that reduce medical errors, including computerized health care systems. Require the Secretary to report on the results of the fifteen health system demonstration projects, focusing on best practices and costs/benefits of applying these practices nationally.

Mr. President, patients must have confidence that when they seek medical treatment, they will receive the highest quality health care in the world. They should not be fearful of injuries or even death due to medical mistakes. The Institute of Medicine panel projected that with current knowledge and with implementation of medical error reduction methods that are proven to work, we can achieve no less than a 50 percent reduction in medical errors over the next five years. I believe that the research efforts authorized by this legislation will allow us to far exceed this goal, and immeasurably improve patient safety. I think my colleagues will agree that America has zero tolerance for preventable medical mistakes, and that we should act immediately to prevent further deaths and injuries.

I yield to my distinguished colleague from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I am pleased to join my colleague, Senator SPECTER, in the introduction of the Medical Errors Reduction Act of 2000. Senator SPECTER just outlined the major provisions of the bill. I will not go back over that; only suffice to say our bill addresses a critical problem facing America's health care system, a problem that places millions of Americans at risk of serious injury or death every time they seek medical attention.

Again, I thank my distinguished chairman, Senator SPECTER, for putting this bill together in such a timely

fashion. This is something we have to address, and we have to focus on this immediately.

Many of my colleagues are aware of the recently released Institute of Medicine report which describes a health care industry plagued with systems errors and provider mistakes. If you are familiar with the report, then you have discovered something I do not think a lot of people are aware of and of which I was not aware, and that is, we are more likely to die from a medical mistake than diabetes, breast cancer, or a traffic accident.

The report found that deaths due to medical errors are the fifth leading cause of death in this country. This chart is from the Centers for Disease Control and Prevention, National Center for Health Statistics. It shows medical errors as the fifth leading cause of death. Some say it is the eighth leading cause of death. More people die from medical errors than pneumonia, diabetes, accidents, or kidney disease.

Whether it is the fifth or eighth, we have been given a wake-up call. The cost to our health care system and national economy from medical errors is enormous.

The total cost, we are told by the Institute of Medicine, of injuries due to medical errors is \$17 billion to \$29 billion annually. This estimate cannot accurately reflect the true personal cost to patients and their families when a diagnostic test is misread, a drug that is known to cause an allergic reaction is prescribed, or a surgery goes awry.

One does not have to look too far for stories. I know some personally in my own family. Another came from one of my staff members who told me about the disastrous outcome of a conventional gall bladder procedure performed on her father in 1991.

It seems he went in for a laparoscopy and came out with a severed bile duct. The gall bladder was removed surgically, and the patient was sent home to recuperate. Within days, he experienced great abdominal pain, could not eat, and began to lose weight. His wife is a nutritionist and could tell something was very wrong. They kept going back to the doctors who performed the surgery only to be told they could not find anything wrong and that his problems were probably psychological.

Finally, in great frustration, the man and his wife turned to a neighbor, an old-fashioned country doctor who sent them to a surgeon friend of his. Sure enough, this doctor discovered the problem and it was corrected, but only after several months of pain and frustration.

Deaths from medication errors total more than 7,000 annually. These errors erode the trust Americans have in their health care system.

Let me be clear, most medical errors that occur in our health care system are not the fault of any one individual or institution. We have the best trained, most sophisticated health care workforce in the world. Thousands of

highly skilled and conscientious doctors, nurses, pharmacists, and other medical professionals operate under tremendous pressure and time constraints.

It is a complex problem which must be addressed with comprehensive solutions and rigorous changes that will help providers better perform their jobs and prevent medical errors from happening in the future. It is a problem that is systemic, not personal.

Again, we must work together, in a bipartisan way, because all Americans enjoy the right to be free from accidental injury, accidental death, and medication-related errors when they need care.

Again, I thank my distinguished chairman for his leadership on this issue, for putting this bill together. I am proud to be his chief cosponsor.

In closing, this Congress now has an opportunity to join together to address a problem that has the potential to impact the life of every citizen who seeks health care. I hope all of my colleagues on both sides of the aisle will join Senator SPECTER and me in supporting this important legislation.

I yield the floor to my distinguished chairman.

Mr. SPECTER. I thank my distinguished colleague, Senator HARKIN, for his cosponsorship and his work on this very important piece of legislation, coming principally out of the subcommittee which Senator HARKIN is the ranking Democrat and which I chair.

There are other Senators who are working on legislation arising out of the Institute of Medicine report. There is no doubt that it is a problem of enormous magnitude. It is a life-and-death matter. We have taken the lead early to bring this legislation to the floor in the hopes that this will stimulate other ideas, other legislative proposals, so we may address this very serious issue.

By Mr. HUTCHINSON:

S. 2039. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to provide emergency loans to poultry producers to rebuild chicken houses destroyed by disasters; to the Committee on Agriculture, Nutrition, and Forestry.

POULTRY FARMER DISASTER RELIEF ACT OF 2000

Mr. HUTCHINSON. Mr. President, last month we had a very serious, severe snow and ice storm in Arkansas. It brought life in Arkansas to a halt. Schools and businesses closed, airports, including the Little Rock Airport, were snowed in, and highways were littered with hundreds of stranded motorists. It was not too unlike the situation we had in the Nation's Capital, except it blanketed the entire State of Arkansas. Fortunately, there were very few human fatalities that were reported, but Arkansas's poultry farmers and the poultry industry suffered very heavy losses. Snow and ice built up on poul-

try houses across the State, and the sheer weight caused the roofs on almost 800 poultry houses to collapse, killing an estimated 10.5 million chickens.

Dennis Richie, a poultry farmer in Nashville, AR, had six poultry houses the morning of Thursday, January 27. By Friday evening, half of his houses were destroyed, along with the income he needs to provide for his family.

Hubert Hardin, another poultry farmer near Nashville, AR, and a single parent, lost all of his poultry houses in the storm. That means fewer options for him in supporting his family, his children.

The poultry industry is a pillar of Arkansas's agricultural industry and one of my State's leading employers. These losses represent a very real danger to my constituents and to Arkansas's economy. That is why, today, I am introducing the Poultry Farmer Disaster Relief Act of 2000.

This bill would amend the Consolidated Farm and Rural Development Act to allow a loosening of the restrictions currently in place for emergency loans through FSA. It would allow active poultry producers who were previously ineligible for insurance to apply for emergency loans through FSA. The current law prohibits growers whose structures were uninsured from receiving these low-interest loans. If the individuals did not seek insurance and chose to risk not insuring their structures, they would not qualify.

Under the bill I am introducing, these folks, who tried to get insurance, tried to do the responsible thing, tried to do the right thing and were unable to get insurance, would be allowed to qualify for these low-interest loans. This act will also allow growers whose structures were insured to apply for the same low-interest loans to cover the difference between what the houses were insured for and the cost of rebuilding their structures to current industry standards. It is very important for them to be able to do that. The need for upgrading poultry houses comes from the new regulations within the industry. Many poultry producers must increase the size of their houses and improve the safety of their facilities to meet these new regulations.

Without the availability of these new low-interest loans to cover the difference, FSA officials in Arkansas estimate almost half of the growers who lost houses will not be able to rebuild, that is, half of the poultry growers would be out of the business and unable to rebuild unless we pass this legislation. Currently, the FSA requires those seeking these emergency loans to prove they are unable to obtain sufficient credit elsewhere before the loans are approved.

Due to the severity of the destruction and the impact it could have on poultry producers throughout Arkansas, this bill waives that requirement, should there be a disaster designation

from the President. This would allow the victims of this storm to apply for and receive aid in the most expeditious manner possible. Finally, this bill would require farmers who receive these FSA loans to insure the new structures.

Poultry farmers in Arkansas are critical to the survival of the State's agricultural economy. Losses such as those suffered last month not only create financial hardships for the growers, but dramatic disruptions for poultry processors.

I ask my colleagues to look favorably upon this relief bill. The poultry processors and growers in Arkansas and across this country deserve that. It certainly is in an area where we had a natural disaster that has affected literally thousands of individuals now in the State. This is a compassionate act and something I trust we will act upon in an expeditious manner.

#### ADDITIONAL COSPONSORS

S. 119

At the request of Ms. SNOWE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 119, a bill to establish a Northern Border States-Canada Trade Council, and for other purposes.

S. 159

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 159, a bill to amend chapter 121 of title 28, United States Code, to increase fees paid to Federal jurors, and for other purposes.

S. 758

At the request of Mr. ASHCROFT, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 1028

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1375

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1375, a bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that

Act with respect to all alien participants in acts of genocide and torture abroad.

S. 1446

At the request of Mr. LOTT, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1638

At the request of Mr. ASHCROFT, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1762

At the request of Mr. COVERDELL, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1825

At the request of Mr. ROCKEFELLER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1825, a bill to empower telephone consumers, and for other purposes.

S. 1833

At the request of Mr. DASCHLE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1833, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the production and use of efficient energy sources, and for other purposes.

S. 1882

At the request of Mrs. HUTCHISON, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1882, a bill to expand child support enforcement through means other than programs financed at Federal expense.

S. 1917

At the request of Mr. FEINGOLD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1917, a bill to abolish the death penalty under Federal law.

S. 1941

At the request of Mr. DODD, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agen-

cy to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1946

At the request of Mr. INHOFE, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Rhode Island (Mr. L. CHAFEE) were added as cosponsors of S. 1946, a bill to amend the National Environmental Education Act to redesignate that Act as the "John H. Chafee Environmental Education Act," to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes.

S. 1951

At the request of Mr. SCHUMER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1951, a bill to provide the Secretary of Energy with authority to draw down the Strategic Petroleum Reserve when oil and gas prices in the United States rise sharply because of anticompetitive activity, and to require the President, through the Secretary of Energy, to consult with Congress regarding the sale of oil from the Strategic Petroleum Reserve.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Kentucky (Mr. McCONNELL) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2017

At the request of Mr. BUNNING, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2017, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made to tobacco growers pursuant to Phase I or II of the Master Settlement Agreement between a State and tobacco product manufacturers.

S. 2026

At the request of Mrs. BOXER, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2026, a bill to amend the Foreign Assistance Act of 1961 to authorize appropriations for HIV/AIDS efforts.

S. 2029

At the request of Mr. FRIST, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2029, a bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2035, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known



as the "Death on the High Seas Act" to aviation incidents.

S. 2037

At the request of Ms. SNOWE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2037, a bill to amend title XVIII of the Social Security Act to extend the option to use rebased target amounts to all sole community hospitals.

S. CON. RES. 69

At the request of Ms. SNOWE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Con. Res. 69, a concurrent resolution requesting that the United States Postal Service issue a commemorative postal stamp honoring the 200th anniversary of the naval shipyard system.

S. J. RES. 39

At the request of Mr. CAMPBELL, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Delaware (Mr. BIDEN), the Senator from Mississippi (Mr. LOTT), the Senator from Nebraska (Mr. HAGEL), the Senator from Hawaii (Mr. AKAKA), the Senator from Virginia (Mr. WARNER), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. J. Res. 39, a joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

S. RES. 87

At the request of Mr. DURBIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program.

S. RES. 128

At the request of Mr. COCHRAN, the names of the Senator from Utah (Mr. BENNETT), the Senator from Michigan (Mr. LEVIN), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Res. 128, a resolution designating March 2000, as "Arts Education Month."

S. RES. 247

At the request of Mr. CAMPBELL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 247, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 251

At the request of Mr. SPECTER, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from California (Mrs. BOXER), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Res. 251, a resolution designating March 25, 2000, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

# SENATE RESOLUTION 254—SUPPORTING THE GOALS AND IDEALS OF THE OLYMPICS

Mr. CAMPBELL submitted the following resolution; which was referred to the Committee on the Judiciary

S. RES. 254

Whereas for over 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States Olympic Committee is dedicated to coordinating and developing amateur athletic activity in the United States to foster productive working relationships among sports-related organizations;

Whereas the United States Olympic Committee promotes and supports amateur athletic activities involving the United States and foreign nations;

Whereas the United States Olympic Committee promotes and encourages physical fitness and public participation in amateur athletic activities;

Whereas the United States Olympic Committee assists organizations and persons concerned with sports in the development of athletic programs for amateur athletes;

Whereas the United States Olympic Committee protects the opportunity of each amateur athlete, coach, trainer, manager, administrator, and official to participate in amateur athletic competition;

Whereas athletes representing the United States at the Olympic Games have achieved great success personally and for the Nation;

Whereas thousands of men and women of the United States are focusing their energy and skill on becoming part of the United States Olympic Team, and aspire to compete in the 2000 Summer Olympic Games in Sydney, Australia, and the 2002 Olympic Winter Games in Salt Lake City, Utah;

Whereas the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by the athletes of the United States Olympic Team; and

Whereas June 23 is the anniversary of the founding of the modern Olympic movement, representing the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of the Olympics;

(2) calls upon the President to issue a proclamation recognizing the anniversary of the founding of the modern Olympic movement; and

(3) calls upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

Mr. CAMPBELL. Mr. President, today I introduce a resolution to recognize and support the United States Olympic Committee and the 2000 Olympic Games.

There are several reasons why I have a particular interest in the Olympic Movement and the U.S. Olympic Committee. I am the only Olympian in the United States Senate and Congressman JIM RYUN and I are the only two current Members of Congress to have been members of an Olympic Team.

Years ago, I founded the U.S. Olympic Caucus with former Senator Bill Bradley and former Congressman Tom McMillan. In addition, the United States Olympic Committee is headquartered in Colorado Springs, Colorado, along with the Olympic Training Center. Many athletes are currently training at that facility for future Olympic Games and especially in preparation for the 2000 Olympic Games in Sydney, Australia.

As I look back on the 1964 Olympic Games in Tokyo, Japan, I remember how proud I was to be on the U.S. Olympic Team. Carrying the United States flag in the closing ceremonies was one of the greatest experiences of my life. I remember how proud I was to be an American and an Olympian. I hold that moment in my heart and relive it at each new Olympic Games to this day.

The Olympic motto is "Swifter, Higher, Stronger" and with that ideal, the Olympic Movement brings out the very best in all of us—athletes and spectators alike. I believe, along with the U.S. Olympic Committee, that competition and the athletes are the heart and soul of the Olympic Movement. This is the reason that I offer this resolution today.

The United States Olympic Committee is to be highly commended for the prompt and decisive action it took after accusations of inappropriate solicitations surfaced. I know how much good the games do for young men and women and for our country. I am convinced the U.S. Olympic Committee has done everything in its power to get to the bottom of allegations, punish those who deserve it, and return the focus of the Olympic Movement back where it should be, with the athletes.

Most people don't realize that unlike many of the world's Olympic teams, the U.S. Olympic Team gets not one dime of federal money to subsidize its sports operations. Our Olympic Team is solely supported by the contributions of millions of Americans and American businesses and corporations which are dedicated to the Olympic Movement.

The Olympic Movement will endure and prosper only by the continued vigilance and the ongoing commitment of organizers and supporters, and by our unwavering support of the athletes who are the future of the modern Olympic Games.

As we begin the countdown towards the first Olympic Games of the new millennium, my resolution would designate June 23, 2000, as Olympic Day in recognition of the anniversary of the founding of the modern Olympic Movement. I urge my colleagues to support prompt passage of this resolution.

## AMENDMENTS SUBMITTED

THE NUCLEAR WASTE POLICY  
AMENDMENTS ACT OF 2000

## MURKOWSKI AMENDMENT NO. 2808

Mr. LOTT (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes; as follows:

Beginning on page 1, strike all after the enacting clause and insert the following:

**"SECTION 1. SHORT TITLE.**

"This Act may be cited as the 'Nuclear Waste Policy Amendments Act of 2000'.

**"SEC. 2. DEFINITIONS.**

"For purposes of this Act—

"(1) the term 'contract holder' means a party to a contract with the Secretary of Energy for the disposal of spent nuclear fuel or high-level radioactive waste entered into pursuant to section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)); and

"(2) the terms 'Administrator', 'civilian nuclear power reactor', 'Commission', 'Department', 'disposal', 'high-level radioactive waste', 'Indian tribe', 'repository', 'reservation', 'Secretary', 'spent nuclear fuel', 'State', 'storage', 'Waste Fund', and 'Yucca Mountain site' shall have the meanings given such terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

**"TITLE I—STORAGE AND DISPOSAL****"SEC. 101. PROGRAM SCHEDULE.**

"(a) IN GENERAL.—The President, the Secretary, and the Nuclear Regulatory Commission shall carry out their duties under this Act and the Nuclear Waste Policy Act of 1982 by the earliest practicable date consistent with the public interest and applicable provisions of law.

**"(b) MILESTONES.—**

"(1) The Secretary shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the President by December 31, 2001;

"(2) The President shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the Congress by March 31, 2002;

"(3) The Nuclear Regulatory Commission shall make a final decision whether to authorize construction of the repository by January 31, 2006; and

"(4) As provided in subsection (c), the Secretary shall begin receiving waste at the repository site at the earliest practicable date and no later than eighteen months after receiving construction authorization from the Nuclear Regulatory Commission.

**"(c) RECEIPT FACILITIES.—**

"(1) As part of the submission of an application for a construction authorization pursuant to section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)), the Secretary shall apply to the Commission to receive and possess spent nuclear fuel and high-level radioactive waste at surface facilities within the geologic repository operations area for the receipt, handling, packaging, and storage prior to emplacement.

"(2) As part of the issuance of the construction authorization under section 114(b) of the Nuclear Waste Policy Act of 1982, the Commission shall authorize construction of surface facilities described in subsection (c)(1) and the receipt and possession of spent nuclear fuel and high-level radioactive waste

at such surface facilities within the geologic repository operations area for the purposes in subsection (c)(1), in accordance with such standards as the Commission finds are necessary to protect the public health and safety.

**"SEC. 102. BACKUP STORAGE CAPACITY.**

"(a) Subject to section 105(d), the Secretary shall enter into a contract under this subsection with any person generating or owning spent nuclear fuel that meets the requirements of section 135(b)(1)(A) and (B) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10155(b)(1)(A) and (B)) to—

"(1) take title at the civilian nuclear power reactor site to such amounts of spent nuclear fuel from the civilian nuclear power reactor as the Commission determines cannot be stored onsite; and

"(2) transport such spent nuclear fuel to, and store such spent nuclear fuel at—

"(A) the repository site after the Commission has authorized construction of the repository without regard to the Secretary's Acceptance Priority Ranking report or Annual Capacity Report; or

"(B) a privately owned and operated independent spent fuel storage facility licensed by the Nuclear Regulatory Commission.

**SEC. 103. REPOSITORY LICENSING.****(a) ADOPTION OF STANDARDS.—**

(1) The Administrator of the Environmental Protection Agency may adopt a rule pursuant to section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) before June 1, 2001, if, after consultation with the National Academy of Sciences, the Administrator and the Nuclear Regulatory Commission can agree on a standard that will protect public health and safety and the environment and that is reasonable and attainable.

(2) In the absence of an agreement described in paragraph (1), the Administrator may not publish or adopt a rule pursuant to section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) before June 1, 2001.

**(b) CONSULTATION AND REPORTS TO CONGRESS.—**

(1) Not later than 30 days after the enactment of this Act, the Administrator shall provide the Commission and the National Academy of Sciences—

(A) a detailed written comparison of the provisions of the proposed Environmental Protection Standards for Yucca Mountain, Nevada, published in the Federal Register on August 27, 1999 (64 Fed. Reg. 46,975) with the recommendations made by the National Academy of Sciences in its report, Technical Bases for Yucca Mountain Standards, pursuant to section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note); and

(B) the scientific basis for the proposed rule.

(2) Not later than April 1, 2001, the Commission and the National Academy of Sciences shall, based on the proposed rule and the information provided by the Administrator under paragraph (1), each submit a report to Congress on whether the proposed rule—

(A) is consistent with section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note);

(B) provides a reasonable expectation that the public health and safety and the environment will be adequately protected from the hazards posed by high-level radioactive waste and spent nuclear fuel disposed of in the repository;

(C) is based on the best reasonably obtainable scientific and technical information concerning the need for, and consequences of, the rule; and

(D) imposes the least burden, consistent with obtaining the regulatory objective of

protecting the public health and safety and the environment.

(3) In the event that either the Commission or the National Academy of Sciences finds that the proposed rule does not meet one or more of the criteria listed in paragraph (2), it shall notify the Administrator not later than April 1, 2001 of its finding and the basis for such finding.

(c) APPLICATION OF CONGRESSIONAL REVIEW PROCEDURES.—Any final rule promulgated under section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) shall be treated as a major rule for purposes of chapter 8 of title 5, United States Code, and shall be subject to all the requirements and procedures pertaining to a major rule in such chapter.

"(d) CAPACITY.—Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking 'The Commission decision approving the first such application \* \* \* through the period at the end of the sentence.'

**"SEC. 104. NUCLEAR WASTE FEE.**

The last sentence of section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is amended to read as follows:

'The adjusted fee proposed by the Secretary shall be effective upon enactment of a joint resolution or other provision of law specifically approving the adjusted fee.'

**"SEC. 105. SETTLEMENT AGREEMENTS.**

"(a) IN GENERAL.—The Secretary may, upon the request of any person with whom he has entered into a contract under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), enter into a settlement agreement with the contract holder to—

"(1) relieve any harm caused by the Secretary's failure to meet the Department's commitment; or

"(2) settle any legal claims against the United States arising out of such failure.

"(b) TYPES OF RELIEF.—Pursuant to a settlement agreement entered into under this section, the Secretary may—

"(1) take title to the contract holder's spent nuclear fuel, notwithstanding section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5));

"(2) provide spent nuclear fuel storage casks to the contract holder;

"(3) compensate the contract holder for the cost of providing spent nuclear fuel storage at the contract holders' storage facility; or

"(4) provide any combination of the foregoing.

"(c) SCOPE OF RELIEF.—The Secretary's obligation to provide the relief under subsection (b) shall be consistent with the Secretary's obligation to accept delivery of such spent fuel under the terms of the Secretary's contract with such contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)).

"(d) WAIVER OF CLAIMS.—(1) The Secretary may not enter into a settlement agreement under subsection (a) or (f) or a backup contract under section 102(a) with any contract holder unless the contract holder, as part of such settlement agreement or backup contract, waives any claim for damages against the United States arising out of the Secretary's failure to begin disposing of such person's high-level waste or spent nuclear fuel by January 31, 1998.

"(2) Nothing in this subsection shall be read to require a contract holder to waive any future claim against the United States arising out of the Secretary's failure to meet any new obligation assumed under a settlement agreement or back up storage agreement, including the acceptance of spent fuel and high-level waste in accordance with the acceptance schedule established pursuant to section 106.

“(e) SOURCE OF FUNDS.—Notwithstanding section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)), the Secretary may not make expenditures from the Nuclear Waste Fund for any costs that may be incurred by the Secretary pursuant to a settlement agreement or backup storage contract under this Act except—

“(1) the cost of acquiring and loading spent nuclear fuel casks;

“(2) the cost of transporting spent nuclear fuel from the contract holder's site to the repository; and

“(3) any other cost incurred by the Secretary required to perform a settlement agreement or backup storage contract that would have been incurred by the Secretary under the contracts entered into under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) notwithstanding their amendment pursuant to this Act.

“(f) REACTOR DEMONSTRATION PROGRAM.—(1) Not later than 120 days after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, and notwithstanding Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Secretary is authorized to take title to the spent nuclear fuel withdrawn from the demonstration reactor remaining from the Cooperative Power Reactor Demonstration Program (Pub. L. No. 87-315, Sec. 109, 75 Stat. 679), the Dairyland Power Cooperative La Crosse Boiling Water Reactor. Immediately upon the Secretary's taking title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage, from the date of taking title until the Secretary removes the spent nuclear fuel from the Dairyland Power Cooperative La Crosse Boiling Water Reactor site. The Secretary's obligation to take title or compensate the holder of the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel under this subsection shall include all of such fuel, regardless of the delivery commitment schedule for such fuel under the Secretary's contract with the Dairyland Power Cooperative as the contract holder under Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or the acceptance schedule for such fuel under Section 106 of this Act.

“(2) As a condition to the Secretary's taking of title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the contract holder for such fuel shall enter into a settlement agreement containing a waiver of claims against the United States as provided in this section.

“(g) SAVINGS CLAUSE.—(1) Nothing in this section shall limit the Secretary's existing authority to enter into settlement agreements or address shutdown reactors and any associated public health and safety or environmental concerns that may arise.

“(2) Nothing in this Act diminishes obligations imposed upon the Federal Government by the United States District Court of Idaho in an order entered on October 17, 1995 in *United States v. Batt* (No. 91-0054-S-EJL). To the extent this Act imposes obligations on the Federal Government that are greater than those imposed by the court order, the provisions of this Act shall prevail.”

#### “SEC. 106. ACCEPTANCE SCHEDULE.

“(a) PRIORITY RANKING.—Acceptance priority ranking shall be determined by the Department's ‘Acceptance Priority Ranking’ report.

“(b) ACCEPTANCE RATE.—As soon as practicable after construction authorization, but no later than eighteen months after the year of issuance of a license to receive and possess spent nuclear fuel and high-level radioactive waste under section 101(c), the Secretary's total acceptance rate for all spent nuclear fuel and high-level waste shall be a rate no less than the following as measured in metric tonnes uranium (MTU), assuming that each high-level waste canister contains 0.5 MTU: 500 MTU in year 1, 700 MTU in year 2, 1300 MTU in year 3, 2100 MTU in year 4, 3100 MTU in year 5, 3300 MTU in years 6, 7, and 8, 3400 MTU in years 9 through 24, and 3900 MTU in year 25 and thereafter.

“(c) OTHER ACCEPTANCES.—Subject to the conditions contained in the license to receive and possess spent nuclear fuel and high-level radioactive waste issued under section 101(c), of the amounts provided for in paragraph (b) for each year, not less than one-sixth shall be—

“(1) spent nuclear fuel or civilian high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act Amendments of 2000;

“(2) spent nuclear fuel from foreign research reactors, as necessary to promote nonproliferation activities; and

(3) spent nuclear fuel and high-level radioactive waste from research and atomic energy defense activities, including spent nuclear fuel from naval reactors.

*Provided, however,* That the Secretary shall accept not less than 7.5 percent of the total quantity of fuel and high-level radioactive waste accepted in any year from the categories of radioactive materials described in paragraphs (2) and (3) in subsection (c). If sufficient amounts of radioactive materials are not available to utilize this allocation, the Secretary shall allocate this acceptance capacity to other contract holders.

“(4) EFFECT ON SCHEDULE.—The contractual acceptance schedule shall not be modified in any way as a result of the Secretary's acceptance of any material other than contract holders' spent nuclear fuel and high-level radioactive waste.

“(5) MULTI-YEAR SHIPPING CAMPAIGNS.—Consistent with the acceptance schedule, the Secretary shall, in conjunction with contract holders, define a specified multi-year period for each shipping campaign and establish criteria under which the Secretary could accept contract holders' cumulative allocations of spent nuclear fuel during the campaign period at one time and thereby enhance the efficiency and cost-effectiveness of spent nuclear fuel and high-level waste acceptance.

#### “SEC. 107. LOCAL RELATIONS.

“(a) Section 170 of the Nuclear Waste Policy Act of 1982 is amended to read as follows:

##### “SEC. 170. BENEFITS AGREEMENTS.

“(a) IN GENERAL.—

“(1) SEPARATE AGREEMENTS.—The Secretary shall offer to enter into separate agreements with Nye County, Nevada, and Lincoln County, Nevada, concerning the repository program.

“(2) AGREEMENT CONTENT.—Any agreement shall contain such terms and conditions, including such financial and institutional arrangements, as the Secretary and agreement entity determine to be reasonable and appropriate and shall contain such provisions as are necessary to preserve any right to participation or compensation of Nye County, Nevada, and Lincoln County, Nevada.

“(b) AMENDMENT.—An agreement entered into under subsection (a) may be amended only with the mutual consent of the parties to the amendment and terminated only in accordance with subsection (c).

“(c) TERMINATION.—The Secretary shall terminate an agreement under subsection (a) if any element of the repository program may not be completed.

“(d) LIMITATION.—Only 1 agreement each for Nye County, Nevada, and Lincoln County, Nevada, may be in effect at any one time.

“(e) JUDICIAL REVIEW.—Decisions of the Secretary under this section are not subject to judicial review.”

“(b) Section 171 of the Nuclear Waste Policy Act of 1982 is amended to read as follows:

##### SEC. 171. CONTENT OF AGREEMENTS.

“(a) IN GENERAL.—

“(1) SCHEDULE.—The Secretary, subject to appropriations, shall make payments to the party of a benefits agreement under section 170(a) in accordance with the following schedule:

##### BENEFITS SCHEDULE

[Amounts in millions]

Event	Payment
(A) Annual payments prior to first receipt of fuel .....	\$2.5
(B) Upon first spent fuel receipt .....	5
(C) Annual payments after first spent fuel receipt until closure of facility .....	5

“(2) DEFINITIONS.—For purposes of this section, the term—

“(A) ‘spent fuel’ means high-level radioactive waste or spent nuclear fuel; and

“(B) ‘first spent fuel receipt’ does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operational demonstration.

“(3) ANNUAL PAYMENTS.—Annual payments prior to first spent fuel receipt under line (A) of the benefit schedule shall be made on the date of execution of the benefits agreement and thereafter on the anniversary date of such execution. Annual payments after the first spent fuel receipt until closure of the facility under line (C) of the benefit schedule shall be made on the anniversary date of such first spent fuel receipt.

“(4) REDUCTION.—If the first spent fuel payment under line (B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under line (A) of the benefit schedule, such first spent fuel payment under line (B) of the benefit schedule shall be reduced by an amount equal to 1/2 of such annual payment under line (A) of the benefit schedule for each full month less than 6 that has not elapsed since the last annual payment under line (A) of the benefit schedule.

“(b) CONTENTS.—A benefits agreement under section 170 shall provide that—

“(1) the parties to the agreement shall share with one another information relevant to the licensing process for the interim storage facility or repository, as it becomes available; and

“(2) the affected unit of local government that is party to such agreement may comment on the development of the repository program and on documents required under law or regulations governing the effects of the system on the public health and safety.

“(c) CONSTRUCTION.—The signature of the Secretary on a valid benefits agreement under section 170 shall constitute a commitment by the United States to make payments in accordance with such agreement.”

“(c) Section 172 of the Nuclear Waste Policy Act of 1982 is amended to read as follows:

##### “SEC. 172. ACCEPTANCE OF BENEFITS.

“(a) CONSENT.—The acceptance or use of any of the benefits provided under this title by any affected unit of local government shall not be deemed to be an expression of consent, express or implied, either under the Constitution of the State of Nevada or any

law thereof, to the siting of the repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

"(b) ARGUMENTS.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual involvement, in response to any decision by the State of Nevada, to oppose the siting in Nevada of the repository premised upon or related to the acceptance or use of benefits under this title.

"(c) LIABILITY.—No liability of any nature shall accrue to be asserted against the State of Nevada, its Governor, any official thereof, or any official of any governmental unit thereof, premised solely upon the acceptance or use of benefits under this title."

"(d) Section 173 of the Nuclear Waste Policy Act of 1982 is amended to read as follows:

**"SEC. 173. RESTRICTION ON USE OF FUNDS.**

"None of the funding provided under this title may be used—

"(1) directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code;

"(2) for litigation purposes; or

"(3) to support multistate efforts or other coalition-building activities inconsistent with the purposes of this Act."

**"SEC. 108. INITIAL LAND CONVEYANCES.**

"(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, County of Lincoln, or the City of Caliente, Nevada, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

"(b) SPECIAL CONVEYANCES.—Subject to valid existing rights and notwithstanding any other law, the Secretary of the Interior or the head of the other appropriate agency shall convey:

"(1) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: Proposed Pahrump Industrial Park Site

Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

Map 3: Pahrump Landfill Sites

Map 4: Amargosa Valley Regional Landfill Site

Map 5: Amargosa Valley Municipal Landfill Site

Map 6: Beatty Landfill/Transfer station Site

Map 7: Round Mountain Landfill Site

Map 8: Tonopah Landfill Site

Map 9: Gabbs Landfill Site.

"(2) To the County of Nye, Nevada, the following public lands depicted on the maps

dated February 1, 2000, and on file with the Secretary:

Map 1: Beatty

Map 2: Ione/Berlin

Map 3: Manhattan

Map 4: Round Mountain/Smoky Valley

Map 5: Tonopah

Map 6: Armargosa Valley

Map 7: Pahrump

"(3) To the County of Lincoln, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 2: Lincoln County, Parcel M, Industrial Park Site, Jointly with the City of Caliente

Map 3: Lincoln County, Parcels F and G, Mixed Use, Industrial Sites

Map 4: Lincoln County, Parcels H and I, Mixed Use and Airport Expansion Sites

Map 5: Lincoln County, Parcels J and K, Mixed Use, Airport and Landfill Expansion Sites

Map 6: Lincoln County, Parcels E and L, Mixed Use, Airport and Industrial Expansion Sites.

"(4) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Parcels A, B, C and D, Community Growth, Landfill Expansion and Community Recreation Sites

Map 2: City of Caliente, Parcel M, Industrial Park Site, jointly with Lincoln County.

"(5) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Industrial Park Site Expansion.

"(c) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in subsection (b) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

"(d) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Lincoln or the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

**"TITLE II—TRANSPORTATION**

**"SEC. 201. TRANSPORTATION PLANNING.**

"(a) TRANSPORTATION READINESS.—The Secretary—

"(1) shall take such actions as are necessary and appropriate to ensure that the Secretary is able to transport safely spent nuclear fuel and high-level radioactive waste from any site where such spent nuclear fuel or high-level radioactive waste is generated or stored to the Yucca Mountain site, using routes that minimize, to the maximum practicable extent and consistent with Federal requirements governing transportation of hazardous materials, transportation of spent nuclear fuel and high-level radioactive waste through populated areas; and

"(2) as soon as is practicable following the enactment of this Act, the Secretary shall, in consultation with the Secretary of Transportation and affected States and tribes, and after an opportunity for public comment, develop and implement a comprehensive management plan that ensures safe transportation of spent nuclear fuel and high-level radioactive waste from the sites designated by the contract holders to the Yucca Mountain site.

"(b) TRANSPORTATION PLANNING.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation

institutional plans to ensure that institutional issues are addressed and resolved on a schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the Yucca Mountain site no later than January 31, 2006. Among other things, such planning shall provide a schedule and process for addressing and implementing, as necessary, transportation routing plans, transportation contracting plans, transportation training in accordance with section 202, public education regarding transportation of spent nuclear fuel and high-level radioactive waste, and transportation tracking programs.

**"(c) SHIPPING CAMPAIGN TRANSPORTATION PLANS.—**

"(1) IN GENERAL.—The Secretary shall develop a transportation plan for the implementation of each shipping campaign (as that term is defined by the Secretary) from each site at which spent nuclear fuel or high-level nuclear waste is stored, consistent with the principles and procedures stated in Department of Energy Order No. 460.2 and the Program Manager's Guide.

"(2) REQUIREMENTS.—A shipping campaign transportation plan shall—

"(A) be fully integrated with State and tribal government notification, inspection, and emergency response plans along the preferred shipping route or State-designated alternative route identified under subsection (d) (unless the Secretary certifies in the plan that the State or tribal government has failed to cooperate in fully integrating the shipping campaign transportation plan with the applicable State or tribal government plans); and

"(B) be consistent with the principles and procedures developed for the safe transportation of transuranic waste to the Waste Isolation Pilot Plant (unless the Secretary certifies in the plan that a specific principle or procedure is inconsistent with a provision of this Act.)

"(d) SAFE SHIPPING ROUTES AND MODES.—

"(1) IN GENERAL.—The Secretary shall evaluate the relative safety of the proposed shipping routes and shipping modes from each shipping origin to the repository compared with the safety of alternative modes and routes.

"(2) DESIGNATION OF PREFERRED SHIPPING ROUTE AND MODE.—Following the evaluation under paragraph (1)—

"(A) PREFERRED SHIPPING ROUTES.—The Secretary shall select and cause to be used preferred shipping routes for the transportation of spent nuclear fuel and high level radioactive waste from each shipping origin to the repository—

"(i) in accordance with the regulations promulgated by the Secretary of Transportation under authority of the Hazardous Materials Transportation Act (chapter 51 of title 49, United States Code) and by the Nuclear Regulatory Commission under authority of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.),

"(ii) consistent with federal highway bridge and tunnel restrictions regarding radioactive materials, and

"(iii) avoiding highways with down grades of more than seven percent.

"(B) STATE REROUTING.—For purposes of this section, a preferred route shall be an Interstate System highway for which an alternative route is not designated by a State routing agency, or a State-designated route designated by a State routing agency pursuant to section 397.103 of Title 49 Code of Federal Regulations.

"(3) SELECTION OF PRIMARY SHIPPING ROUTE.—If the Secretary designates more than 1 preferred route under paragraph (3), the Secretary shall select a primary route after considering, at a minimum, historical

accident rates, population, significant hazards, shipping time, shipping distance, and mitigating measures such as limits on the speed of shipments.

“(4) USE OF PRIMARY SHIPPING ROUTE AND MODE.—Except in cases of emergency, for all shipments conducted under this Act, the Secretary shall cause the primary shipping route and mode or State-designated alternative route under chapter 51 of title 49, United States Code, to be used. If a route is designated as a primary route for any reactor or Department of Energy facility, the Secretary may use that route to transport spent nuclear fuel or high-level radioactive waste from any other reactor or Department of Energy facility.

“(5) TRAINING AND TECHNICAL ASSISTANCE.—Following selection of the primary shipping routes, or State-designated alternative routes, the Secretary shall focus training and technical assistance under section 202(c) on those routes.

“(6) PREFERRED RAIL ROUTES.—

“(A) REGULATION.—Not later than 1 year after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, the Secretary of Transportation, pursuant to authority under other provisions of law, shall promulgate a regulation establishing procedures for the selection of preferred routes for the transportation of spent nuclear fuel and high-level radioactive waste by rail.

“(B) INTERIM PROVISION.—During the period beginning on the date of enactment of the Nuclear Waste Policy Act of 2000 and ending on the date of issuance of a final regulation under subparagraph (A), rail transportation of spent nuclear fuel and high-level radioactive waste shall be conducted in accordance with regulatory requirements in effect on that date and with this section.

#### “SEC. 202. TRANSPORTATION REQUIREMENTS.

“(a) PACKAGE CERTIFICATION.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages that have been certified for such purposes by the Commission.

“(b) STATE NOTIFICATION.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and tribal governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

“(c) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—

“(A) STATES AND INDIAN TRIBES.—As provided in paragraph (3), the Secretary shall provide technical assistance and funds to States and Indian tribes for training of public safety officials of appropriate units of State, local, and tribal government. A State shall allocate to local governments within the State a portion of any funds that the Secretary provides to the State for technical assistance and funding.

“(B) EMPLOYEE ORGANIZATIONS.—The Secretary shall provide technical assistance and funds for training directly to nonprofit employee organizations, voluntary emergency response organizations, and joint labor-management organizations that demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste or emergency response or post-emergency response with respect to such transportation.

“(C) TRAINING.—Training under this section—

“(i) shall cover procedures required for safe routine transportation of materials and pro-

cedures for dealing with emergency response situations;

“(ii) shall be consistent with any training standards established by the Secretary of Transportation under subsection (h); and

“(iii) shall include—

“(I) a training program applicable to persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste;

“(II) instruction of public safety officers in procedures for the command and control of the response to any incident involving the waste; and

“(III) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving spent nuclear fuel or high-level radioactive waste being transported.

“(2) NO SHIPMENTS IF NO TRAINING.—

“(A) There shall be no shipments by the Secretary of spent nuclear fuel and high-level radioactive waste through the jurisdiction of any State or the reservation lands of any Indian tribe eligible for grants under paragraph 3(B) to the repository until the Secretary has made a determination that personnel in all State, local, and tribal jurisdictions on primary and alternative shipping routes have met acceptable standards of training for emergency responses to accidents involving spent nuclear fuel and high-level radioactive waste, as established by the Secretary, and unless technical assistance and funds to implement procedures for the safe routine transportation and for dealing with emergency response situations under paragraph 1(A) have been available to a State or Indian tribe for at least 3 years prior to any shipment: *Provided, however*, That the Secretary may ship spent nuclear fuel and high-level radioactive waste if technical assistance or funds have not been made available because of—

“(i) an emergency, including the sudden and unforeseen closure of a highway or rail line or the sudden and unforeseen need to remove spent fuel from a reactor because of an accident, or

“(ii) the refusal to accept technical assistance by a State or Indian tribe, or

“(iii) fraudulent actions which violate Federal law governing the expenditure of Federal funds.

“(B) In the event the Secretary is required to transport spent fuel or high-level radioactive waste through a jurisdiction prior to 3 years after the provision of technical assistance or funds to such jurisdiction, the Secretary shall, prior to such shipment, hold meetings in each State and Indian reservation through which the shipping route passes in order to present initial shipment plans and receive comments. Department of Energy personnel trained in emergency response shall escort each shipment. Funds and all Department of Energy training resources shall be made available to States and Indian tribes along the shipping route no later than three months prior to the commencement of shipments: *Provided, however*, That in no event shall such shipments exceed 1,000 metric tons per year: *Provided further*, That no such shipments shall be conducted more than four years after the effective date of the Nuclear Waste Policy Amendments Act of 2000.

“(3) GRANTS.—

“(A) IN GENERAL.—To implement this section, the Secretary may make expenditures from the Nuclear Waste Fund to the extent provided for in appropriation acts.

“(B) GRANTS FOR DEVELOPMENT OF PLANS.—

“(i) IN GENERAL.—The Secretary shall make a grant of at least \$150,000 to each State through the jurisdiction of which and each federally recognized Indian tribe

through the reservation lands of which one or more shipments of spent nuclear fuel or high-level radioactive waste will be made under this Act for the purpose of developing a plan to prepare for such shipments.

“(ii) LIMITATION.—A grant shall be made under clause (i) only to a State or a federally recognized Indian tribe that has the authority to respond to incidents involving shipments of hazardous material.

“(C) GRANTS FOR IMPLEMENTATION OF PLANS.—

“(i) IN GENERAL.—Annual implementation grants shall be made to States and Indian tribes that have developed a plan to prepare for shipments under this Act under subparagraph (B). The Secretary, in submitting the annual departmental budget to Congress for funding of implementation grants under this section, shall be guided by the State and tribal plans developed under subparagraph (B). As part of the Department of Energy's annual budget request, the Secretary shall report to Congress on—

“(I) the funds requested by States and federally recognized Indian tribes to implement this subsection;

“(II) the amount requested by the President for implementation; and

“(III) the rationale for any discrepancies between the amounts requested by States and federally recognized Indian tribes and the amounts requested by the President.

“(ii) ALLOCATION.—Of funds available for grants under this subparagraph for any fiscal year—

“(I) 25 percent shall be allocated by the Secretary to ensure minimum funding and program capability levels in all States and Indian tribes based on plans developed under subparagraph (B); and

“(II) 75 percent shall be allocated to States and Indian tribes in proportion to the number of shipment miles that are projected to be made in total shipments under this Act through each jurisdiction.

“(4) AVAILABILITY OF FUNDS FOR SHIPMENTS.—Funds under paragraph (1) shall be provided for shipments to a repository, regardless of whether the repository is operated by a private entity or by the Department of Energy.

“(5) MINIMIZING DUPLICATION OF EFFORT AND EXPENSES.—The Secretaries of Transportation, Labor, and Energy, Directors of the Federal Emergency Management Agency and National Institute of Environmental Health Sciences, the Nuclear Regulatory Commission, and Administrator of the Environmental Protection Agency shall review periodically, with the head of each department, agency, or instrumentality of the Government, all emergency response and preparedness training programs of that department, agency, or instrumentality to minimize duplication of effort and expense of the department, agency, or instrumentality in carrying out the programs and shall take necessary action to minimize duplication.

“(d) PUBLIC INFORMATION.—The Secretary shall conduct a program, in cooperation with corridor states and tribes, to inform the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis on those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste.

“(e) USE OF PRIVATE CARRIERS.—The Secretary, in providing for the transportation of spent nuclear fuel and high-level radioactive waste under this Act, shall contract with private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination by the Secretary of Transportation, in consultation with the Secretary,

that private industry is unable or unwilling to provide such transportation services at a reasonable cost.

“(f) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Amendments Act of 2000, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the Federal, State and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by section 5126 of title 49, United States Code.

“(g) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of section 20109 of title 49, United States Code (in the case of employees of railroad carriers) and section 31105 of title 49, United States Code (in the case of employees operating commercial motor vehicles), or the Commission (in the case of all other employees).

“(h) TRAINING STANDARD.—

“(1) REGULATION.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standard before any individual may be employed in the removal and transportation of spent nuclear fuel or high-level radioactive waste.

“(2) SECRETARY OF TRANSPORTATION.—If the Secretary of Transportation determines, in promulgating the regulation required by paragraph (1), that existing Federal regulations establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall, by Memorandum of Understanding, ensure coordination of worker training standards and to avoid duplicative regulation.

“(3) TRAINING STANDARDS CONTENT.—(A) If training standards are required to be promulgated under paragraph (1), such standards shall, among other things deemed necessary and appropriate by the Secretary of Transportation, provide for—

“(i) a specified minimum number of hours of initial off site instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

“(ii) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

“(iii) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

“(B) The Secretary of Transportation may specify an appropriate combination of knowledge, skills, and prior training to ful-

fill the minimum number of hours requirements of subparagraphs (i) and (ii).

“(4) EMERGENCY RESPONDER TRAINING STANDARDS.—The training standards for persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear and high level radioactive waste shall, in accordance with existing regulations, ensure their ability to protect nearby persons, property, or the environment from the effects of accidents involving spent nuclear fuel and high-level radioactive waste.

“(5) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

#### “TITLE III—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

##### “SEC. 301. FINDINGS.

“(1) Prior to permanent closure of the geologic repository in Yucca Mountain, Congress must determine whether the spent fuel in the repository should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements;

“(2) Future use of nuclear energy may require construction of a second geologic repository unless Yucca Mountain can safely accommodate additional spent fuel. Improved spent fuel strategies may increase the capacity of Yucca Mountain.

“(3) Prior to construction of any second permanent geologic repository, the nation's current plans for permanent burial of spent fuel should be re-evaluated.

##### “SEC. 302. OFFICE OF SPENT NUCLEAR FUEL RESEARCH

“(a) ESTABLISHMENT.—There is hereby established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy. The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

“(b) ASSOCIATE DIRECTOR.—The Associate Director of the Office of Spent Nuclear Fuel Research shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Associate Director of the Office shall report to the Director of the Office of Nuclear Energy Science and Technology. The first such Associate Director shall be appointed within 90 days of the enactment of the Nuclear Waste Policy Amendments Act of 2000.

“(c) GRANT AND CONTRACT AUTHORITY.—In carrying out his responsibilities under this Section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in (d)(2).

“(d)(1) DUTIES.—The Associate Director of the Office shall involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

“(2) The Associate Director of the Office shall:

“(A) develop a research plan to provide recommendations by 2015;

“(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

“(C) conduct research and development activities for promising technologies;

“(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to the health of the general public or site workers, as well as development of cost-effective technologies;

“(E) require research on both reactor- and accelerator-based transmutation systems;

“(F) require research on advanced processing and separations;

“(G) encourage that research efforts include participation of international collaborators;

“(H) be authorized to fund international collaborators when they bring unique capabilities not available in the United States and their host country is unable to provide for their support;

“(I) ensure that research efforts with this Office are coordinated with research on advanced fuel cycles and reactors conducted within the Office of Nuclear Energy Science and Technology.

“(e) REPORT.—The Associate Director of the Office of Spent Nuclear Fuel Research shall annually prepare and submit a report to the Congress on the activities and expenditures of the Office that discusses progress being made in achieving the objectives of paragraph (b).

#### “TITLE IV—GENERAL AND MISCELLANEOUS

##### “SEC. 401. DECOMMISSIONING PILOT PROGRAM.

“(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

“(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

##### “SEC. 402. REPORTS.

“(a) The Secretary is directed to report within 90 days from enactment of this Act regarding all alternatives available to Northern States Power Company and the Federal government which would allow Northern States Power Company to operate the Prairie Island Nuclear Generating Plant until the end of the term of its current NRC licenses, assuming existing state and federal laws remain unchanged.

“(b) Within six months of enactment of this Act, the General Accounting Office is directed to report back to the Senate Committee on Energy and Natural Resources and the House Committee on Commerce on the potential economic impacts to Minnesota ratepayers should the Prairie Island Nuclear Generating Plant cease operations once it has met its state imposed storage limitation, including the costs of new generation, decommissioning costs, and the costs of continued operation of on-site storage of spent fuel storage.”

##### “SEC. 403. SEPARABILITY.

“If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.”

#### WYDEN AMENDMENT NO. 2809

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to amendment No. 2808 proposed by Mr. MURKOWSKI, to the bill, S. 1287, *supra*; as follows:

On page 17, between lines 13 and 14, insert the following:

**SEC. 107. LIMITATION ON USE OF THE HANFORD NUCLEAR RESERVATION FOR WASTE STORAGE OR DISPOSAL.**

Notwithstanding any other provision of law, the Hanford Nuclear Reservation in the State of Washington shall not be used for storage or disposal of—

(1) spent nuclear fuel or high-level radioactive waste from any civilian nuclear power reactor; or

(2) any spent nuclear fuel or high-level nuclear waste generated by or in connection with operation of the Fast Flux Test Facility, except for fuel or waste generated solely and directly from production of isotopes for medical diagnosis or treatment.

**BINGAMAN AMENDMENTS NOS. 2810-2812**

(Ordered to lie on the table.)

Mr. BINGAMAN submitted three amendments intended to be proposed by him to amendment No. 2808 proposed by Mr. MURKOWSKI to the bill, S. 1287, supra; as follows:

**AMENDMENT No. 2810**

On page 23, strike line 19 and all that follows through page 25, line 8 and renumbered subsequent sections accordingly.

**AMENDMENT No. 2811**

On page 9, after line 8, add the following:

“(3) Nothing in this Act shall be construed to subject the United States to financial liability for the Secretary’s failure to meet any deadline for the acceptance or emplacement of spent nuclear fuel or high-level radioactive waste for storage or disposal under this Act.”

**AMENDMENT No. 2812**

On page 17, after line 15, add the following:

**“SEC. 109. ONE-TIME FEE.**

“Notwithstanding section 302(c)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)(1)), all receipts, proceeds, and recoveries realized by the Secretary under section 302(a)(3) of such Act that are received before the date on which section 110 of this Act takes effect shall be retained by the Secretary and shall be available for expenditure for purposes of radioactive waste disposal activities under titles I and II of the Nuclear Waste Policy Act of 1982 and section 110 of this Act, without further appropriation, but subject to limitations that may be included in appropriation acts.

**“SEC. 110. REPOSITORY FUNDING.**

“(a) USE OF FUND.—Section 302(e)(2) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e)(2)) is amended by striking the last two sentences and inserting the following:

“‘The Secretary may make expenditures from the Waste Fund without further appropriation, but subject to limitations that may be included in appropriation acts.’.

“(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of subsequent legislation that amends the discretionary spending limits in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)), except for subsequent legislation that alters or affects such limits in strict conformance with section 251(b) of such Act (2 U.S.C. 901(b)), in effect on the date of enactment of this section.”.

**MURKOWSKI AMENDMENT No. 2813**

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to amendment No. 2808 proposed

by him to the bill, S. 1287, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**“SECTION 1. SHORT TITLE.**

“This Act may be cited as the ‘Nuclear Waste Policy Amendments Act of 2000’.

**“SEC. 2. DEFINITIONS.**

“For purposes of this Act—

“(1) the term ‘contract holder’ means a party to a contract with the Secretary of Energy for the disposal of spent nuclear fuel or high-level radioactive waste entered in pursuant to section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)); and

“(2) the terms ‘Administrator’, ‘civilian nuclear power reactor’, ‘Commission’, ‘Department’, ‘disposal’, ‘high-level radioactive waste’, ‘Indian tribe’, ‘repository’, ‘reservation’, ‘Secretary’, ‘spent nuclear fuel’, ‘State’, ‘storage’, ‘Waste Fund’, and ‘Yucca Mountain site’ shall have the meanings given such terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

**“TITLE I—STORAGE AND DISPOSAL**

**“SEC. 101. PROGRAM SCHEDULE.**

“(a) IN GENERAL.—The President, the Secretary, and the Nuclear Regulatory Commission shall carry out their duties under this Act and the Nuclear Waste Policy Act of 1982 by the earliest practicable date consistent with the public interest and applicable provisions of law.

**“(b) MILESTONES.—**

“(1) The Secretary shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the President by December 31, 2001;

“(2) The President shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the Congress by March 31, 2002;

“(3) The Nuclear Regulatory Commission shall make a final decision whether to authorize construction of the repository by January 31, 2006; and

“(4) As provided in subsection (c), the Secretary shall begin receiving waste at the repository site at the earliest practicable date and no later than eighteen months after receiving construction authorization from the Nuclear Regulatory Commission.

**“(c) RECEIPT FACILITIES.—**

“(1) As part of the submission of an application for a construction authorization pursuant to section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)), the Secretary shall apply to the Commission to receive and possess spent nuclear fuel and high-level radioactive waste at surface facilities within the geologic repository operations area for the receipt, handling, packaging, and storage prior to emplacement.

“(2) As part of the issuance of the construction authorization under section 114(b) of the Nuclear Waste Policy Act of 1982, the Commission shall authorize construction of surface facilities described in subsection (c)(1) and the receipt and possession of spent nuclear fuel and high-level radioactive waste at such surface facilities within the geologic repository operations area for the purposes in subsection (c)(1), in accordance with such standards as the Commission finds are necessary to protect the public health and safety.

**“SEC. 102. BACKUP STORAGE CAPACITY.**

“(a) Subject to section 105(d), the Secretary shall enter into a contract under this subsection with any person generating or owning spent nuclear fuel that meets the requirements of section 135(b)(1)(A) and (B) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10155(b)(1)(A) and (B)) to—

“(1) take title at the civilian nuclear power reactor site to such amounts of spent nu-

clear fuel from the civilian nuclear power reactor as the Commission determines cannot be stored onsite; and

“(2) transport such spent nuclear fuel to, and store such spent nuclear fuel at, the repository site after the Commission has authorized construction of the repository without regard to the Secretary’s Acceptance Priority Ranking report or Annual Capacity Report.

**SEC. 103. REPOSITORY LICENSING.**

(a) ADOPTION OF STANDARDS.—Notwithstanding the time schedule in section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note), the Administrator shall not publish or adopt public health and safety standards for the protection of the public from releases from radioactive materials stored or disposed of in the repository at the Yucca Mountain site—

(1) except in accordance with this section; and

(2) before June 1, 2001.

(b) CONSULTATION AND REPORTS TO CONGRESS.—

(1) Not later than 30 days after the enactment of this Act, the Administrator shall provide the Commission and the National Academy of Sciences—

(A) a detailed written comparison of the provisions of the proposed Environmental Protection Standards for Yucca Mountain, Nevada, published in the Federal Register on August 27, 1999 (64 Fed. Reg. 46,975) with the recommendations made by the National Academy of Sciences in its report, Technical Bases for Yucca Mountain Standards, pursuant to section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note); and

(B) the scientific basis for the proposed rule.

(2) Not later than April 1, 2001, the Commission and the National Academy of Sciences shall, based on the proposed rule and the information provided by the Administrator under paragraph (1), each submit a report to Congress on whether the proposed rule—

(A) is consistent with section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note);

(B) provide a reasonable expectation that the public health and safety and the environment will be adequately protected from the hazards posed by high-level radioactive waste and spent nuclear fuel disposed of in the repository;

(C) is based on the best reasonably obtainable scientific and technical information concerning the need for, and consequences of, the rule; and

(D) imposes the least burden, consistent with obtaining the regulatory objective of protecting the public health and safety and the environment.

(3) In the event that either the Commission or the National Academy of Sciences finds that the proposed rule does not meet one or more of the criteria listed in paragraph (2), it shall notify the Administrator not later than April 1, 2001 of its finding and the basis for such finding.

(c) APPLICATION OF CONGRESSIONAL REVIEW PROCEDURES.—Any final rule promulgated under section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) shall be treated as a major rule for purposes of chapter 8 of title 5, United States Code, and shall be subject to all the requirements and procedures pertaining to a major rule in such chapter.

“(d) CAPACITY.—Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking ‘The Commission decision approving the first such application . . .’ through the period at the end of the sentence.



**“SEC. 104. NUCLEAR WASTE FEE.**

The last sentence of section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is amended to read as follows:

“The adjusted fee proposed by the Secretary shall be effective upon enactment of a joint resolution or other provision of law specifically approving the adjusted fee.”

**“SEC. 105. SETTLEMENT AGREEMENTS.**

“(a) IN GENERAL.—The Secretary may, upon the request of any person with whom he has entered into a contract under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), enter into a settlement agreement with the contract holder to—

“(1) relieve any harm caused by the Secretary's failure to meet the Department's commitment, or

“(2) settle any legal claims against the United States arising out of such failure.

“(b) TYPES OF RELIEF.—Pursuant to a settlement agreement entered into under this section, the Secretary may—

“(1) provide spent nuclear fuel storage casks to the contract holder;

“(2) compensate the contract holder for the cost of providing spent nuclear fuel storage at the contract holders' storage facility; or

“(3) provide any combination of the foregoing.

“(c) SCOPE OF RELIEF.—The Secretary's obligation to provide the relief under subsection (b) shall not exceed the Secretary's obligation to accept delivery of such spent fuel under the terms of the Secretary's contract with such contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), including any otherwise permissible assignment of rights.

“(d) WAIVER OF CLAIMS.—(1) The Secretary may not enter into a settlement agreement under subsection (a) or (f) or a backup contract under section 102(a) with any contract holder unless the contract holder—

“(A) notifies the Secretary within 180 days after the date of enactment of this Act of its intent to enter into a settlement negotiations, and

“(B) as part of such settlement agreement or backup contract, waives any claim for damages against the United States arising out of the Secretary's failure to begin disposing of such person's high-level waste or spent nuclear fuel by January 31, 1998.

“(2) Nothing in this subsection shall be read to require a contract holder to waive any future claim against the United States arising out of the Secretary's failure to meet any new obligation assumed under a settlement agreement or backup storage agreement, including any obligation related to the movement of spent fuel by the Department.

“(e) SOURCE OF FUNDS.—Notwithstanding section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)), the Secretary may not make expenditures from the Nuclear Waste Fund for any costs that may be incurred by the Secretary pursuant to a settlement agreement or backup storage contract under this Act except—

“(1) the cost of acquiring and loading spent nuclear fuel casks;

“(2) the cost of transporting spent nuclear fuel from the contract holder's site to the repository; and

“(3) any other cost incurred by the Secretary required to perform a settlement agreement or backup storage contract that would have been incurred by the Secretary under the contracts entered into under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) notwithstanding their amendment pursuant to this Act.

“(f) REACTOR DEMONSTRATION PROGRAM.—(1) Not later than 120 days after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, and notwith-

standing Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Secretary is authorized to take title to the spent nuclear fuel withdrawn from the demonstration reactor remaining from the Cooperative Power Reactor Demonstration Program (Pub. L. No. 87-315, Sec. 109, 75 Stat. 679), the Dairyland Power Cooperative La Crosse Boiling Water Reactor. Immediately upon the Secretary's taking title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage, from the date of taking title until the Secretary removes the spent nuclear fuel from the Dairyland Power Cooperative La Crosse Boiling Water Reactor site. The Secretary's obligation to take title or compensate the holder of the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel under this subsection shall include all of such fuel, regardless of the delivery commitment schedule for such fuel under the Secretary's contract with the Dairyland Power Cooperative as the contract holder under Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or the acceptance schedule for such fuel under Section 106 of this Act.

“(2) As a condition to the Secretary's taking of title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the contract holder for such fuel shall enter into a settlement agreement containing a waiver of claims against the United States as provided in this section.

“(g) SAVINGS CLAUSE.—(1) Nothing in this section shall limit the Secretary's existing authority to enter into settlement agreements or address shutdown reactors and any associated public health and safety or environmental concerns that may arise.

“(2) Nothing in this Act diminishes obligations imposed upon the Federal Government by the United States District Court of Idaho in an order entered on October 17, 1995 in *United States v. Batt* (No. 91-0054-S-EJL). To the extent this Act imposes obligations on the Federal Government that are greater than those imposed by the court order, the provisions of this Act shall prevail.”

**“SEC. 106. ACCEPTANCE SCHEDULE.**

“(a) PRIORITY RANKING.—Acceptance priority ranking shall be determined by the Department's 'Acceptance Priority Ranking' report.

“(b) ACCEPTANCE RATE.—As soon as practicable after construction authorization, but no later than eighteen months after the year of issuance of a licence to receive and possess spent nuclear fuel and high-level radioactive waste under section 101(c), the Secretary's total acceptance rate for all spent nuclear fuel and high-level waste shall be a rate no less than the following as measured in metric tonnes uranium (MTU), assuming that each high-level waste canister contains 0.5 MTU: 500 MTU in year 1, 700 MTU in year 2, 1300 MTU in year 3, 2100 MTU in year 4, 3100 MTU in year 5, 3300 MTU in years 6, 7, and 8, 3400 MTU in years 9 through 24, and 3900 MTU in year 25 and thereafter.

“(c) OTHER ACCEPTANCES.—Subject to the conditions contained in the license to receive and possess spent nuclear fuel and high-level radioactive waste issued under section 101(c), of the amounts provided for in paragraph (b) for each year, not less than one-sixth shall be—

“(1) spent nuclear fuel or civilian high-level radioactive waste of domestic origin

from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act Amendments of 2000;

“(2) spent nuclear fuel from foreign research reactors, as necessary to promote nonproliferation activities; and

“(3) spent nuclear fuel and high-level radioactive waste from research and atomic energy defense activities, including spent nuclear fuel from naval reactors.

*Provided, however,* That the Secretary shall accept not less than 7.5 percent of the total quantity of fuel and high-level radioactive waste accepted in any year from the categories of radioactive materials described in paragraphs (2) and (3) in subsection (c). If sufficient amounts of radioactive materials are not available to utilize this allocation, the Secretary shall allocate this acceptance capacity to other contract holders.

“(4) EFFECT ON SCHEDULE.—The contractual acceptance schedule shall not be modified in any way as a result of the Secretary's acceptance of any material other than contract holders' spent nuclear fuel and high-level radioactive waste.

“(5) MULTI-YEAR SHIPPING CAMPAIGNS.—Consistent with the acceptance schedule, the Secretary shall, in conjunction with contract holders, define a specified multi-year period for each shipping campaign and establish criteria under which the Secretary could accept contract holders' cumulative allocations of spent nuclear fuel during the campaign period at one time and thereby enhance the efficiency and cost-effectiveness of spent nuclear fuel and high-level waste acceptance.

**“SEC. 107. INITIAL LAND CONVEYANCES.**

“(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, County of Lincoln, or the City of Caliente, Nevada, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

“(b) SPECIAL CONVEYANCES.—Subject to valid existing rights and notwithstanding any other law, the Secretary of the Interior or the head of the other appropriate agency shall convey:

“(1) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: Proposed Pahrump Industrial Park Site

Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

Map 3: Pahrump Landfill Sites

Map 4: Amargosa Valley Regional Landfill Site

Map 5: Amargosa Valley Municipal Landfill Site

Map 6: Beatty Landfill/Transfer station Site

Map 7: Round Mountain Landfill Site

Map 8: Tonopah Landfill Site

Map 9: Gabbs Landfill Site.

"(2) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000 and on file with the Secretary:

Map 1: Beatty

Map 2: Ione/Berlin

Map 3: Manhattan

Map 4: Round Mountain/Smoky Valley

Map 5: Tonopah

Map 6: Armargosa Valley

Map 7: Pahrump

"(3) To the County of Lincoln, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 2: Lincoln County, Parcel M, Industrial Park Site, Jointly with the City of Caliente

Map 3: Lincoln County, Parcels F and G, Mixed Use, Industrial Sites

Map 4: Lincoln County, Parcels H and I, Mixed Use and Airport Expansion Sites

Map 5: Lincoln County, Parcels J and K, Mixed Use, Airport and Landfill Expansion Sites

Map 6: Lincoln County, Parcels E and L, Mixed Use, Airport and Industrial Expansion Sites.

"(4) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Parcels A, B, C and D, Community Growth, Landfill Expansion and Community Recreation Sites

Map 2: City of Caliente, Parcel M, Industrial Park Site, jointly with Lincoln County.

"(5) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Industrial Park Site Expansion.

"(c) CONSTRUCTION.—The maps and legal descriptions of special conveyance referred to in subsection (b) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

"(d) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Lincoln or the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

"(e)(1) CONSENT.—The acceptance or use of any of the benefits provided under this title by any affected unit of local government shall not be deemed to be an expression of consent, express or implied, either under the Constitution of the State of Nevada or any law thereof, to the siting of the repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

"(2) ARGUMENTS.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual involvement, in response to any decision by the State of Nevada, to oppose the siting in Nevada of the repository premised upon or related to the acceptance or use of benefits under this title.

"(3) LIABILITY.—No liability of any nature shall accrue to be asserted against the State of Nevada, its Governor, any official thereof, or any official of any governmental unit thereof, premised solely upon the acceptance or use of benefits under this title.

## "TITLE II—TRANSPORTATION

### "SEC. 201. TRANSPORTATION.

Section 180 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10175) is amended to read as follows:

#### "TRANSPORTATION

"SEC. 180. (a) IN GENERAL.—The transportation of spent nuclear fuel and high-level radioactive waste from any civilian nuclear power reactor to any other civilian nuclear power reactor or to any Department of Energy Facility, by or for the Secretary, or by or for any person who owns or generates spent nuclear fuel or high-level radioactive waste, shall be subject to licensing and regulation by the Commission and the Secretary of Transportation under all applicable provisions of existing law.

"(1) PREFERRED SHIPPING ROUTES.—The Secretary shall select and cause to be used preferred shipping routes for the transportation of spent nuclear fuel and high level radioactive waste from each shipping origin to the repository in accordance with the regulations promulgated by the Secretary of Transportation under authority of Hazardous Materials Transportation Act (chapter 51 of title 49, United State Code) and by the Nuclear Regulatory Commission under authority of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.).

"(2) STATE REROUTING.—For purposes of this section, a preferred route shall be an Interstate System highway for which an alternative route is not designated by a State routing agency, or a State-designated route designated by a State routing agency pursuant to section 397.103 of Title 49, Code of Federal Regulations.

"(b) SHIPPING CONTAINERS.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages—

"(1) the design of which has been certified by the Commission; and

"(2) that have been determined by the Commission to satisfy its quality assurance requirements.

"(c) NOTIFICATION.—The Secretary shall provide advance notification to States and Indian tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste.

"(d) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—

"(A) STATES AND INDIAN TRIBES.—As provided in paragraph (3), the Secretary shall provide technical assistance and funds to States and Indian tribes for training of public safety officials or appropriate units of State, local, and tribal government. A State shall allocate to local governments within the State a portion of any funds that the Secretary provides to the State for technical assistance and funding.

"(B) EMPLOYEE ORGANIZATIONS.—The Secretary shall provide technical assistance and funds for training directly to nonprofit employee organizations, voluntary emergency response organizations, and joint labor-management organizations that demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste or emergency response or post-emergency response with respect to such transportation.

"(C) TRAINING.—Training under this section—

"(i) shall cover procedures required for safe routine transportation of materials and procedures for dealing with emergency response situations;

"(ii) shall be consistent with any training standards established by the Secretary of Transportation under subsection (h); and

"(iii) shall include—

"(1) a training program applicable to persons responsible for responding to emergency

situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste;

"(II) instruction of public safety officers in procedures for the command and control of the response to any incident involving the waste; and

"(III) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving spent nuclear fuel or high-level radioactive waste being transported.

"(2) NO SHIPMENTS IF NO TRAINING.—

"(A) There shall be no shipments by the Secretary of spent nuclear fuel and high-level radioactive waste through the jurisdiction of any State or the reservation lands of any Indian tribe eligible for grants under paragraph (3)(B) to the repository until the Secretary has made a determination that personnel in all State, local, and tribal jurisdictions on primary and alternative shipping routes have met acceptable standards of training for emergency responses to accidents involving spent nuclear fuel and high-level radioactive waste, as established by the Secretary, and unless technical assistance and funds to implement procedures for the safe routine transportation and for dealing with emergency response situations under paragraph (1)(A) have been available to a State or Indian tribe for at least 3 years prior to any shipment: *Provided, however*, That the Secretary may ship spent nuclear fuel and high-level radioactive waste if technical assistance or funds have not been made available because of—

"(i) an emergency, including the sudden and unforeseen closure of a highway or rail line or the sudden and unforeseen need to remove spent fuel from a reactor because of an accident, or

"(ii) the refusal to accept technical assistance by a State or Indian tribe, or

"(iii) fraudulent actions which violate Federal law governing the expenditure of Federal funds.

"(B) In the event the Secretary is required to transport spent fuel or high-level radioactive waste through a jurisdiction prior to 3 years after the provision of technical assistance or funds to such jurisdiction, the Secretary shall, prior to such shipment, hold meetings in each State and Indian reservation through which the shipping route passes in order to present initial shipment plans and receive comments. Department of Energy personnel trained in emergency response shall escort each shipment. Funds and all Department of Energy training resources shall be made available to States and Indian tribes along the shipping route no later than three months prior to the commencement of shipments: *Provided, however*, That in no event shall such shipments exceed 1,000 metric tons per year: *Provided further*, That no such shipments shall be conducted more than four years after the effective date of the Nuclear Waste Policy Amendments Act of 2000.

"(3) GRANTS.—

"(A) IN GENERAL.—To implement this section, the Secretary may make expenditures from the Nuclear Waste Fund to the extent provided for in appropriation acts.

"(B) GRANTS FOR DEVELOPMENT OF PLANS.—

"(i) IN GENERAL.—The Secretary shall make a grant of at least \$150,000 to each State through the jurisdiction of which and each federally recognized Indian tribe through the reservation lands of which one or more shipments of spent nuclear fuel or high-level radioactive waste will be made under this Act for the purpose of developing a plan to prepare for such shipments.

"(ii) LIMITATION.—A grant shall be made under clause (i) only to a State or a federally recognized Indian tribe that has the authority to respond to incidents involving shipments of hazardous material.

“(C) GRANTS FOR IMPLEMENTATION OF PLANS.—

“(i) In general.—Annual implementation grants shall be made to States and Indian tribes that have developed a plan to prepare for shipments under this Act under subparagraph (B). The Secretary, in submitting the annual departmental budget to Congress for funding of implementation grants under this section, shall be guided by the State and tribal plans developed under subparagraph (B). As part of the Department of Energy's annual budget request, the Secretary shall report to Congress on—

“(I) the funds requested by States and federally recognized Indian tribes to implement this subsection;

“(II) the amount requested by the President for implementation; and

“(III) the rationale for any discrepancies between the amounts requested by States and federal recognized Indian tribes and the amounts requested by the President.

“(ii) ALLOCATION.—Of funds available for grants under this subparagraph for any fiscal year—

“(I) 25 percent shall be allocated by the Secretary to ensure minimum funding and program capability levels in all States and Indian tribes based on plans developed under subparagraph (B); and

“(II) 75 percent shall be allocated to States and Indian tribes in proportion to the number of shipment miles that are projected to be made in total shipments under this Act through each jurisdiction.

“(4) AVAILABILITY OF FUNDS FOR SHIPMENTS.—Funds under paragraph (1) shall be provided for shipments to a repository, regardless of whether the repository is operated by a private entity or by the Department of Energy.

“(5) MINIMIZING DUPLICATION OF EFFORT AND EXPENSES.—The Secretaries of Transportation, Labor, and Energy, Directors of the Federal Emergency Management Agency and National Institute of Environmental Health Sciences, the Nuclear Regulatory Commission, and Administrator of the Environmental Protection Agency shall review periodically, with the head of each department, agency, or instrumentality of the Government, all emergency response and preparedness training programs of that department, agency, or instrumentality to minimize duplication of effort and expense of the department, agency, or instrumentality in carrying out the programs and shall take necessary action to minimize duplication.

“(e) PUBLIC INFORMATION.—The Secretary shall conduct a program, in cooperation with corridor states and tribes, to inform the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis on those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste.

“(f) USE OF PRIVATE CARRIERS.—The Secretary, in providing for the transportation of spent nuclear fuel and high-level radioactive waste under this Act, shall contract with private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination by the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at a reasonable cost.

“(g) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Amendments Act of 2000, pursuant to a contract with the Secretary, shall comply with

all requirements governing such transportation issued by the Federal, State and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by section 5126 of title 49, United States Code.

“(h) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of section 21019 of title 49, United States Code (in the case of employees of railroad carriers) and section 31105 of title 49, United States Code (in the case of employees operating commercial motor vehicles), or the Commission (in the case of all other employees).

“(i) TRAINING STANDARD.—

“(1) REGULATION.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standard before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

“(2) SECRETARY OF TRANSPORTATION.—If the Secretary of Transportation determines, in promulgating the regulation required by paragraph (1), that existing Federal regulations establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall, by Memorandum of Understanding, ensure coordination of worker training standards and to avoid duplicative regulation.

“(3) TRAINING STANDARDS CONTENT.—(A) If training standards are required to be promulgated under paragraph (1), such standards shall, among other things deemed necessary and appropriate by the Secretary of Transportation, provide for—

“(i) a specified minimum number of hours of initial off site instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

“(ii) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

“(iii) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

“(B) The Secretary of Transportation may specify an appropriate combination of knowledge, skills, and prior training to fulfill the minimum number of hours requirements of subparagraphs (i) and (ii).

“(4) EMERGENCY RESPONDER TRAINING STANDARDS.—The training standards for persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear and high level radioactive waste shall, in accordance with existing regulations, ensure their abil-

ity to protect nearby persons, property, or the environment from the effects of accidents involving spent nuclear fuel and high-level radioactive waste.

“(5) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

### “TITLE III—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

#### “SEC. 301. FINDINGS.

“(1) Prior to permanent closure of the geologic repository in Yucca Mountain, Congress must determine whether the spent fuel in the repository should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements;

“(2) Future use of nuclear energy may require construction of a second geologic repository unless Yucca Mountain can safely accommodate additional spent fuel. Improved spent fuel strategies may increase the capacity of Yucca Mountain.

“(3) Prior to construction of any second permanent geologic repository, the nation's current plans for permanent burial of spent fuel should be re-evaluated.

#### “SEC. 302. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

“(a) ESTABLISHMENT.—There is hereby established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy. The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

“(b) ASSOCIATE DIRECTOR.—The Associate Director of the Office of Spent Nuclear Fuel Research shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Associate Director of the Office shall report to the Director of the Office of Nuclear Energy Science and Technology. The first such Associate Director shall be appointed within 90 days of the enactment of the Nuclear Waste Policy Amendments Act of 2000.

“(c) GRANT AND CONTRACT AUTHORITY.—In carrying out his responsibilities under this Section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in (d)(2).

“(d)(1) DUTIES.—The Associate Director of the Office shall involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

“(2) The Associate Director of the Office shall:

“(A) develop a research plan to provide recommendations by 2015;

“(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

“(C) conduct research and development activities for promising technologies;

“(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to the health of the general public or site workers, as well as development of cost-effective technologies;

“(E) require research on both reactor- and accelerator-based transmutation systems;

“(F) require research on advanced processing and separations;

“(G) ensure that research efforts with this Office are coordinated with research on advanced fuel cycles and reactors conducted within the Office of Nuclear Energy Science and Technology.

“(e) REPORT.—The Associate Director of the Office of Spent Nuclear Fuel Research shall annually prepare and submit a report to the Congress on the activities and expenditures of the Office that discusses progress being made in achieving the objectives of paragraph (b).

#### “TITLE IV—GENERAL AND MISCELLANEOUS

##### “SEC. 401. DECOMMISSIONING PILOT PROGRAM.

“(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

“(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

##### “SEC. 402. REPORTS.

“(a) The Secretary is directed to report within 90 days from enactment of this Act regarding all alternatives available to Northern States Power Company and the Federal government which would allow Northern States Power Company to operate the Prairie Island Nuclear Generating Plant until the end of the term of its current NRC licenses, assuming existing state and federal laws remain unchanged.

“(b) Within six months of enactment of this Act, the General Accounting Office is directed to report back to the Senate Committee on Energy and Natural Resources and the House Committee on Commerce on the potential economic impacts to Minnesota ratepayers should the Prairie Island Nuclear Generating Plant cease operations once it has met its state imposed storage limitation, including the costs of new generation, decommissioning costs, and the costs of continued operation of on-site storage of spent nuclear fuel storage.”

##### “SEC. 403. SEPARABILITY.

“If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.”

##### “SEC. 404. FAST FLUX TEST FACILITY.

“Any spent nuclear fuel associated with the Fast Flux Test Facility at the Hanford Reservation shall be transported and stored at the repository site as soon as practicable after the Commission has authorized the construction of the repository.”

#### CONRAD AMENDMENT NO. 2814

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to amendment No. 2808 proposed by Mr. MURKOWSKI to the bill, S. 1287, *supra*; as follows:

On page 33, line 20, strike “Minnesota” and insert “Minnesota, North Dakota, South Dakota, Wisconsin, and Michigan.”

#### DEWINE AMENDMENT NO. 2815

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to amendment No. 2808 proposed by Mr. MURKOWSKI to the bill, S. 1287, *supra*; as follows:

Strike section 302(b) and all that follows through section 402 and insert the following:

(b) ASSOCIATE DIRECTOR.—

(1) IN GENERAL.—The Associate Director of the Office of Spent Nuclear Fuel Research (referred to in this section as the “Associate Director”) shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high level nuclear radioactive waste, spent nuclear fuel, and depleted uranium hexafluoride, subject to the general supervision of the Secretary.

(2) LINE OF AUTHORITY.—The Associate Director shall report to the Director of the Office of Nuclear Energy Science and Technology.

(3) INITIAL APPOINTMENT.—The first Associate Director shall be appointed not later than 90 days after the date of enactment of this Act.

(c) GRANT AND CONTRACT AUTHORITY.—In carrying out the responsibilities of the Secretary under this section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in subsection (d)(2).

(d) DUTIES.—

(1) INVOLVEMENT OF ENTITIES IN THE INVESTIGATION OF TECHNOLOGIES.—The Associate Director shall involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high level radioactive waste.

(2) SPECIFIC ACTIVITIES.—The Associate Director shall—

(A) develop a research plan to provide recommendations by 2015;

(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high level radioactive waste;

(C) conduct research and development activities for promising technologies;

(D) ensure that all activities include as key objectives—

(i) minimization of proliferation concerns and risk to the health of the general public or site workers; and

(ii) development of cost-effective technologies;

(E) require research on reactor-based and accelerator-based transmutation systems;

(F) require research on advanced processing and separations;

(G) encourage that research efforts include participation of international collaborators;

(H) fund international collaborators that bring unique capabilities not available in the United States if the host country is unable to provide support to such a collaborator; and

(I) ensure that research efforts by the Office are coordinated with research on advanced fuel cycles and reactors conducted by the Office of Nuclear Energy Science and Technology.

(e) REPORT.—The Associate Director shall annually submit to Congress a report on the activities and expenditures of the Office that discusses progress being made in achieving the objectives of subsection (b).

#### TITLE IV—GENERAL AND MISCELLANEOUS PROVISIONS

##### SEC. 401. DECOMMISSIONING PILOT PROGRAM.

(a) AUTHORIZATION.—The Secretary may establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

##### SEC. 402. REPORTS.

(a) BY THE SECRETARY.—Not later than 90 days after the date of enactment of this Act,

the Secretary shall submit to Congress a report describing all alternatives available to Northern States Power Company and the Federal Government that would allow Northern States Power Company to operate the Prairie Island Nuclear Generating Plant until the end of the term of its current Nuclear Regulatory Commission licenses, based on the assumption that Federal and State laws in effect on the date of enactment of this Act will remain unchanged.

(b) BY THE COMPTROLLER GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Commerce of the House of Representatives a report on the potential economic impacts to Minnesota ratepayers should the Prairie Island Nuclear Generating Plant cease operations once the Plant has met its State-imposed storage limitation, including the costs of new generation, decommissioning costs, and the costs of continued operation of onsite storage of spent nuclear fuel storage.

(c) USEC.—The Secretary shall annually submit to Congress a report on the status of the United States Enrichment Corporation Fund established by section 1308 of the Atomic Energy Act of 1954 (42 U.S.C. 2297b-7) and the Working Capital Account established under section 1316 of the Atomic Energy Act of 1954 (42 U.S.C. 2297b-15).

#### COLLINS (AND OTHERS) AMENDMENT NO. 2816

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. JEFFORDS, Mr. GRAMS, and Ms. SNOWE) submitted an amendment intended to be proposed by them to amendment No. 2808, proposed by Mr. MURKOWSKI to the bill, S. 1287, *supra*; as follows:

On page 6, in the new section 105(b) strike “(I) take title to the contract holder’s spent nuclear fuel, notwithstanding section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5));” and renumber the remaining paragraphs accordingly.

#### NOTICES OF HEARINGS

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on February 9, 2000, in SR-328A at 9 a.m. The purpose of this meeting will be to review dairy policy.

##### COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on February 10, 2000, in SH-216 at 9 a.m. The purpose of this meeting will be to review the findings of the President’s Working Group’s Report on “Over the Counter Derivatives Markets and the Commodity Exchange Act.”

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public a change in the agenda of the hearing previously scheduled before the Committee on Energy and Natural Resources for Thursday, February 10 at 10

a.m. Instead of S. 1192 (a bill to designate national forest land managed by the Forest Service in the Lake Tahoe Basin as the "Lake Tahoe National Scenic Forest and Recreation Area," and to promote environmental restoration around the Lake Tahoe Basin), the committee will receive testimony on S. 1925 (a bill to promote environmental restoration around the Lake Tahoe basin).

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Monday, February 14 at 2 p.m. at the Albuquerque Convention Center, West Building, Cochiti/Taos Rooms, 401 Second St., NW, Albuquerque, NM.

The title of this hearing is Industry-Laboratory Partnerships, and the role of S. 1756, a bill to enhance the ability of the National Laboratories to meet Department of Energy missions and for other purposes.

Those wishing to testify or who wish to submit written statements should contact the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please contact Howard Useem, senior professional staff member, at (202) 224-6567.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing previously scheduled before the subcommittee on Tuesday, February 22, 2000 at 3 p.m. on S. 1722, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes; and its companion bill, H.R. 3063, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes; and S. 1950, a bill to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in the Powder River Basin, Wyoming and Montana, and for other purposes, has been moved to Thursday, February 24, 2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

In addition, a hearing has been scheduled before the subcommittee on Tuesday, February 22, 2000 at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC. The purpose of this hearing is to conduct oversight on the Administration's effort to review approximately 40 million acres

of national forest lands for increased protection.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey (202) 224-2878.

AUTHORITY FOR COMMITTEES TO  
MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 8, 2000, at 9:30 a.m., in open session, to receive testimony on the defense authorization request for fiscal year 2001 and the future years defense program.

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

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the Senate on February 8, 2000 at 10 a.m. to hear testimony regarding the President's fiscal year 2001 budget and tax proposals.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 8, 2000, at 10:30 a.m. to hold a hearing.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 8, 2000 at 2 p.m. to hold a closed hearing on intelligence matters.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND  
FORESTRY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Tuesday, February 8, 2000. The purpose of this meeting will be to discuss Federal dairy policy.

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

SPECIAL COMMITTEE ON AGING

Mr. LOTT. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on February 8, 2000 from 9:30 a.m.-12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON ECONOMIC POLICY

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee

on Economic Policy of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, February 8, 2000, to conduct a hearing on "S. 1879, the International Monetary Stability Act."

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

PRIVILEGES OF THE FLOOR

Mr. LOTT. Mr. President, I ask unanimous consent a fellow for Senator DOMENICI, Pete Lyons, be given the privilege of the floor for the duration of the consideration of the nuclear waste bill, S. 1287.

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

Mr. MURKOWSKI. I ask unanimous consent that privileges of the floor be granted to Tina Kreisher, Dave Sundwall, Kristin Phillips, Kjersten Scott, Betty Nevitt, Colleen Deegan, and Mr. Jim Beirne during the pendency of S. 1287.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Sally Phillips of my staff be granted the privilege of the floor for the duration of the statements of Senator SPECTER and myself on the Medical Errors Reduction Act, S. 2038.

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

Mr. BRYAN. Mr. President, I ask unanimous consent that members of my staff be extended the privilege of the floor throughout the duration of the debate on this legislation, S. 1287; specifically, Joe Barry, Jean Marie Neal, Brock Richter, and Brent Heberlee.

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

ADDITIONAL STATEMENTS

HONORING HAYS, KANSAS,  
PRINCIPAL ALAN PARK

● Mr. BROWNBACK. Mr. President, I rise to recognize an outstanding elementary school principal from Hays, Kansas. Alan Park, through dedication and hard work, has created an excellent after school program that has profoundly changed the lives of many young children in a positive way. The "Serve Our Children" program at Washington Elementary School has connected economically disadvantaged students with vital community services. The beneficial results are numerous: free child care, extensive leadership development opportunities, and many tutorial programs. Not only has Mr. Park integrated the use of computers within the school, he has helped pass a district bond to create a new addition to the school.

Mr. President, I am proud to recognize the outstanding accomplishments of this elementary school principal.

Mr. Park is an exemplary role model for young people in Kansas as well as our nation. I congratulate Mr. Alan Park for all he has done for Washington Elementary School and the community of Hays, Kansas.●

#### COMMENDING THE STUDENT INVESTMENT FUND

● Mr. MURKOWSKI. Mr. President, I rise today to commend the students of the University of Alaska-Fairbanks, School of Management, Student Investment Fund, who have invested an original stake of \$100,000 into stocks and CDs and now have a portfolio valued at over half a million dollars.

With the money earned while learning, the students participating in the Fund have donated \$8,000 in scholarships to UAF students. They have created two scholarship funds, the Michael L. Rice Scholarship and the Vanna K. Husby Scholarship, which are awarded to students who are in the School of Management and are enrolled in the Student Investment Fund for the following academic year. They have also donated \$4,000 to the UAF National Merit Scholarship to encourage talented students to attend the University of Alaska-Fairbanks.

The class began in 1991, when then Chancellor O'Rourke transferred \$100,000 of University endowment money into the Student Investment Fund at Dean Witter. The account has been wholly managed by the students since its inception. Only during the first year of the fund did it fall below a value of \$100,000. It has grown every year since and has a return of 71 percent.

This class and its philanthropy are wonderful examples of how higher education can benefit not only students, but the entire community.●

#### CORRECTING TECHNICAL ERRORS IN THE ENROLLMENT OF H.R. 764

Mr. MURKOWSKI. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 245, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 245) to correct technical errors in the enrollment of the bill, H.R. 764.

There being no objection, the Senate proceeded to the immediate consideration of the concurrent resolution.

Mr. MURKOWSKI. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 245) was agreed to.

#### ORDERS FOR WEDNESDAY, FEBRUARY 9, 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it adjourn until the hour of 10:30 a.m. on Wednesday, February 9. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11:30 a.m., with Senators speaking for up to 5 minutes each, with the following exceptions: The first 30 minutes under the control of Senator DURBIN, or his designee; the second 30 minutes under the control of Senator THOMAS, or his designee.

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

Mr. MURKOWSKI. Further, I ask consent that following morning business, the Senate then resume consideration of S. 1287, the nuclear waste disposal bill.

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

#### PROGRAM

Mr. MURKOWSKI. For the information of all Senators, the Senate will be in a period of morning business until 11:30 a.m. Following morning business, the Senate will resume consideration of S. 1287, the nuclear waste disposal bill. As a reminder, second-degree amendments must be filed by 12:00 noon to the pending substitute amendment. Negotiations regarding the number of amendments and debate time on the nuclear waste bill are still underway. However, amendments are expected to be offered during tomorrow's session. Therefore, Senators can expect votes throughout the day. Senators who have amendments should work with the bill managers on a time to offer their amendments.

#### ORDER FOR FILING OF AMENDMENTS

Mr. MURKOWSKI. Now I ask unanimous consent that notwithstanding adjournment, Senators have until 6 o'clock p.m. today to file first-degree amendments.

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

#### ORDER FOR ADJOURNMENT

Mr. MURKOWSKI. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order following the remarks of Senator MURRAY.

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

#### THE PRESIDENT'S EDUCATION BUDGET

Mrs. MURRAY. Mr. President, I have come to the floor today to talk about the budget the President has presented to Congress this year. Every budget is a statement of priorities, and I wanted to share with my colleagues how this

budget matches up with the priorities of the people I represent. I will spend a moment talking about how we should consider budgets in this remarkable period of economic strength.

The President's FY 2001 budget comes at a time of great prosperity and also great challenges. I take the budget decisions we will make this year very seriously. We have an historic opportunity to meet our long-term commitments and make vital investments. In looking at the budget, I am focused on two priorities.

First, we cannot squander the surplus. It has been too hard to reach this point of progress. When I came to the Senate in 1993, our fiscal house was a mess. But we made the tough, fiscally responsible decisions that have brought us to this point. The surplus is not here by accident. We made very difficult choices, and now is not the time to abandon our steady, responsible approach.

We have a responsibility to use the surplus in ways that will meet our long-term commitments and continue our economic growth. We know that Social Security and Medicare are running out of money. These are promises from one generation to the next. And it would be wrong—fiscally and morally—not to save those programs while we have the chance.

We should also remember that these surplus projections are just that—projections. I worry that some of the projections my Republican colleagues have used are too rosy—in part because they are based on faulty assumptions, and they do not account for any slowing down of our economy. I think we should use the most realistic estimates available.

Second, we have to continue to make the responsible investments that will help our economy grow. We must maintain our investments in areas like education, R&D, infrastructure, criminal justice, agriculture, and defense. We must strengthen Social Security and Medicare. And we must provide targeted tax relief. I am pleased that the President has presented a responsible plan for meeting those objectives.

One important investment is paying down the debt. We are responsible for paying down a major portion of the public debt. A commitment of \$2.5 trillion over ten years—as called for by the President—would make us debt free within 13 years. Mr. President, now is the time to pay down the debt—while the economy is strong.

I know there will be a lot of debate over tax cuts this year. There is room for tax cuts—but they need to be responsible. We should remember that just last year Republicans were pushing an irresponsible, \$790 billion tax cut. I am glad the American people rejected it. And this year, some presidential candidates appear willing to roll the dice on even riskier schemes.

This year we should be on the look out for tax cuts that do not help our country. When looking at tax cuts, I will be asking: Do they contribute to our future and promote our economic growth by investing in workers and education?

I would like to turn to the investments we have to make in education.

When I think of the types of investments that have real returns for America's families—education tops the list. Investing in education pays dividends in boosting our country's productivity and expanding our people's potential. We must continue to invest in education so that every American will have the tools and skills to succeed in the global economy. We know that by reducing class size, investing in teacher quality, and making higher education more accessible, we are improving the prospects for our nation and our people. And I am proud of the many education investments this budget makes.

We must stay on the path of hiring 100,000 fully-qualified teachers to reduce class size. We know that kids learn the basics and have fewer discipline problems in smaller classes. The budget boosts funding to \$1.75 billion, an increase of \$450 million over the current level. That's enough to hire about 49,000 teachers, nearly half-way to our long term goal. So I commend the president's budget for its commitment to reducing class size. By working together over the past two years, we've already made the classroom a better, more productive place for 1.7 million students—and with the President's latest commitment, we can bring the benefits of smaller classes to many more students.

We know that when we reduce the number of students in each classroom—we need more classrooms, so I am pleased the President's budget also follows through on our efforts to boost school construction.

The President's budget also takes great steps forward to improve teacher quality. As I listened to the President's State of the Union Address last month, I was excited to see that efforts to boost teacher quality are finally getting the national attention they deserve.

We need to have a plan to recruit, train and reward great teachers; a plan to help high-poverty school districts attract great teachers through better pay and higher standards; and a plan to reward school districts that make progress in reducing the number of uncertified teachers and teachers teaching outside their subject area. These would all represent great steps forward.

We need to boost hometown teacher recruitment, to help professionals from diverse fields make the transition to the classroom, and to promote professional development for school leaders.

But there is more we should do to boost teacher quality. That's why, last year, I introduced the Quality and Ac-

countability are Best for Children Act—Quality ABCs (S. 1926). After talking with parents, teachers and students, I wrote a bill that will hold educators accountable for their students' progress. It will help keep great teachers in the classroom by offering them improved professional development and career ladders. It will reward and recognize great educators. It will offer a meaningful financial bonus for states to improve teacher pay and it will ensure teachers have the training they need to use technology in the classroom.

I believe the President's budget—and his State of the Union Address—are a great start to boosting teacher quality across America.

The President's budget also makes important investments in early education, in Headstart funding, in preventing youth violence, and in expanding college access.

Mr. President, clearly this is a budget that recognizes the importance of education. It matches our funding with our priorities.

But there are some initiatives that do not require a budget allocation. And I would like to spend a moment highlighting some of the efforts I will fight for as we reauthorize the Elementary and Secondary Education Act.

First, there is a lot we can do to boost parental involvement. Parents are a child's first and best teachers, and studies have shown that when families are involved in education their children do better in school. Today, it is difficult for parents and family members to participate in their children's education—either because they do not feel welcomed by schools or because their time is limited by work and other constraints.

That is why I've introduced two bills to make it easier for parents to help their children succeed in school.

First, I introduced the Time for Schools Act, S. 1304, which allows parents to take up to 24 hours of unpaid leave from work each year to attend academic events at school.

And second, with input from parents and teachers, I wrote the Parent-Family School Partnership Act, S. 1772, which will encourage families to participate in schools, will train educators in the best ways to involve parents, will invest in family involvement efforts, and will use technology and community college partnerships to boost parental involvement.

A great classroom and a great teacher only go so far, these bills will go a long way to ensuring that students get the most from school by having a parent involved.

We should also do more to expand technology in the classroom. In 1997, we made sure that new teachers get the technology training they need before they enter the classroom. This year, we should work to make sure that current teachers receive technology training as part of an on-going professional development. That effort is part of my

"Quality ABCs" bill that I just referred to.

And I support increasing resources for, and access to, education technology, improving coordination and effective uses of education technology—including distance learning and advanced placement services. And finally, protecting students from inappropriate material on the Internet.

We should offer students a voice in education decisions. I have always believed that young people should have a role in the decisions that affect them. That's why I introduced the "Youth and Adult School Partnership Act," S. 1773, which will create more meaningful roles for students in their schools and communities, invest in successful student-adult partnerships, and continue researching the link between student involvement and student achievement.

Finally, we should promote the types of local partnerships that help students succeed. As I have visited schools throughout my State, I have been impressed by how well they have formed partnerships with local business and non-profit organizations. I visited one community, where the local chamber of commerce runs a Teacher Internship Program—where teachers spend their summers in the business world—seeing—first-hand—the skills their students will need. And those efforts can have great results for our students. So we must continue to promote these local partnerships.

I have laid out my vision—the Democratic vision—for how we can improve public education. I have been working on this for many years, and it seems that the response from the other side is always "Schools are failing, and local control is the answer."

Education in our country is already under local control. I served on a local school board, and I can tell you that as a fact. Do we need to reduce paperwork? Yes. Do we need to be more flexible? Yes. But the real question is: What are we doing to support education? This budget—and the ideas I just mentioned—offer a specific blueprint—for how we can improve education.

I fear that instead of giving these tools to our educators, the majority would rather criticize our public schools.

Too often, their rhetoric tears down, when we should be building up. The majority's education agenda too often resembles an effort to assign blame. I believe a better approach—the Democratic approach—is to strengthen the partnerships that improve education.

We Democrats—in the Senate and the House along with the President—are offering something positive—and I hope that this agenda of excellence is greeted by honest examination and constructive debate focused on helping students learn—and not the usual partisan blame game.

We have a chance to lead. We have a chance to really improve public education for all Americans. Let's not



abandon the principles that have made our nation great. Let's not let partisan gamesmanship stand in the way of progress. Let's take this unprecedented opportunity in our nation's history to make the investments we need, and to do right by our nation's parents, our nation's educators, and—most impor-

tantly—our nation's future—the children attending our public schools.  
I yield the floor.

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ADJOURNMENT UNTIL 10:30 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands

adjourned until 10:30 a.m. on Wednesday, February 9, 2000.

Thereupon, the Senate, at 5:50 p.m., adjourned until Wednesday, February 9, 2000, at 10:30 a.m.