

than our President. And we are sending money to support that type of extravagance.

These U.N. conferences are a waste of money and are boondoggles. There is no better description of them than a boondoggle. In 1996, one is planned in Istanbul called a City Summit held to address urban problems. One was held last March in Copenhagen called a Social Summit. From what we hear it was quite the social occasion. And we all know about the cost of the Woman's Conference held in Communist China in September.

The highlight of the 50th anniversary celebration was their invitation to Fidel Castro—a Communist dictator—who got applause when he asked the United States to end the embargo against Cuba. I am sure this celebration cost the United States a huge sum of money. And that is what we will be paying for with the \$1 billion they plan to send.

Further, Mr. President, there are now 16 U.N. peacekeeping operations around the world that are costing us over \$1 billion a year.

The fact is that over the last 50 years we have paid the United Nations \$96 billion. Current estimates are that we still pay 40 percent of the United Nations budget. We still pay 40 percent of U.N. budget. Yet, when a Communist dictator stands up to criticize this country, he gets a standing ovation.

Mr. President, the point of all this is the United States should be concentrating on collecting the money that is owed us and not finding ways to send more out. Instead, the Clinton administration spends its time and effort trying to appease the United Nations—and finds ways to spend tax dollars.

I want to put this administration on notice that I will do everything I can to stop the United Nations from getting this money until Mexico pays us back in full and on time.

Mr. President, I thank you.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

Mr. DOMENICI. Mr. President, I submit a report of the committee conference on H.R. 1905 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes,

having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 26, 1995.)

Mr. DOMENICI. Mr. President, it is my understanding that there will be a request for a rollcall vote on the adoption of this conference report. Therefore, I am advised in behalf of the leader that there will be another vote today expected on this conference report. We will work it as expeditiously as we can. But I understand one Senator wants to speak and will not be here until around 5 o'clock. So we will not finish any sooner than that.

Does the Senator from Arkansas wish to speak?

Mr. PRYOR. Mr. President, I thank the Senator from New Mexico. I think he just answered my question. I was just going to ask the Senator from New Mexico if he could give us approximately the time for a vote. I guess it would be sometime after 5.

I thank the Senator.

Mr. DOMENICI. I thank the Senator very much.

Mr. President, I have a brief statement, and I believe Senator JOHNSTON will have a statement. And then we will proceed with questions and some colloquies.

Mr. President, I am pleased to present the conference report on the fiscal year 1995 energy and water development appropriations bill. This conference report on the bill, H.R. 1905, passed the House of Representatives earlier today, October 31, 1995, by a vote of 402 yeas to 24 nays.

The conference on this bill was held on October 24 and 25, 1995, and the conference report was printed in the CONGRESSIONAL RECORD of October 26, 1995. Since that time, the printed conference report has been available. Therefore, I will not elaborate on the disposition of all the items agreed to in conference.

The conference agreement provides a total of \$19,336,311,000 in new budget obligational authority. This amount is \$1,225,733,000 less than the President's budget request and \$706,688,000 less than the enacted, fiscal year 1995 level. It is \$653,854,000 over the House passed bill, and \$832,841,000 below the Senate passed bill.

As you know, there are two principle functions within the Energy and Water Development appropriations bill. These functions are separated into defense and domestic discretionary accounts. The bill provides \$10,656,458,000 in defense discretionary budget authority for the Department of Energy's atomic energy defense activities. This amount is \$459,325,000 below the budget request but \$552,678,000 above the current level. For domestic discretionary accounts, which include the U.S. Army Corps of Engineer's Civil Works Program, the Bureau of Reclamation, several inde-

pendent agencies, and the nondefense activities of the Department of Energy, the conference bill provides \$8,679,853,000. This amount is \$766,408,000 below the budget request and \$1,259,366,000 below the current level.

Due to this dramatic reduction in nondefense spending, our ability to fund new initiatives is extremely limited, and most existing programs are cut significantly below both the current year and the President's request. The conference bill makes significant reductions in the Army Corps of Engineers, the Bureau of Reclamation, solar and renewable energy, the Appalachian Regional Commission, and the Tennessee Valley Authority.

We have made some very difficult decisions in the nondefense activities of the Department of Energy. However, we have done our best to protect the basic science research capabilities of the Department of Energy. While we have made significant reductions in the areas mentioned above, we have held the line on biological and environmental research, basic energy sciences, high energy physics, and nuclear energy.

These are the fundamental basic science missions of the Department of Energy that we must maintain to ensure the best possible future for the Nation. These are missions relating to such areas as the human genome program and other medical research activities, global environmental research, materials and chemical sciences, and the physical sciences.

Title I of the conference bill provides appropriations for the U.S. Army Corps of Engineers' Civil Works Program. The conference agreement provides \$3,201,272,000, which is \$106,178,000 less than the budget request and \$137,647,000 less than the current enacted level.

For title II, the Department of the Interior, the conference agreement includes a total of \$844,342,000. This is \$11,325,000 above the budget request and \$27,057,000 below the current level. Within this total, the bill provides \$800,203,000 for the Bureau of Reclamation, which is \$11,325,000 more than the budget request and \$31,033,000 less than the current level.

A total of \$15,389,490,000 is provided in title III for the Department of Energy programs, projects, and activities. Of this amount, \$10,639,458,000 is provided for atomic energy defense activities, which is \$457,825,000 below the President's budget request and \$553,611,000 above the current appropriated level.

Included in the total provided for atomic energy defense activities is \$5,557,532,000 for defense environmental restoration and waste management. This amount is \$429,204,000 below the budget request but \$664,841,000 above the current level. The increase over the 1995 appropriation results primarily from the transfer of facilities from the

old materials production account to the Defense Environmental Restoration and Waste Management program.

The conference action on DOE's Defense Environmental Management Program seeks, to the extent possible, to protect funding necessary to meet existing cleanup milestones established in compliance agreements. The conference agreement also seeks to reduce Environmental Management Program personnel at headquarters, where practicable, in an effort to apply available dollars to the cleanup effort.

Title IV, which includes appropriations for the Tennessee Valley Authority, the Appalachian Regional Commission, the Nuclear Regulatory Commission, and other independent agencies, provides \$311,550,000 in budget authority. This amount is \$57,513,000 below the President's request and \$143,859,000 below the current year's level.

I recommend to the Senate that this conference report be approved promptly in order to complete action on this appropriations bill and clear it for the President's consideration and approval. It is our understanding that the President will sign this bill.

Mr. President, the House and Senate have worked hard for several weeks and have agreed upon a conference proposal which not only represents significant reductions from the current year's enacted appropriated levels, but is the leanest energy and water development appropriations bill since fiscal year 1990. We have heard the call of the new Republican majority to change the way Government does business and are proud to present a bill that cuts budgets, cuts bureaucracy, and streamlines operations.

I wish to express my appreciation and thanks to our House colleagues led by the chairman of the House subcommittee, Congressman JOHN MYERS, and the ranking minority member, Congressman TOM BEVILL. I would like to express my continued admiration and respect for the distinguished Senator from Louisiana and our former chairman, Senator JOHNSTON and thank him for his hard work and support. Of course, I want to also thank my friend, the Chairman of the full Appropriations Committee, Senator HATFIELD and the ranking member of the full Appropriations Committee, Senator BYRD. It is always a pleasure to work with them both. Also, I want to express my appreciation to all the Senate conferees and staff members of the subcommittee.

Mr. President, obviously, on the domestic side of this budget, we are providing substantially less than last year and less than the President asked—that is what is happening in every domestic bill—and we think we have done it in such a way that should receive maximum support from the Senate. There was no objection to any of this in the conference by either our side or the Democratic side.

When it comes to defense, it is obvious that we are in a great transition

period with reference to our nuclear deterrent capabilities and we are in a transition period as to what we are going to do for the next 40 years as we build down our nuclear arsenal and attempt to safeguard it and maintain it and make sure that our nuclear deterrent capability remains inviolate for the next 20 to 40 years.

A new approach to this is being taken in this bill. The roots are being laid for a concept called a science-based stockpile stewardship program wherein the three defense nuclear laboratories—Livermore, Los Alamos, and Sandia—will lead the defense activities in the preservation and safekeeping of the nuclear deterrent stockpile. This requires some new scientific capabilities because of one additional fact. That is, currently the United States has agreed that we will have no more underground testing of nuclear weapons. That used to be done in order to calibrate, in order to determine safety, wellbeing, longevity, and all kinds of things with reference to the system; that is, the nuclear deterrent system. We have decided as a nation not to do that, and so the science-based stockpile stewardship program requires that we engage the best of our science in producing new equipment and new instrumentation along with new computers to perform modeling of this capability so we can keep this arsenal safe, and the stewardship of it will be adequacy and deliverability at all times.

This costs a little more money than we had thought. Some new equipment is going to be built, a new facility at Livermore, and we have started that here in this bill. Los Alamos and Sandia will have a mission each with reference to it. In other words, we are going to be able to simulate one way or another what we used to find out in an underground nuclear explosion. And when we do that and do it right, we will be able to maintain the system by replacing parts and the like as we move toward building it down and maintaining it for a long period of time.

So for some who wonder what the Department of Energy does in the defense work, this is the hub of it. There are a lot of other things. But they are going to be charged—and the Defense Department has agreed with this new approach—with essentially doing what I have just described, and that is be the frontrunning institutions in the United States and hopefully in the world in seeing to it that our nuclear deterrent is always safe and deliverable and exactly what we expect as we move it down dramatically to a smaller number.

Now I yield the floor to my colleague, Senator JOHNSTON.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, one of the most able Senators I have ever served with is the distinguished Senator from New Mexico. He also happens to be one of my best friends in this body. So it is with real enthusiasm

that I have undertaken to work on this appropriations bill with him. By and large, he has produced, considering the challenges, an excellent bill, for which I congratulate him. I congratulate his staff as well. Our staffs have worked together as a team. I have worked together as a team with him to produce this bill. So I have great praise for him and great admiration for him, and I might say great affection for him all at the same time.

Now, as sometimes is customary in this body, pride goeth before a fall and praise goeth before criticism, and while I mean every word of the praise, Mr. President, I am here to say that I cannot vote for the bill because of one particular area of this bill, which is called nuclear waste.

Mr. President, the conference agreement on the fiscal year 1996 energy and water development appropriation bill, H.R. 1905, provides \$19,336,311,000 in new budget obligational authority, including scorekeeping adjustments. This amount is \$707 million less than fiscal year 1995 appropriations, and is \$1.225 billion less than the President's budget request for this bill. The agreement is \$654 million more than the bill as passed by the House, but \$833 million less than the bill as passed by the Senate.

I concur in the explanation and summary given by the senior Senator from New Mexico [Mr. DOMENICI], chairman of the subcommittee. I congratulate Senator DOMENICI on bringing his maiden voyage to this conclusion. This is his first appropriation bill as chairman, and he was the chairman of our conference committee also. I commend him for his hard work. I also want to express my appreciation to our House colleagues, led by our good friends Representative JOHN MYERS, of Indian, and Representative TOM BEVILL of Alabama. They have worked together as a team for many years and I am proud of our association. We have had a long tradition of bipartisan cooperation and compromise in this subcommittee, and I hope that spirit will continue. I would like to thank all of the House and Senate conferees.

Mr. President, I would like to mention several Louisiana items contained within the conference agreement. I am pleased that we have included authority for the Corps of Engineers to design and construct flood control improvements to rainfall drainage systems, in Jefferson, Orleans, and St. Tammany parishes in Louisiana. These areas have suffered disastrous floods due to torrential rainfall that occurred in southeast Louisiana in May 1995, which resulted in the loss of seven lives, inundation of 35,000 homes and estimated property and infrastructure losses exceed \$3 billion. The chairman of the House Appropriations Committee, Mr. LIVINGSTON, is to be commended for proceeding and I strongly supported the inclusion of this beginning in the conference report.

Also, included in the report is language directing the Secretary of the Army, acting through the Chief of Engineers, to design and construct a regional visitor's center in the vicinity of Shreveport, LA, as a part of the Red River Waterway project. The successful prosecution of this project which provides navigation from the Mississippi River to Shreveport, is a source of great pride to me. It is a project I have worked on during my entire career in the Senate, and navigation has now been completed.

The conference agreement also approves an amount of \$7 million for the Biomedical Research Foundation of Northwest Louisiana to create the Center for Biomedical Technology Innovation. The center will serve as a focal point for the ongoing biomedical research and development that is carried out at many of the national laboratories, and for the clinical testing of products that result from that research. It will focus specifically on the development of instrumentation for minimally invasive procedures—including advanced imaging technologies—technologies for individual self care, telemedicine, and medical robotics. Priority will be given to those technologies which are most likely to reduce the cost of care. The center will be housed within the Foundation's Biomedical Research Institute, and managed by a consortium organized and led by the Biomedical Research Foundation.

Mr. President, the conference agreement, in nearly all cases, represents a fair and reasonable disposition of the differences between the House and Senate, and I hope the conference report will be approved. I regret that I cannot support the conference report.

Mr. DOMENICI. Will the Senator yield before he continues?

Mr. JOHNSTON. Yes, I will.

Mr. DOMENICI. I say that it has not been my privilege heretofore in all the years that we have served for me to chair an appropriations subcommittee and have my friend from Louisiana as ranking member. For the most part it has been reversed; if I was in the Chamber, he was chairman and I was ranking member. But that has not even occurred on this bill heretofore, and I cannot give sufficient accolades in this RECORD about this Senator. Frankly, I am going to miss him tremendously in the Senate, and I think the Senate is going to miss him because of the kinds of things he is going to say right now. It is true that there is a very, very serious deficiency in this bill, but I will answer it when he is finished and I thank him and his wonderful staff for all the help here and in the past as we put these things together. We have maintained a significant nuclear deterrent capability regardless of the criticism for the Department of Energy.

We have maintained that because of the stalwart service of Senators like BENNETT JOHNSTON on this appropriations bill. For those who are not aware

of it, this is where the defense work takes place and is appropriated to maintain a nuclear stockpile. And over the years he has worked diligently in that regard.

There is a waste problem that comes from nuclear energy, and he is right, it is a serious problem. I do not believe we could have fixed it in this bill in that regard and disagreed. But I did want to make that statement before he proceeds. I say thank you very much to the Senator.

Mr. JOHNSTON. Mr. President, I thank the Senator for his generous remarks. Everything he says about what this bill accomplishes is exactly true. Mr. President, there is no more difficult nor unpleasant task in all of the Senate than dealing with the question of nuclear waste.

First of all, you have to disagree with your friends from Nevada, two of the most competent, most able, and two of my best friends in this Senate. But, Mr. President, it has been my job over a decade to have the principal responsibility for nuclear waste. Both as chairman of the appropriations subcommittee—this subcommittee—and as chairman of the authorizing committee, it has been my duty to keep it going.

Now, sometimes you try to do what is right and be with your colleagues. But, Mr. President, this program of nuclear waste is too big, it is too important, to deal with it on personalities. We have collected \$10 billion for nuclear waste. We have spent \$5 billion on nuclear waste and have almost nothing to show for it.

Mr. President, of all the programs in the Federal Government, there is probably more waste, there is probably more mismanagement through the years in this program than in any other program that I know of in the Federal Government. Not only that, Mr. President, it is a program which affects most Americans because there are over 100 reactors out there. There are about 80 reactor sites in this country, each of which is a potential nuclear waste dump unless we solve this problem, not to mention, in addition, the Hanford and Idaho National Labs, as well as Savannah River in South Carolina.

So, Mr. President, this is not an issue that is going to go away. It is an issue that is with us right now.

Now, what have we done in this bill? Mr. President, we have cut back to less than half the requested funding from the Department of Energy. What is that going to mean? By reducing funding to \$315 million, we are going to have to stop all work on the environmental impact statement. We are going to have to stop the license application to the Nuclear Regulatory Commission. We are going to have to fire between 875 and 1,300 employees. There will be no work going forward on interim storage. It leaves only a research program with no prospect for completing the repository any time in the foreseeable future.

As a matter of fact, I have put quotes up there from the Director of Nuclear Waste, which says:

Under the funding levels the program has historically received, the schedules for . . . start of operation in 2010 are not achievable . . .

That is, under funding levels that they have historically received, which is higher than this level.

A flat funding profile would be insufficient to carry out the program of developing geologic disposal capability by 2010 as currently projected.

That is, if we had level funding at higher levels than this bill calls for, we will not get nuclear waste capability by 2010.

What that means, Mr. President, is it is going to cost the consumer of electricity from \$5 to \$7 billion additional, because that is what they have to pay for temporary storage onsite up to 2010. That does not carry us beyond 2010.

You can spool those figures up. It is going to cost that \$5 to \$7 billion, while at the same time we have collected \$10 billion for DOE to solve the problem the DOE cannot solve. It cannot solve it at these levels of funding problems. We are paying for it twice and not solving the problem.

Mr. President, if you want to get a scandal that the people can understand out there, then do something like let somebody charge up a meal with a bunch of drinks or something to some defense contractor or somebody in the Federal Government. Everybody gets all exercised. They understand that they are cheating on the Federal Government. They are cheating, you know, violating some ethical rule.

But when you have a program of this size, the sheer enormity of it seems somehow to pass everybody's consciousness. Well, it may pass everybody else's consciousness, but I had responsibility for this, and I want to put in the RECORD what is happening. Ten billion dollars has been collected, and there is no way to solve the problem at these funding levels. You are going to have to spend another \$5 to \$7 billion, with a "B." Mr. President, those are not incidental dollars; those are huge dollars.

Then what is the American public going to say a few years from now when I guess somebody is going to finally wake up? They are going to say, "What have you done with all that money and the problem is not solved?"

The problem cannot be solved—the Director tells me, Dr. Dreyfus tells me, at this level we will never solve the problem. His official quotes do not say that. It says:

If the program receives funding at the levels contemplated in the Administration funding proposal, the Department would be able to carry out the program . . .

Any major reduction . . . would require restructuring of the program plan with significant delays . . .

Now, look up there at the top and you get the DOE request; \$630 million

was requested this year. We are down to \$315 million. Next year it goes up to \$684 million, then to \$713 million, then to \$732 million.

At the rate we are going, Mr. President, we will be lucky to maintain the \$315 million, which means you cannot solve the problem.

Now, what does the administration say? The administration says—privately they will tell you, “Look. This is an election year.” At least that is what they say inside. But officially they say, “We should not put any interim storage out at Yucca Mountain until we determine whether the site is suitable.” They do not define what suitability in the site is, but a few years ago they said, “If we have this funding at that level, we can determine suitability by the year 2002.” That means if you give them that kind of money. So if you do not give them that kind of money, according to that definition at that time, it would be, I guess, who knows when before you would determine even suitability of this site.

Mr. President, you cannot solve the problem. Look. Rather than do what we are doing now—and I have been trying to get this at Yucca Mountain—we honestly ought to abolish this program, abolish the tax, and let the nuclear utilities have the responsibility for their own program and have the money with which to do it. That would be much better than playing out this charade.

Mr. President, it is a charade. The President does not want to solve it. The Congress seems to be incapable of solving it. The antinuclear activists out there, of which there are many, they do not want to solve it because by not solving it then they are able to show that nuclear energy does not work.

Let me tell you, Mr. President, people are not going to build nuclear utilities in this country, not at any time for the foreseeable future, and we can foresee a pretty long time. And that is because of the economics of this program. They do not need to try to kill this program in order to try to make nuclear energy nonviable. That has already occurred. All they are doing is creating a problem all across this country and creating a big expense for taxpayers.

There is a conspiracy here, in effect, Mr. President: The administration, which has a do-nothing attitude; the antinuclear groups, of which there are many; and many out there who want to kill the program; and, believe it or not, the scientists.

You say, “scientists. They are supposed to be the ones in there trying to solve the problem.” There is a phenomenon, Mr. President, in our Government now where sometimes you call on scientists to make a judgment in which they may not have a direct interest but their discipline has an interest, and it is sort of like, if you ask the scientists what has to be done, they

will give you the most expensive answer because that is in the interest of the science. It is kind of like asking the trial lawyers, “What do you think we ought to do on damage awards? Should we decrease damage awards?” They would say, “Oh, no. You have got to watch out for the victim.”

Well, the scientists, unfortunately, Mr. President, always go with the most expensive thing. We asked the National Research Council, a part of the National Academy of Sciences, to study one aspect of this thing and to look into the question of human intrusion. In other words, when you go to build a repository, how much of a safeguard do you have to put on that and to what standards must you build that? Let me tell you what the National Research Council said. I really want to get this off of my chest because I have been seething ever since we got this report. It is the most outrageous thing I have ever seen by a scientist. It says:

We considered a stylized intrusion scenario consisting of one bore hole of a specified diameter drilled from the surface through a canister of waste to the underlying aquifer.

What that means is that when we get around to building the repository, in order to ensure its safety, we must ensure that somebody is going to put a derrick up there and drill a hole down which pierces one of these canisters and goes down to the underlying aquifer. You say, how could that possibly happen? You have fences out there and you have guards. I do not know how it happens.

I can think of a couple of scenarios. One would be that a meteorite hits the country and destroys civilization, as it did—that is the notion, at least—when the dinosaurs died. Another is that you have some big volcano that virtually kills all life except maybe some cave-men, a few who survived and are able to rebuild civilization; or a nuclear war that virtually wipes out all civilization, except some people in caves.

I must say, Mr. President, if those scenarios happen, then why are you worried about nuclear waste anyway? I mean, civilization is gone. But if civilization survives, there is no way that you would not know that the Yucca Mountain repository is there. There is no way you would not know that. We are not going back in civilization, back in the time of the ancient Greeks, when the location of the town of Messina was lost and they go back in and dug and found out where it was. Mr. President, civilization is marching forward, not backward. We are not going to get into the situation where, some day, people are going to be digging up there and find out that New York City was up there on the Hudson River. They are going to know that. They are going to know where Yucca Mountain is. But just assume that this takes place and civilization is wiped out. How are they going to drill this bore hole through Yucca Mountain and happen to hit a canister?

Well, there are two assumptions. One is that they know what they are doing.

If they know what they are doing, they are not going to be drilling on Yucca Mountain because there is no mineral activity out there by which you would drill a hole. The second is that they do not know what they are doing, and they are going around randomly drilling holes all over the country.

Now, what do you think the chances are, Mr. President—a scientist ought to be able to tell you what the chances are, if you are doing a random hole in the thousands upon thousands of square miles in the United States, and you have one little area that is a nuclear waste dump, and of the nuclear waste dump, most of it does not have the canisters, just what are the chances of that? Is it 1 in 10 billion, 1 in a trillion, 1 in 5 trillion? These scientists ought to be able to say that. But indeed, no, they say that you have to assume “one bore hole of the specified diameter drilled from the surface through a canister of waste to the underlying aquifer.”

How did they penetrate this without knowing that they have penetrated a canister? It is the most absurd thing. In any event, I digressed for a moment just to tell you what we are up against on this program. We have the scientists, we have the administration, we have the antinuclear activists, we have the people in Nevada, none of whom want to put in this program, all of which would be fine if we were starting out with a question of whether we are going to do nuclear energy or not, you could take this into consideration.

But, Mr. President, we have nuclear waste now. We are generating it at the rate of about 2,000 metric tons each year. There are 30,000 metric tons of nuclear waste now stored, principally, in what we call “swimming pools,” where you basically put the rods down in pools of water, unprotected from anything. That is the only plan we really have. There are 67 powerplants in 32 States that will have run out. By the year 2010, we will have 85,000 metric tons to be stored.

Mr. President, we just simply cannot ignore this problem. I proposed an amendment, Mr. President, in the conference committee which said, let us do the long-lead-time things we need to do, the environmental impact statement, the preliminary design, on an interim storage facility, and if you cannot start construction until 1998 and if, in the meantime, it is found to be not a suitable site, then you would stop all activity on both the interim storage facility, as well as the final storage—the repository, the underground facility, and move on to some other place.

Now, Mr. President, that was rejected by the conference—rejected on the grounds that a bill is moving through the House, and that that bill will have a chance to be enacted next year. Mr. President, next year we have the same problems we have this year. That is, you have an administration

that would oppose that bill, that has threatened to veto that bill, and you still have to produce the same 67 votes—only next year is an election year.

Just what are we going to do, Mr. President? We are collecting the money—\$10 billion is already collected—and we have spent \$5 billion. We have a program which the director says cannot work. We are facing an assurance of having to spend some \$5 billion to \$7 billion between now and the year 2010 on temporary storage, and that is not funded. That is going to have to be paid for by the utilities.

Mr. President, I will be retiring from the U.S. Senate at the end of next year, and I am sure my friends from Nevada—though we are good friends—will perhaps breathe a sigh of relief and will say this guy who has been trying to cram that nuclear waste down our throats in Nevada is gone and our problem is solved. Well, Mr. President, if we are not to do this activity in Nevada, then I say it is time to terminate the program in Nevada, terminate the collection of the tax, and move on to an alternative program. Let the utilities themselves build their own, what we call, “dry cast storage” on-site. That is the activity that is going to cost the \$5 to \$7 billion between now and the year 2010. Or, if there is another site other than Nevada, then let us start picking that site. Let us start looking at others. I think they have a formation up in Maine which was suitable; and Texas, down in Deaf Smith County, I believe it was. Another one is up in Hanford. There was a site down in Mississippi. Potential sites are all over the country. Of course, there is the Savannah River. There was one in Tennessee. Let us start looking at those sites, because you have to put it somewhere. It either has to be on-site or somewhere.

Like the old joke about somebody who was found by an irate husband in the closet of his home and he said, “What are you doing there?” and he said, “Everybody has to be somewhere.”

Believe me, nuclear waste has got to be somewhere. What we are saying in the Congress is that we do not know, we will put the problem off. Mr. President, I have seen this problem put off year after year after year while the cost escalates.

It was back in 1982 when we passed the Nuclear Waste Policy Act. That act called for us to pick three sites—first a larger number of sites and whittle that down to three sites—and then the three sites would be “characterized.” That is, determined whether the three sites would be suitable as a place for the repository, and then the DOE was to pick one of those three.

When we first passed that legislation, the cost of characterization was supposed to be \$60 million per site. I thought, just to determine whether a site is suitable—that is outrageous. I remember thinking that so clearly.

A few years passed and we had a hearing on it and we asked what was the cost of characterization and activ-

ity that was going forward at that time. They said, “Well, it is going to be \$1.2 billion per site.”

I then introduced legislation to call on the Department of Energy to pick one of the three sites and characterize that and thereby save \$2.4 billion. My version did not pass because when it got to the conference committee with the House they said go ahead and name Yucca Mountain—do it politically, not scientifically. They had the votes.

It so happened that the Speaker of the House was from Texas, one of the three sites. The majority leader was from Washington, the other site. That left Nevada. Nevada got picked. I must say in all fairness Nevada probably would have been scientifically picked at least. That was the indication I got at the time.

But I think Nevada had a proper cause to complain because it was, in fact, a political decision rather than a scientific decision, although that might well have been the place where it would have been picked.

We then proceeded with Yucca Mountain. What has happened in the meantime, we are now told that the cost of characterization of Yucca Mountain is not \$60 million as initially estimated, not \$1.2 billion as later estimated, but \$6.3 billion—not to build the facility, just to determine whether it is suitable.

How in the world did it go up that much in cost? Well, I think to a large extent because these scientists made these kind of determinations that you have to assume all kind of silly scenarios like drilling bore holes down through the canisters, like doing every conceivable study to keep these scientists busy for the rest of their lives and for their sons’ and grandsons’ and granddaughters’ lives ad infinitum.

It is an expanding scope of work which probably is not capable of being done no matter how much money we put in here and certainly not at the levels that are contained in this bill.

Mr. President, I hate to sound a discordant note on what is otherwise an excellent job that the Senator from New Mexico has done. In his defense, he has a bill to pass. He has responsibility for that bill. The President has said he would veto this bill if we came up with interim storage. I can understand that judgment. I have a lot of sympathy for that judgment. I say that in his defense.

At the same time, Mr. President, this body needs to understand, the Congress needs to understand, the nuclear industry needs to understand, the American public and taxpayers and ratepayers need to understand that they are being made the victims of a gigantic shell game, a great rip-off, in which \$10 billion has been collected, \$5 billion has been spent, and there is no way to solve the problem in the direction we are going.

It will not be solved. People out there who think the Congress has a program that will eventually lead to a repository, they are wrong, Mr. President. It will lead to nothing but an endless

stream of money stretching from here to infinity, with no waste dump at the end.

What will happen in the meantime is that the ratepayer will not only have to pay that \$10 billion already paid, but the tax at 1 mill per kilowatt hour will continue, and in addition to that, the ratepayers of these utilities—these 80 sites around the country—their ratepayers will have to pay for temporary storage on site. Mr. President, \$5 billion to \$7 billion worth between now and the year 2010.

Now, are we going to pass that authorizing legislation later this year or later next year? Mr. President, I hope so. But I can say I have no confidence that is so. The history of this program has been delay, avoid the tough decision, get by until after the next election, get by until after the next career, make an excuse, spend some more money, fund some more scientists, and never, whatever you do, do not ever look at the program. Do not ever analyze what they are doing. That can be very, very, disquieting when you find out some of the incredible judgments which have gone into this gigantic waste of money.

It has been, Mr. President, it has been just incredible to consider what has been wasted on this program. No one looks into it—at least no one listens to the alarms—because no one seems to understand.

We talk about the bore holes; what does that mean? The scientists must have a reason for that, right? EPA set a carbon 14 discharge level of one-millionth background radiation, for the amounts of the carbon contained in the body naturally. Nobody said anything. We tried to straighten that out with legislation. We gave it to the scientists and all we got was babble.

This report is an embarrassment to the National Academy of Sciences, Mr. President. It is almost unintelligible. The nuclear waste director says this means that you cannot build a repository—cannot build one no matter how much money. It just cannot pass the test.

Some of the scientists who did the report said, “Oh, no, this will make it easy to do it.” It is babble, Mr. President.

Mr. President, I hope by my little soliloquy here on the floor today that we can awaken a little interest in this subject, that we can alert people who ought to be interested in it, people in the nuclear industry ought to be interested in this. Ratepayers ought to be interested in this. The National Association of Regulated Utility Commissioners ought to be interested in this.

Some years ago they said look, if you do not get this program straightened out, we are going to discontinue allowing you to rate base the 1 mill per kilowatt hour fee. That means that they

were going to not pass it on to customers because it was a program that could not work, but we are going to require utilities to eat it—that is, to have their stockholders pay for it. I am telling you, this program cannot work. Who says so? Dr. Dreyfus, who is running the program, says that at these levels of funding, you cannot have an appropriate program. You cannot have a workable program.

I hope we get a little attention here. I hope early next year we can pass legislation. If we cannot, we ought to shut this program down.

I would like to reiterate my praise for the distinguished chairman of this committee for, otherwise, a very good bill. This is not his fault, because he is operating under a veto threat. But it, unfortunately, is going to be his responsibility because he now occupies the position which I did for so many years, which is the guy who has to make the program work. And as of right now, it is not working and cannot work.

I yield the floor.

THE PRESIDING OFFICER (Mr. GORTON). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me once again compliment my friend from Louisiana, Senator JOHNSTON. I am not sure how many people were listening today. But I tell you, there ought to be a lot. Because you have just expressed and explained thoroughly one of the real disasters, in terms of the U.S. Government's inability to cope with a serious problem in a realistic way.

I can recall about 3 years ago when Senator JOHNSTON was presiding, the issue came up and this project was then going to cost about \$3.7 billion. It now comes close to \$6 billion, I understand—a little more than the \$5 billion the Senator indicated. One of the Senators on the committee said, "How much do you think it would cost to build it?" Everybody scurried around. "Build the facility?" The conclusion was it would cost far less than we are going to spend characterizing the mountain.

He gave a rather practical suggestion, it seemed to me. You give this suggestion to average Americans, they would have said, "Do it." He said, "Why don't you just build it and then find out after it is built? Do all the kinds of tests you want as to whether it will succeed. If it will not work, close it down. At least you will have something there finished and completed." Now we are just boring holes in and doing scientific work to try to achieve a goal that seems like, scientifically, the standards have been set so high we are never going to achieve it.

We do not have any disagreement on it. I think at this point we are never going to get that depository finished. We are never going to prove up the requirements. There are going to be more lawsuits around, and you will never get

a permanent repository in that site—not for a long time, if ever.

So the issue comes, as I see it, what do we try to do on this bill? Let me suggest, so there is no doubt about it, we would have put an interim storage facility in this bill and it would have been sited in the State of Nevada, but for the fact that the President of the United States has sent a rather clear signal through his high-level staff that they would veto a bill that designated that site or any other site specifically.

I might say to my friend from Louisiana, as hard as he tried with his amendment, when he finished it all, it was actually designating Nevada as the site before we really knew that we would have a final site here. He couched it differently but that is a truism.

Essentially, what he, the President of the United States, was saying, and his advisers, was: Do not site it there unless the permanent repository is there or we will veto it.

The Senator from New Mexico has very few alternatives. What I wanted to do was to spend \$400 million in this bill and use \$85 million to move ahead with the temporary facility, the temporary storage, the interim storage. But we cannot do the interim storage without an authorization bill or without a President signing something. I think my colleague would agree with that. Whether he signs an appropriation bill or authorizing bill, the President of the United States has to sign something for Congress to be able to fund an interim storage facility there or anywhere, because the law does not now permit the Federal Government to build such a facility anywhere.

Having said that, it is clear to me that we ought to at least provide some money in this bill to fund the eventuality of us getting an authorizing bill through here that the President would sign.

I say to my friend, Senator JOHNSTON, I do not deny the authenticity and truthfulness of his remarks, because he is suggesting it probably will not happen, the President will veto it. It is an election year. But I think we had to do some work and say here is some money. So we fenced \$85 million in this bill—put a fence around it—and we said it will be spent for an interim facility if in fact this is authorized and permitted by the Government of the United States. That money is sitting there. We are saying to the legislators in the authorizing committees here in the Energy Committee, its counterpart in the House: Pass a bill. You can start the project.

Will the President sign it if we pass it? We do not know. But let me suggest we cannot stall this too much longer. Sooner or later, a President must sign something that will let us move in a different direction.

My original plans were \$400 million, \$85 million fenced for the interim facil-

ity. It turns out that I left the bill that way, and I am fully aware that the \$315 million does not satisfy the Director of the program, Mr. Dan Dreyfus' needs to keep this program going on schedule as he wanted it going on schedule. But we were going to tone it down some. If we were building a temporary facility, we were going to cut the expenditures on the permanent facility and spread it out a lot longer. I think we are still on that path.

I might say for the record, this Senator is not going to be carrying this bill very many years on this floor with funding for the permanent deep repository if we have not solved the issue of an interim storage facility. In fact, I may not carry it one more time without that, in terms of continuing what seems to me to be a borderline hoax, in terms of promising the American people we are going to have an underground permanent repository.

The reason I say that is because, in spite of the good work by the current Director, Mr. Dan Dreyfus, who used to work for the Energy Committee—and we are all very, very complimentary of his work—the rules and regulations that we live by, under that project, just may be so that man cannot comply. It may be we cannot comply.

So I hope everyone understands today on the floor of the Senate, with very little attention, some very, very serious remarks have been made about the competency of this process, of the legislative process and the President, to work to get something done that must be done.

I want to add one other comment. The Senator might not remember it, but I remember it. I speak to my friend from Louisiana. I think some of us figured, when then Senator Gary Hart of the State of Colorado proposed that we had to close the loop on atomic energy and had to have a permanent repository, I think some of us were thinking, "Well, if that gets out of hand, it is calculated to stop nuclear power."

In fact, we may go back to the RECORD and find that either you or I said that. We might have said it. That is what it was. It was an approach that said you need to close it at the tail end with a permanent repository. If you cannot do it, then you cannot have nuclear waste and therefore you cannot have nuclear energy.

The calculation is coming true. Not because we cannot do it, but because we refuse to do it in a commonsense, practical way that is really consistent with engineering and science achievement. So that is about where we are.

I ask unanimous consent to have the letter printed in the RECORD wherein the President's staff indicates they would veto this bill and move onto another project.

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

OFFICE OF MANAGEMENT AND BUDGET,  
Washington, DC, October 13, 1995.

Hon. PETE V. DOMENICI,  
Chairman, Subcommittee on Energy and Water  
Development Appropriations, Committee on  
Appropriations, U.S. Senate, Washington,  
DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to provide the Administration's views on H.R. 1905, the Energy and Water Development Appropriations Bill, FY 1996, as passed by the House and by the Senate. As you develop the conference version of the bill, your consideration of the Administration's views would be appreciated.

The Administration is committed to balancing the Federal budget by FY 2005. The President's budget proposes to reduce discretionary spending for FY 1996 by \$5 billion in outlays below the FY 1995 enacted level. The Administration does not support the level of funding assumed by the House or Senate Committee 602(b) allocations. The Administration must evaluate each bill both in terms of funding levels provided and the share of total resources available for remaining priorities. The House-passed version of the bill is \$1.8 billion below the President's request, and the Senate version is \$0.3 billion below the request. With respect to the overall funding levels for programs covered by H.R. 1905, we generally prefer the Senate's recommended funding levels.

The Administration has very serious concerns about certain language provisions that may be included in the final bill. One is a provision that would direct the construction of an interim storage facility for nuclear wastes at a specific site. Others are provisions that would override environmental and other laws in specific situations, such as those concerning the Bonneville Power Administration fish program and, potentially, the Animas/La Plata water project. If these provisions were contained in the final bill, the President's senior advisers would recommend that he veto the bill.

Since taking office, the Administration has developed and implemented a number of policies to increase government efficiency, known as "Reinventing Government," and to concentrate resources on investment programs critical to ensuring a strong economic future. The Administration is disappointed that neither the House nor the Senate, in action on this bill, has been more sensitive to these priorities.

#### DEPARTMENT OF ENERGY—NUCLEAR WASTE DISPOSAL FUND

The Administration strongly objects to any language that would designate a nuclear waste interim storage facility at a specific site. Any potential siting decision concerning such a facility should ultimately be based on scientific analyses. If an interim facility is to be developed, FY 1996 spending on it should only be devoted to non-site-specific design and engineering, with the majority of FY 1996 monies in this account continuing to support the scientific investigation of the proposed permanent waste repository.

The Administration is disappointed with the funding levels in both the House and Senate versions of the bill for the Civilian Radioactive Waste Management program. The Administration urges the conferees to consider seriously the funding level proposed in the President's budget in order to support fully the scientific work on the permanent repository program.

#### BONNEVILLE POWER ADMINISTRATION (BPA)

The Administration strongly opposes the inclusion of section 509, General Provisions, in the Senate version of the bill. This section, though somewhat vague, would limit BPA's annual fish and wildlife expenditures and introduce language specifying that BPA's spending is adequate to meet environmental requirements, which overrides exist-

ing environmental laws. The inclusion of such an override is unacceptable to the Administration. The Administration is working with the Congress and the various interested groups in the Northwest to try to identify a core program of fish recovery activities that could provide a stable base for several years at a reasonable cost.

#### DEPARTMENT OF ENERGY—GENERAL

The Administration is committed to maintaining the Department of Energy and to moving forward in its restructuring and realignment. We are disappointed that both the House and Senate propose to cut the Department significantly below the FY 1996 request in many areas. Although the Administration appreciates the Senate's overall restoration of nearly \$250 million in reductions made by the House to the request for energy supply, research and development, we are concerned about the remaining cuts to many key areas, including the Climate Change Action Plan initiatives and the Department's global climate change research and technology development efforts.

#### DEPARTMENT OF ENERGY—NUCLEAR ENERGY

The Administration strongly objects to the House action that would eliminate funds requested for the Department of Energy to assist countries with Soviet-designed nuclear power plants in addressing the health and safety problems posed by these plants. The requested \$83.5 million was substantially restored by the Senate. Failing to provide these funds would undercut the nuclear safety program developed in concert with other G-7 countries, countries of Central and Eastern Europe, and the New Independent States of the former Soviet Union.

The House version of the bill does not provide the \$3.9 million requested for completing the processing and stabilization of North Korean spent fuel, which is currently underway. The fuel stabilization effort is important because it will help to ensure that this fuel is not processed to recover plutonium. This program is part of a United States commitment to encourage North Korea to abandon its nuclear weapons program. This key non-proliferation goal would be threatened by the House's action. The Administration urges the conferees to provide the full \$3.9 million, as recommended by the Senate.

#### DEPARTMENT OF ENERGY—SOLAR AND RENEWABLE ENERGY PROGRAMS

Both the House and the Senate propose significant cuts to the Administration's request for solar and renewable energy research programs. These programs help to create jobs, increase energy security, and protect the environment. The House version of the bill, in particular, would eliminate or drastically reduce many programs that have been making notable technical progress, including many of the most cost-effective implementation programs for reducing greenhouse-gas emissions. The Administration urges the conferees to provide funding at least at the Senate level.

#### DEPARTMENT OF ENERGY—DEFENSE PROGRAMS

The Administration believes that the Senate additions above the President's request for nuclear weapons stockpile management are unnecessary, especially given the deep cuts made to many of the President's investment initiatives in both the House and Senate versions of the bill.

The Administration strongly urges that the conferees provide the Department of Energy with the flexibility to implement dual-use Cooperative Research and Development Agreements in the weapons programs.

The Administration objects to the House's proposed elimination of funding for detailed design of the National Ignition Facility (NIF). The Senate proposal to fund the NIF

at the President's requested level would simply allow design work to continue without delay and would not initiate any construction activities.

#### DEPARTMENT OF ENERGY—ENERGY RESEARCH

The Administration commends both the House and Senate for supporting the Science Facilities Initiative. However, funding levels proposed by both the House and Senate for the U.S. Magnetic Fusion Energy program send a clear message that the program must be substantially restructured. While the Administration concurs in principle, the President's Committee of Advisors on Science and Technology has concluded that funding over the next several years must be at the level of \$320 million to preserve the most indispensable elements of the U.S. fusion effort and associated international collaboration while maintaining momentum toward the goal of practical fusion energy. The Administration urges the conferees to provide at least \$275 million for FY 1996.

#### DEPARTMENT OF ENERGY—DEPARTMENTAL ADMINISTRATION

The Administration is concerned about the personnel implications of both the House and Senate cuts to the President's requested level of funding for the Department's departmental administration. Funding at least at the House level is necessary to provide an orderly downsizing and to ensure proper departmental oversight during a time of substantial change at the Department.

#### ARMY CORPS OF ENGINEERS

The Administration is disappointed that both the House and Senate have rejected a budget reduction strategy for the Army Corps of Engineers that would commit resources to those missions with the Clearest Federal role, while devolving others to State and local governments. Given this rejection, the Administration plans to continue to work with Congress on a budget reduction strategy for the Corps. The Administration urges the conferees to remove language contained in both the House and Senate versions of the bill that would limit the flexibility of the Secretary of the Army in his current efforts to restructure the Army Corps of Engineers.

The out-year cost of unrequested new starts is a concern, even though the first year cost is relatively small. For example, those in the House version of the bill would only cost \$10 million in the first year, but would require \$650 million to complete fully. The Administration urges the conferees to trim the list of projects, especially in the area of beach and shoreline protection projects.

The Administration is disappointed with the decision of the House and the Senate not to provide funding for several much-needed environmental studies and research activities. The Administration requests that the final bill provide flexibility for the Corps to allocate its wetlands protection funds to activities deemed to be most effective.

#### BUREAU OF RECLAMATION

The Administration urges the conferees to adopt the House level of funding for the Bureau of Reclamation's Safety of Dams Corrective Action program. This funding is necessary to accomplish needed repairs to Federal dams.

#### OTHER INDEPENDENT AGENCIES

The Administration commends the Senate for restoring funds for the independent river basin commissions. The restored funding is in keeping with the increasing emphasis on State and local resource and project management for local flood control.

We look forward to working with the conferees to address our mutual concerns.

Sincerely,

ALICE M. RIVLIN,  
*Director.*

Mr. DOMENICI. Let me go through Animas-La Plata—Animas-La Plata and some sufficiency language which would have deemed that project to have complied with all environmental requirements; that is what the word "sufficiency" would have meant. In conference, language was sought to make it sufficient with reference to environmental requirements. Obviously, the President's staff—the chief advisor said in that same letter, which is now in the RECORD, that if sufficiency language, getting rid of any future environmental contention regarding that project was put in, they would also recommend a veto.

It is hard to tell how many of these are for real, when a President's staff says it. But I took this one as pretty serious and a compromise was worked out. I am going to put my interpretation of that compromise in the RECORD.

Suffice it to say, there is no sufficiency language in this bill. There is language that says we should proceed with the project, but it is clear that no environmental contests are waived. So that means, on the one hand, we are starting to fund the project here in this bill with another piece of money—\$10 million. And we are saying, let us proceed. But we do in no way waive any challenges that might be made to it.

Mr. President, I have a few brief comments about language included in the energy and water conference report that pertains to construction of the Animas-La Plata water project. The language in the report directs the Secretary of the Interior "to proceed without delay" with those portions of the project identified in the October 25, 1991, final biological opinion.

There has been much talk about just what this language means. Specifically, opponents of the project have attempted to paint this as so-called sufficiency language exempting the project from any further environmental analyses required by Federal law. Mr. President, this is not the case. The report language does not override existing Federal environmental requirements, nor does it prevent further judicial review. Consequently, those who say this report language is an attack on the environment or a subterfuge of the judicial process are simply wrong.

At the same time, however, the language makes it clear that the Congress is absolutely committed to the swift and successful completion of this project. Under the terms of the 1988 Colorado Ute Indian Water Rights Settlement Act, the United States has a trust obligation to the Southern Ute and Ute Mountain Ute Indian Tribes to complete the project.

The final bill provides \$19.3 billion in budget authority and \$11.5 billion in new outlays to finance the operations of the Army Corps of Engineers, the Bureau of Reclamation, the Energy

Supply Research and Development and Atomic Energy Defense and Related Programs of the Department of Energy, and several independent agencies.

When outlays from prior year budget authority and other completed actions are taken into account, the bill totals \$19.3 billion in budget authority and \$19.7 billion in outlays for fiscal year 1996.

The subcommittee which I chair is within its section 602(b) allocation for both budget authority and outlays.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the final bill be printed in the RECORD.

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

ENERGY AND WATER SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE REPORT		
(Fiscal year 1996, in millions of dollars)		
	Budget authority	Outlays
<b>Defense discretionary:</b>		
Outlays from prior-year BA and other actions completed .....		4,039
H.R. 1905, conference report .....	10,656	6,402
Scorekeeping adjustment .....		
Subtotal defense discretionary .....	10,656	10,441
<b>Nondefense discretionary:</b>		
Outlays from prior-year BA and other actions completed .....		4,171
H.R. 1905, conference report .....	8,680	5,100
Scorekeeping adjustment .....		
Subtotal nondefense discretionary .....	8,680	9,271
<b>Mandatory:</b>		
Outlays from prior-year BA and other actions completed .....		
H.R. 1905, conference report .....		
Adjustment to conform mandatory programs with Budget Resolution assumptions .....		
Subtotal mandatory .....		
Adjusted bill total .....	19,336	19,712
<b>Senate Subcommittee 602(b) allocation:</b>		
Defense discretionary .....	10,928	10,632
Nondefense discretionary .....	8,680	9,272
Violent crime reduction trust fund .....		
Mandatory .....		
Total allocation .....	19,608	19,904
<b>Adjusted bill total compared to Senate Subcommittee 602(b) allocation:</b>		
Defense discretionary .....	-272	-191
Nondefense discretionary .....	-0	-1
Violent crime reduction trust fund .....		
Mandatory .....		
Total allocation .....	-272	-192

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. DOMENICI. Mr. President, I think Senator McCAIN has been waiting. I yield the floor.

Mr. McCAIN. Mr. President, I have been informed by the Senator from North Dakota that he is going trick-or-treating with his children tonight at 6. I find that a transcendent priority. I will be extremely brief and submit my written comments for the RECORD. I hope all my colleagues will also make their comments brief so it is possible for those Members with children to be able to partake in this time-honored family tradition.

Mr. President, I will be relatively brief. I am again disturbed to find unauthorized projects and unappropriated projects in the conference report. I have said to the Senator from New

Mexico on numerous occasions that deprives me of my ability to scrutinize, and vote, if necessary, on projects. It is my initial screening—as I say, I will submit a written statement for the RECORD—20 unauthorized projects are in this, ranging understandably from Petersburg, WV, to Arkansas City, KS, New Orleans, LA, White River, IN, to a Pennsylvania environmental pilot program. The conference report modifies the bill by increasing the authorization from \$17 to \$50 million for water and sewer projects. Mr. President, \$3.5 million is appropriated in the conference report. The authorization is only available for projects within two Members' congressional districts.

Mr. President, this is wrong. It is wrong to do that.

There is funding for the central Indianapolis waterfront concept master plan.

Mr. President, the Corps of Engineers' authority is not to be involved in waterfront master plans unless it has to do with flood control.

The Arkansas City flood control project in Kansas was unauthorized. I will read several of them.

The Homer project in Alaska, \$3.8 million; Dog River, AL, project, \$200,000; Sacramento River, CA, \$300,000; West Dade, FL, \$150,000; Holmes Beach County, FL, \$150,000; Ohio River, Greenway, IN, \$500,000; Indianapolis waterfront, \$2 million.

Mr. President, none of these have been authorized. They were inserted in the conference. Mr. President, we deserve better. I do not know if these projects are good or bad, and the American people certainly do not know. And there will be nothing in the CONGRESSIONAL RECORD to let us know if they are good or bad.

I notice that we are going to fund the Appalachian Commission this year for a considerable amount of money. I think it is \$140 million. That clearly is something that should not continue since every part of America now needs the same kind of assistance that those States which are now included in the Appalachian Regional Commission receive.

Mr. President, I think that it is important for us to understand—another one, \$2 million, acting through the Corps of Engineers, to authorize the director to proceed with engineering, design, and construction of projects for flood control improvement for the rainwater drainage systems in Jefferson, New Orleans, and St. Tampa Parish, LA—authorized to be appropriated \$25 million for the initiation and partial accomplishment of projects described in these reports. My understanding is that there has been no screening, and that there has been no request for authorization. There has been nothing except that this was stuck in, in the conference report. The corps has not finished its studies as to whether this is needed.

Mr. President, again, I have no doubt that some of these projects are worthwhile, and have great virtue. But we do not know whether they do or not because they are placed in the conference into the conference report without authorization and without any kind of screening.

I would like to finally say there are several appropriations bills, including the transportation bill and several other appropriations bills, which are excellent, where the business of putting in projects in conference that were in neither the authorization nor the appropriation bills has largely been done away with. I wish I could say that is the same for this bill. It is not the case. And I think that we should reject this practice over time.

Mr. President, I hope my friend from North Dakota enjoys his evening and his children.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, we have been listening to two very well briefed men who are handling this piece of legislation here on the floor. When we begin to talk about nuclear storage and that sort of thing, spending hundreds of millions of dollars, it kind of goes over some heads. But I want to talk about something that affects real people now. Several weeks ago, Mr. President, in the House an amendment was floated to this bill, and to the reconciliation bill, to sell the Power Marketing Administrations. The Power Marketing Administrations with hydroelectric furnish low-cost power to rural areas in this country. To do even better than that, the amendment came out on the bill that would sell the lakes that provide the water to generate the electricity.

I want to tell you. A furor occurred down in my part of the country because you have recreation, fishing, camping, and swimming on these various lakes—four of them in Kentucky where a father has taken a son fishing and camping, and now that son is taking his son to the lake fishing and camping. And it is something a family of low income can enjoy.

So with all these furors that followed this suggestion, our people in my part of the State said, "Sell the lakes? Never." The calls came to Washington, and Speaker GINGRICH was contacted. And he assured them that this was off the table—that it would not be considered. But it would be considered when the communities have calmed down a little bit, and it would be revisited when the communities are more comfortable with the sale, I believe the Speaker said. But Mr. KASICH, the chairman of the Budget Committee, said that they will be sold but it will be done a little later because of the furor. Then the proposal to sell the Power Marketing Administrations was proposed, and another furor followed. Again, the Speaker said that this would be off the table.

So you have to watch around this place, Mr. President, because there is

always someone trying to back door you.

If you think the Power Marketing Administrations are off the table, or if the power lines and the facilities to generate this electricity is off the table, you ought to read page 476 of the reconciliation bill from the House.

We have in the statutory language now that the Secretaries of Energy, Interior, and Army cannot sell power marketing administrations. Well, on page 476 of the House reconciliation bill, they repeal those prohibitions. And in the next section they authorize and say, "The Secretaries shall"—that is plural, of Energy, Interior, and Army—"shall secure and enter into arrangements with an experienced private-sector firm to serve as advisor to the Secretaries with respect to the sale of the facilities used to generate and transmit the electrical power marketed by Southeastern Power Administration, Southwestern Power Administration, and Western Power Administration."

And so prior to December 31, 1996, they shall come back with their report to sell. And in these instructions in the reconciliation bill in the House, they say they can cluster the generated facilities where they might be sold at a higher price.

That does not seem to me that power marketing administrations and the facilities used for such a transmission line are off the table. Lo and behold, Mr. President, in this bill—in this bill—we are about to pass here in the Senate, there is no language under amendment 51.

It says:

The conferees agree that the statutory limitations do not prohibit the legislative branch from initiating or conducting studies or collecting information regarding the sale or transfer of the power marketing administrations to non-Federal ownership.

Mr. President, the power marketing administrations are not off the table. We are just being backdoored, making big headlines, big statements, "They are off the table," then insert them in language, try to hide it, and in the language of this bill, as an afterthought, I suspect, they authorized GAO for the study.

Mr. President, I am torn about whether to vote for this piece of legislation or not because it does authorize GAO to make the study for the sale of these power marketing administrations. So I want to just say to my folks that have an interest in it all across the country—all across the country—that you better be careful because the majority has made up its mind it is going to sell the power marketing administrations. And the testimony in the House committee said that rates would go up, the rates would go up.

If you want rural electrical rates to go up, you just sell your power marketing administration, and you will see what happens to you. This majority is trying to sell everything.

Mr. DOMENICI. Mr. President, I also want to thank the Senator from Arizona for his comments. I am not sure

how the Senator arrived at the number of 20 unauthorized projects, and I do not agree with that number, but it is accurate that the conference report does include some authorizations for the Corps of Engineers water projects.

When the energy and water development bill passed the Senate it included four provisions which addressed ongoing projects. The conference agreement includes four additional provisions. For example, a provision is included in response to the devastating flooding which occurred earlier this year in New Orleans, LA, which allows the Corps of Engineers to undertake additional measures to limit the flood damages in that city. Another provision allows the corps to transfer land to the city of Prestonsburg, KY, for a public park.

So, while the conference agreement does include some small authorizations, I do not understand how the Senator arrived at his figure of 20 unauthorized projects in the conference report.

Mrs. MURRAY. Mr. President, I would like to clarify a single sentence in the conference report accompanying H.R. 1905 relating to economic development activities. Within the Department of Energy environmental management account, in the nuclear material and facilities stabilization section, there is a sentence that provides: "Additionally, none of these funds should be used for economic development activities."

It is my understanding that this language was included because there was concern by some members of Congress that money was being diverted from cleanup and restoration efforts and used for economic development. It is clear from this language that money should not be used for economic development activities when those activities are unrelated to the project for which the money was appropriated. However, where this money can be used both to achieve its intended purposes and assist in community transition and diversification, it should be so used.

The Department of Energy should allow the use of these funds to achieve as many positive results as possible and leverage this money to assist the communities they serve in achieving economic diversification.

● Mr. HATFIELD. Mr. President, I would like to engage in a brief colloquy with the distinguished chairman of the Energy and Water Appropriations Subcommittee, Senator DOMENICI. Included in the conference report to the fiscal year 1997 Energy and Water Appropriations bill are provisions related to the Bonneville Power Administration. I would like to focus on these provisions for a moment.

As the chairman is aware, a longer term regional review initiative was recently announced by the Bonneville

Power Administration and the department of energy. It is my understanding, as a member of the conference, that the conferees were aware of and supported this reexamination of Bonneville's statutory authorities and responsibilities. However, it is my understanding that the conferees did not intend their action in this conference report to prejudice any future regional discussions regarding the comprehensive regional review of Bonneville and the electric utility industry in the Northwest.

The sharing of benefits established in the Northwest Power Act of 1980 has been accomplished in large part through a provision in the act known as the residential exchange. It is my understanding that conferees believe there should continue to be a fair sharing of the benefits from the Bonneville system for all ratepayers across the region, consistent with existing law. To further this objective, the conferees provided for \$145 million to maintain the residential exchange benefits at approximately the fiscal year 1996 level. It was not intended that BPA's residential exchange payment of \$145 million in fiscal year 1997 be recouped from BPA's residential exchange customers in the remaining years of the 5-year rate period.

The conference report now before the Senate encourages BPA and its customers to work together to phase out the residential exchange by October 1, 2001. Furthermore, it is my understanding that the conferees did not intend this encouragement to affect the current development of rates by BPA because the outcome of the regional review and settlement discussions are not known at this time.

Mr. President, Let me ask the Senator from New Mexico, if this comports with his understanding?

Mr. DOMENICI. Mr. President, let me say in answer to my friend from Oregon, the distinguished chairman of the full committee and the author of the provision we are now discussing, that his statement does indeed comport with my understanding.

Mr. HATFIELD. I thank my friend for engaging in this dialog with me. ●

#### KOTZEBUE WIND ENERGY PROJECT

Mr. STEVENS. Mr. President, I have a concern regarding the conference report to H.R. 1905, the energy and water development appropriations bill for fiscal year 1996, and would like to ask Senator DOMENICI, the distinguished chairman of the subcommittee, a question about the Kotzebue wind energy project in the State of Alaska.

Mr. DOMENICI. I would be pleased to try and clarify anything of concern to my friend from Alaska.

Mr. STEVENS. On page 90 of the original Senate report (S. Rept. 104-120), the Appropriations Committee highlighted the Kotzebue project and directed the Department of Energy " \* \* \* to provide technical assistance and other appropriate support for this project." Unfortunately, on page 60 of

the statement of managers accompanying the conference report to H.R. 1905 (H. Rept. 104-293), the House and Senate conferees indicate that neither technical support nor other support is provided for the Kotzebue project.

I am disappointed by the language in the statement of managers. I want to clarify that the conferees certainly did not intend that the Department of Energy halt its current and future assistance for Kotzebue, which is an ongoing DOE wind energy project. Under the Department's sustainable technology energy partnerships [STEP] program, Kotzebue Electric Association, with the State of Alaska, will receive \$580,000 in fiscal year 1995 funds from the Department's Wind Program for its 50/50 cost-shared project that will result in the installation of wind turbines near Kotzebue. This pilot project is at the forefront of Alaska's activities to promote wind energy for many of the State's remote communities. The project will provide information on the potential of wind energy as a reliable power source in our extreme arctic climate.

Furthermore, based on current DOE estimates, approximately \$50,000 in fiscal year 1996 funds will be required to provide necessary technical assistance and support for the ongoing Kotzebue project, which will eventually provide 5MW of wind generation for Kotzebue plus outlying villages.

Mr. DOMENICI. I appreciate the Senator's explanation of DOE's continuing involvement in this project, and agree that termination of support for the project would jeopardize many years of work. Accordingly, we did not intend to prohibit the Department of Energy or any other agency from continuing and completing on-going technical assistance and other support for the Kotzebue, AK, wind project.

Mr. STEVENS. I thank the chairman for this clarification. I take it the conference merely meant that no funds have been earmarked for the Kotzebue project. It does not object to the project.

Mr. DOMENICI. The Senator is correct.

#### ANIMAS-LA PLATA

Mr. CAMPBELL. Mr. President, I rise to commend the conferees to the energy-water development appropriations bill for their action on the Animas-La Plata water project. This conference, led ably by Senators DOMENICI and JOHNSTON and Congressmen MYERS and BEVILL, has taken a decisive step toward the expedient completion of the Animas-La Plata water project.

In 1868, more than 125 years ago, the Ute Bands signed a treaty with the United States. This treaty entitled the Utes to water. One hundred years later, the Ute Tribes were not receiving their entitlement. Finally, in 1972, the United States filed suit on behalf of the Ute Tribes in an effort to quantify the native Americans' water rights.

Mr. President, the Ute Tribes have encountered procedural hurdles and

stiff opposition at every turn. Even though the United States promised this water to these tribes, who more than 100 years ago had been relegated by the Federal Government to dry, arid, lands, the fact is that the Utes have not been provided the water that they were clearly entitled to in the middle of the last century.

In 1984, events took a turn for the better. All the interested parties, including the Ute Mountain Utes, the Southern Utes, Federal agencies, the States of Colorado and New Mexico, the local water districts, and other involved parties sat down at the negotiating table. They worked together, and within 2 years, in 1986, they came to an agreement on how water would finally be provided to the Utes.

Mr. President, I suggest to my colleagues that this was a rare display of cooperation. Water rights disputes in the arid West can be bitter, emotional fights of deep acrimony and enormous economic consequence. The Utes could have asserted their Winters Doctrine priority water rights in a manner that would simply have disrupted the social and economic health of the Four Corners area. Instead, they chose good faith negotiation. And we are not holding up our end.

The agreement, in essence, was this: The United States shall provide water to the Ute Tribes, and in return, the Ute Tribes shall defer their precious senior water rights. The Utes surrendered their most valuable tribal asset, in return for which the United States promised to provide water.

The United States would provide water not by taking it away from neighboring towns, farms and mines. Rather, the United States would build the Animas-La Plata project so water could be acquired. This project would create an off-stream reservoir, so that it would not be necessary to dam the Animas River, which would in turn supply the Ute Tribes and non-Indians in the region with water.

In 1988, as a Member of the House of Representatives, I introduced legislation to implement and ratify this agreement. The Colorado Ute Indian Water Rights Settlement Act of 1988 passed the House of Representatives by a wide margin, and it passed this body without a dissenting vote.

After Congress decided to provide water by building the Animas-La Plata project, the Ute Tribes discovered a new and unexpected enemy: The professional environmental advocacy groups of this country.

Mr. President, when we passed the Settlement Act in 1988, at that time the Animas-La Plata project had already met, and was in full compliance with, all the requirements of our environmental statutes, including the National Environmental Policy Act, the Clean Water Act and the Endangered

Species Act. A final environmental impact statement had already been completed, all the appropriate consultations had occurred, all the necessary permits were in place.

When we ordered the Bureau of Reclamation to build the project, we expected the Bureau to do just that.

But environmental groups have advanced claim after unfounded claim against this project. Environmental groups contend that more studies and more reviews are needed to complete this project, when in fact, this project has been the focus of years of study and five reports issued pursuant to environmental statutes.

This project has been the subject of two separate biological opinions under the Endangered Species Act, an environmental impact statement and a draft supplemental environmental impact statement under the National Environmental Policy Act, and a section 404(r) permit exemption under the Clean Water Act.

This project has been reviewed with a fine-toothed comb, but environmental groups have threatened more years—40 years, to quote one of them—of litigation and delay. Their avowed purpose is to kill the Animas-La Plata project.

Mr. President, I have heard talk of alternatives to this project. Opponents of this project suggest that we should consider more alternatives. Any party is free to propose an alternative at any time. Some have even suggested that there may be a viable alternative to the Animas-La Plata project. However, those who claim that we should consider more alternatives are simply seeking to kill this project. They are not interested in providing water to the Ute Tribes as the 1988 Settlement Act requires.

If a so-called alternative does not meet all of the terms of the settlement, then it is no alternative at all. Some groups claim they can muster an alternative, but the only proposed alternatives would take water away from parties to the 1986 agreement. Mr. President, that is not an alternative. That is a sham and a dealbreaker.

Why does this situation exist? It exists because environmental extremists simply oppose all major water projects—even an off-stream project like this one, designed to minimize environmental impact. They ignore the social, recreational and economic benefits a water project and settlement such as this can bring to an arid Western region. They disagree with the congressional policy decision to meet the water demands of the Ute Indian Tribes and other water consumers.

They do not want the Animas-La Plata project to be built, even though that is what Congress has ordered. Because they oppose large water projects, they use environmental statutes as an underhanded subterfuge to tie up projects in court. With crafty attorneys, they can delay a project for years, and maybe even kill it.

Mr. President, this is what the environmentalists want. They do not care about economic security or even the

unsatisfied water claims of two tribes of native Americans. They will stop at nothing to meet their extreme ideological agenda. Frankly, I am also disappointed that this administration has placed the ideological goals of the Fish and Wildlife Service and EPA ahead of its trust responsibility to native Americans.

If the project dies, then this Nation will have again broken its word to native Americans. I urge my colleagues not to follow this shameful path of dishonor and deceit. There are enough of these unfortunate incidents in the history of this Nation's dealings with native Americans.

Mr. President, the language before the Senate in the Energy-Water Development Appropriations conference report directs the Secretary of the Interior to proceed, quote, "without delay" and construct the Animas-La Plata project. I urge my colleagues to support this action. This project is the best alternative, in the eyes of Congress, to settle this water rights dispute.

I would like to take this opportunity to thank the chairman of the Energy-Water Development Subcommittee, Senator DOMENICI, for his fine efforts on behalf of the Animas-La Plata project. The Senator's efforts are a credit to his uncompromising dedication to the native Americans of Colorado and New Mexico, and I'm sure the people of New Mexico appreciate his service as much as my constituents in Colorado.

#### BIOFUELS ENERGY SYSTEMS

Mr. GRAMS. Mr. President, I want to clarify the intent of the Energy and Water Development appropriations conference committee with regard to their support of the Biofuels Research and Development Program within the Department of Energy. Based upon contact my office has had with the Subcommittee on Energy and Water Development Appropriations, it was never the intent of the committee to exclude the other 48 States when it made note of projects in Hawaii and Vermont. Projects, including those in my own State of Minnesota, would be eligible to apply for available funds as would be the rest of the country. Furthermore, I understand that it was never the intent of the committee to discourage a continuation of the ongoing biomass electric program in all States parallel to the ongoing biomass fuels research and development program.

While I have received word of the intent of this clarification, I want the record to reflect that I will be carefully watching the interpretation of this conference language by the Department of Energy. Should there be any misunderstanding, I will work with the distinguished chairman of the Energy and Water Subcommittee to rectify this matter.

I also seek unanimous consent to have the attached colloquy between the House Energy Subcommittee Chair and my Minnesota colleague, Representative MINGE, on this matter be printed in the RECORD.

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

#### COLLOQUY BETWEEN REPRESENTATIVES MYERS AND MINGE

Mr. MINGE. I wish to thank the ranking member for the time and Chairman MYERS for entering into this colloquy. I would also commend the chairman and ranking Member for reporting a balanced bill, particularly in support of the Biofuels R&D Program within the Department of Energy. And I would like to clarify the intent of the conference committee with regard to this program. Am I correct in understanding that nothing in the conference report prohibits continuing research, development and demonstration on energy crops for fuels and electricity or in any way discourages a continuation of the ongoing biomass electric program in all States in parallel to the ongoing biomass fuels research, development and demonstration program, on the understanding that the expenditures for the biomass electric program do not reduce the conferees' allocations to other biofuels programs?

Mr. MYERS. Yes, the gentleman from Minnesota is absolutely correct.

Mr. MINGE. I wish to thank the Chairman in regard to the intent of the conference committee.

#### DISPROPORTIONATE CIVILIAN R&D CUTS IN ENERGY AND WATER APPROPRIATIONS WILL HURT IN THE LONG RUN

Mr. BINGAMAN. Mr. President, I rise to express serious concern about the cuts made to civilian energy research and development programs in the energy and water appropriations conference report that will be adopted by the Senate today. While some level of reduction to Government programs may be expected in order to reduce and eventually eliminate the deficit, the drastic cuts in our civilian R&D programs, not just in this bill, but across the civilian research agencies—with the possible exception of the National Institutes of Health—are shortsighted.

Overall, this budget proposes a 17-percent reduction in our civilian energy R&D from the level requested in the President's budget. An ever larger percentage—35 percent—is cut from solar and renewable energy R&D. A chart comparing budget request levels versus the decisions contained in the conference report, which I ask unanimous consent be included in the RECORD at the conclusion of my remarks, shows the magnitude of the cuts in the energy and water appropriations bill. Cuts that will start us down a path that will ultimately and inevitably harm our Nation's economy and energy security.

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

(See exhibit 1.)

Mr. BINGAMAN. The Republican budget resolution adopted in June will reduce our civilian R&D budget to a four decade low as a percentage of our economy by the year 2002. These cuts will not be made up by the private sector, who are showing, through deep cuts being made in their own research

budgets, an ever narrower focus and an unwillingness to invest in long-term research projects. So our research dollars will be shrinking while those of our economic rivals, Germany and Japan for example, continue to rise. Recognizing the importance of civilian research investments, they and other industrialized countries around the world are seeking to emulate the successful American model of the last half century, just as we seem to be abandoning it.

In the energy arena, our investments have paid off in terms of lowering energy costs and creating new technical advancements in photovoltaic, wind energy, solar thermal, biofuels, and geothermal systems. These developments are positioning the United States as a world leader in new technologies. This has been confirmed by a recently completed report of the Yergin Task Force on Strategic Energy R&D which found that "DOE energy R&D has resulted in billions of dollars' worth of annual consumer energy savings and new business opportunities." In addition, the Yergin report concluded that technological R&D advancements from both the public and private sectors are imperative in order for our Nation to meet its future energy needs.

With all of the significant accomplishments these R&D efforts have yielded, with huge potential in energy products and services markets over the next 25 years, and with the serious trade deficit we now face, I ask my colleagues, how do these cuts make sense? Well, Mr. President, in my opinion, they do not.

I plan to vote for the energy and water conference report today. Given where many Republicans started several months ago on the defense side of this bill, the conference report we are voting on today is not as bad as it could have been. Essentially the bill preserves the President's initiatives for stockpile stewardship and arms control verification and nonproliferation technologies, vital programs for our long-term national security. However, the details that have emerged on the DOE civilian research budget present a very bleak story—one I fear will put our Nation's well-being and prosperity at considerable risk in the long run. I urge the President to continue to fight for adequate investments in energy research even if he reluctantly signs the bill into law.

EXHIBIT 1

CUTS IN ENERGY R&D—FISCAL YEAR 1996 ENERGY AND WATER APPROPRIATIONS BILL

[In millions of dollars]

	Request	Conference
Solar and Renewable R&D .....	423.4	275.2
Nuclear Energy R&D .....	379.8	231.0
Environment, Safety and Health .....	164.6	128.4
Energy Research .....	1,721.4	1,518.5
(Of which:		
Biological and Environmental .....	(428.7)	(419.5)
Fusion .....	363.3)	(244.1)
Basic Energy Sciences .....	(805.3)	(791.7)
Other Energy Research) .....	(124.2)	(63.3)
Energy Support Activities .....	102.6	32.0
(Of which: University and Science Education Programs) .....	(55.0)	(20.0)

CUTS IN ENERGY R&D—FISCAL YEAR 1996 ENERGY AND WATER APPROPRIATIONS BILL—Continued

[In millions of dollars]

	Request	Conference
General Science and Research .....	1,011.7	981.0
Total DOE Civilian Research .....	3,803.5	3,166.1

Fiscal year 1995 Total = \$3,628.5 million.  
Cut from Requested Level = \$637.4 million or 17 percent.  
Cut from fiscal year 1995 Level = \$462.4 million or 13 percent.

ANIMAS-LA PLATA PROJECT

Mr. BINGAMAN. Mr. President, there is one more important point I want to make about this bill. I understand language regarding the Animas-La Plata project was considered which would have read, "In order to ensure the timely implementation of the Colorado-Ute Indian Water Rights Settlement Act of 1988, and notwithstanding any other provisions of law, the Secretary of the Interior is directed to proceed without further delay with construction of those facilities approved for construction in the Final Biological Opinion for the Animas-La Plata Project, Colorado and New Mexico, dated October 25, 1991." I understand this language including the phrase "notwithstanding any other provision of law" was rejected.

The conferees adopted substitute language which says, "In order to ensure the timely implementation of the Colorado Ute Indian Water Rights Settlement Act of 1988, the Secretary of the Interior is directed to proceed without delay with construction of those facilities in conformance with the final Biological Opinion for the Animas-La Plata project, Colorado and New Mexico, dated October 25, 1991."

I understand conferees adopted the language they did because they are frustrated with the pace of the work to comply with existing law before the Secretary can legally proceed to implement the Colorado Ute Indian Water Rights Settlement Act. Efforts to finalize numerous steps required to begin construction of the project, including completion of a satisfactory supplemental environmental impact statement demonstrating compliance with the National Environmental Policy Act, Clean Water Act, and the Endangered Species Act have taken several years. Based on assurances from members of the administration and the conference committee, the amendment is intended to provide clear direction to the Bureau of Reclamation to complete the work necessary to move forward by complying expeditiously with these and other provisions of law. The House added \$5 million to the administration's budget request for the project for fiscal year 1996, and the Senate concurred, to assist the Bureau in its effort to comply with the directions of the amendment.

Mr. WELLSTONE. In the conference report language, it is stated that \$55.3 million is provided for biofuels energy systems. When \$27.65 million is taken out for biochemical and thermochemical conversion, that leaves another \$27.65 million. Then

\$3.94 million goes to the regional biomass program and full funding is provided for biomass power projects in Vermont and Hawaii. There is no instruction for the remainder of the non-biochemical and nonthermochemical biomass funding. Am I correct in stating that that remainder could be applied to the Biomass Power for Rural Development Program?

Mr. DOMENICI. The Senator from Minnesota is correct. DOE could apply the funding as he describes.

I do not think there is anything further on our side.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. 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. GORTON. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. GORTON. Mr. President, during the past 6 months the Northwest congressional delegation and the Clinton administration have spent a great deal of time in an attempt to control the costs imposed on the Bonneville Power Administration's ratepayers by the Endangered Species Act mandating recovery of certain salmon runs of the Columbia and Snake River systems.

The threat of a financial collapse of the Bonneville Power Administration and the reality of exploding fish recovery costs borne by the region prompted this attention. The Bonneville Power Administration bears many financial burdens to threaten its ability to remain competitive. The entire electricity industry is being rocked by fierce winds of change that were not anticipated when the Northwest Power Act was passed by Congress in 1980.

The most immediate and increasing burden on BPA and its ratepayers arises out of Endangered Species Act-mandated salmon recovery costs.

Until just a few weeks ago, Clinton administration officials at the National Marine Fisheries Service estimated that BPA's share of salmon recovery costs for fiscal year 1996 would exceed \$600 million. As a consequence, the Clinton administration decided, quite correctly, that neither a collapse of BPA nor huge rate increases in salmon costs would be tolerated by the people of the Pacific Northwest, and so the administration announced that BPA's salmon recovery costs would be administratively capped at \$435 million for the year. That agreement is incorporated in this bill.

The Clinton administration also made the political calculation that the

President could not afford to anger national environmental organizations by supporting any legislative efforts to control salmon recovery costs borne by Northwest ratepayers. After all, earlier this year, this administration enraged those organizations by signing a rescission bill that included provisions on salvage timber and Northwest timber harvest programs. So the administration, aware of this slow-burning anger among its environmental constituents, decided that it could not support a legislative remedy that would help the ratepayers of the region because that action would further outrage a vital political constituency.

The only positive aspect of the resulting agreement is that it represents the first acknowledgement on the part of the administration that there is an economic limit on Columbia and Snake River salmon costs. But this agreement, while it represents our acknowledgement of fiscal reality, is severely flawed and incomplete.

The agreement is flawed because it is so vague. First, we have not seen any paper outlining the agreement. Second, without legislation, there is no real legal protection for BPA, or for the investment already made by the region's ratepayers.

Without such protection, BPA said that many of its customers would leave the system and purchase power from cheaper alternative sources. BPA said that letting its salmon costs escalate uncontrollably would push it to the brink of financial ruin. It was, in my view, no idle threat.

But the best that BPA can now tell its customers is that the administration promises that \$435 million a year from BPA should be enough for fish and, if not, there will be a pool of \$325 million in Federal dollars if costs exceed that \$435 million.

Mr. President, if the BPA is on the verge of financial ruin, how can a promise from the administration to not spend more than \$435 million provide the certainty that BPA says it needs? What confidence can we have in an agreement that can be broken if an administration official decides next year that BPA should spend more than the \$435 million? The answer: no confidence. And what happens if a Federal judge is asked to decide whether the \$435 million was derived by political science rather than biological science and finds that number insufficient to meet the Endangered Species Act? Answer—the cap will be broken.

What happens if that Federal judge issues orders that require BPA to spend more than the \$325 million in taxpayers' dollars made available by the agreement? Answer—taxpayers and ratepayers will pay more.

This agreement provides little, if any, assurance to BPA customers that they—or the Federal Treasury—will not be forced to pick up the tab for ESA-mandated salmon recovery. In short, this agreement, with all of its what ifs, increases the likelihood that the BPA will soon be right back where

it started—on the brink of financial ruin because of rapidly escalating salmon-recovery costs.

The agreement is also incomplete. This agreement does nothing to provide any certainty or predictability for other economic interests along the Columbia and Snake Rivers system. BPA gets short-term relief from this agreement with the administration, but no certainty.

Other rivers system users—ports, PUD's, irrigators, agriculture, private utilities, non-Federal hydroelectric projects, recreational, and commercial users—are left with even less protection from Federal decisions to draw-down reservoirs, spill water over dams, increase water flows or even order dam removal.

Arguably, this agreement by the administration to limit BPA fish costs, while not changing Federal salmon policy, increases the chances that fish costs will be shifted onto other economic entities in the region. Clearly, these entities are not disinterested spectators. They are affected greatly by the vagaries of BPA policies and NMFS decisions about how the water from the Columbia and Snake Rivers will be used. The characteristics of this administration's environmental policies are inherent all across this agreement—environmentalists are listened to, but working people do not count.

This agreement is flawed because it fails to deal with the root of BPA's and the region's problem. The root problem is not how much BPA and its ratepayers spend on fish recovery. The root of the problem is that this administration has used the ESA to craft a salmon policy that forces the most expensive possible measures for the least productive returns.

Despite BPA's agreement with the administration, the necessity to control BPA and the region's fish and wildlife costs is hardly resolved. Many will use this agreement as an opportunity to declare victory and go home, but if this agreement accomplishes anything, it illustrates the need for dramatic action now on legislation fundamentally to change salmon restoration and conservation practices on the Columbia and Snake Rivers system.

This agreement is unlikely, in the long term, adequately to stabilize BPA's financial position. And, despite the claims of an administration cabinet member that this agreement will recover the species, it clearly will do little to restore an abundant Northwest fishery. Why? Because this agreement perpetuates the status quo, a status quo that has accomplished little if any salmon recovery.

Presently, I am typecast as an enemy of salmon. I would like to dwell upon this typecast for a moment. Our last great regional natural resource debate was, of course, over the extent of measures to protect the northern spotted owl. I will make a confession. While I do not desire the extinction of that bird, I do not worry overly about its

survival. I believe that it will survive, regardless of Federal policies designed to protect it, but more fundamentally, I don't worry because I don't believe that that bird is vital to the human condition or to life on this planet—while I believe that families and people are. I believe that preserving a reasonable amount of owl habitat—our old growth forests—is important, but, in truth, if you wish to portray me as opposed to the proposition that owls are more important than people, you are not far off the mark.

I see salmon in a completely different light. I am committed to conserving and restoring an abundant Northwest salmon fishery. My legislative proposal to accompany the energy and water appropriations conference report would have locked into place a \$500 million a year commitment to Columbia and Snake Rivers river salmon recovery.

But ensuring a healthy salmon resource in the Northwest is not a broad enough goal for the Columbia and Snake Rivers system—we must also consider anadromous and nonanadromous fish, and resident fish populations. I will support Federal legislation that provides that consideration and also assures comparable proportionate commitments to salmon runs in other Northwest river systems. I am convinced that, within reason, Northwest citizens will make large investments to restore the region's fishery.

I believe that the region is committed to such an unprecedented environmental investment because salmon are important to our Northwest economy—they are important to our society, our culture, our lives.

Let me emphasize this point. I will support Federal legislation that requires electric ratepayers in the Pacific Northwest to pay for salmon recovery. I believe that people of the region are committed to this goal and are willing to pay for it. I ask only two conditions in return: First, that the level of expenditures be reasonably predictable, and second, that the expenditures be for scientifically credible measures to strengthen the overall fishery.

While it is inaccurate to claim that I am antisalmon, it is definitely true that I disagree profoundly with the administration's salmon management policies.

What exactly is the current Federal salmon management policy in the Northwest? Beyond spending a lot of money, I'm not sure anyone can honestly tell us what's been accomplished, or even what the goal of the recovery plan for Columbia and Snake Rivers salmon is. This is a plan that only a bureaucrat could develop and understand—it's easy to write a plan like this when there is no political accountability, and you are spending someone else's money. That's what the Federal recovery plan for salmon boils down to.

Today, Federal management of the Columbia and Snake Rivers system is driven by the ESA and it concentrates on the weakest salmon runs for recovery.

Fact: This administration's ESA strategy on the Columbia and Snake Rivers does not even propose to restore a vibrant Northwest fishery in any reasonable period of time. Fact: this recovery plan does not say that our national goal is to have the Columbia and Snake brimming with millions of fish. Instead, the ESA requires the region to focus on saving weak salmon runs—not full species of salmon, not even subspecies of salmon but only on what are called distinct population segments. There actions may mean increasing the number of one listed run of Snake River sockeye from 10 in 1994 to 50 by 2000 forty individual fish. Despite the protestations of NMFS biologists, and inside-the-beltway theorists, these recovery measures for sockeye salmon have no connection to an abundant salmon resource.

NMFS states that recovery of the listed salmon runs will require 50 years, and acknowledges that a century of extraordinary measures is probably necessary. To those involved in tribal, commercial, and recreational fishing, I warn that NMFS, empowered by the ESA, is planning for a century with no fishing.

Do not misunderstand, people in the Northwest do care about conserving and enhancing wild salmon. Wild salmon are valuable. But they are valuable because their survival and enhancement can play a large role in the recovery of an abundant and healthy resource. We have learned that some degree of genetic diversity is important to healthy salmon stocks. The problem with the current law is that it empowers Federal regulators to spend unlimited amounts of money to save genetically distinct salmon runs as a goal in itself and not as a measure to a broader goal.

The goal of Federal regulators is not an abundant fishery, nor is their goal connected in any way to economic reality. Federal policy—driven by saving one genetically distinct run—is in conflict with rebuilding an abundant fishery. A fraction of the dollars the Federal Government is taking from the Northwest economy, dedicated to recovery of these specific fish populations, would produce a infinitely greater return if focused on fish populations throughout the system, including saveable salmon runs and some wild stocks.

I make these points about current Federal salmon policy because the agreement arranged by the Clinton administration and BPA does nothing to change what is wrong with current Federal fish management policies and practices. This agreement literally papers over the problems inherent in poor Federal policy with dollars—dollars paid by Northwest ratepayers and U.S. taxpayers.

But in the end, this flawed Federal policy will not be papered over. As long

as Northwest salmon recovery measures and costs are dictated by the Federal Government and the EPA we will court failure. We will have higher costs and little, if any, increase in the number of salmon to show for it.

It is time to change the direction of our salmon recovery policies and the agreement by this administration and BPA does nothing to do so.

Northwest salmon policy should be changed so that it is directed at three goals. First, we must restore an abundant fishery resource. Second, we must enhance the fishery with the least possible economic dislocation. Third, we must give the authority over decisions for salmon recovery back to the region.

Mr. President, I have my own views about effective salmon recovery measures, but I will fight hard to see that Federal law is changed so that nobody in Washington, DC—including me—will make the decisions on how best to conserve and enhance fish populations in the Northwest. The region must be given the freedom itself to make those decisions. If our region, after an inclusive and thoughtful process, decides to spend \$500 million a year to restore one weak run of salmon—I will almost certainly disagree—but as a U.S. Senator, I would defend, absolutely, the region's authority to make that choice.

I often disagree with our Northwest Indian tribes on issues of public policy but our Northwest tribes should be heard on how best to restore an abundant fishery. I often disagree with Washington State's representatives on the NW Power Planning Council, but I believe that the Council should be involved in helping to make these decisions. The heads of Northwest fishery agencies and our best scientists should have a significant voice in this process. The region should decide which salmon runs to enhance—not D.C. bureaucrats.

Northwest salmon management measures should be decided by the people, local governments and interests in the Northwest. Today, the region is barred from making these decisions because of Federal law. Federal law grants to one agency, the National Marine Fisheries Service, nearly total control over our Columbia and Snake Rivers systems. I want to dramatically alter this miserable status quo—I want the people of the region to make their own decisions on these issues.

Mr. President, our country is now in a state of revolution over the excessive role the Federal Government plays in our daily lives. The proposition that we should take power from the Federal Government and put it in the hands of local people is driving the debate on issues ranging from education to telecommunications to transportation to welfare. In the opinion of this Senator, the revolution should not stop there.

It shouldn't stop there because these aren't the only fields in which a revolution is occurring. Another is clearly underway in the way our country delivers energy to families and businesses. In the Northwest, this requires a thorough review of BPA and the Northwest utility marketplace.

Our region is just beginning to explore what to do in the face of changes that will dramatically reshape the region's energy marketplace. Over the next few months, I will be seeking the opinions of all who are concerned about what the future holds for Northwest energy policies. We will need to ask questions—tough questions—that don't merely tinker around the edges but delve deeper in order to create more competition and less reliance on government subsidies. In a word—overhaul.

In this process our region will also explore what to do about ESA-mandated salmon recovery measures and how to pay for them. I intend to participate in this process. Questions of energy policy, the role of the Northwest Power Planning Council and salmon recovery and its cost will come before Congress in the next several years.

I believe that residents of the Pacific Northwest will not continue to tolerate exploding costs in the name of salmon recovery, when the immediate benefits are so slight and the promised benefits are esoteric and distant.

Much of the Northwest was built based on a model of Federal answers to regional needs. Those decisions were appropriated at one point in time because our region could not, without Federal aid, have developed and grown. But current salmon recovery measures still reflect the old faith in centralized Federal answers to regional problems.

Now, however, like nearly every issue before the Congress, the answer to the problems of the last 50 years may not be the answers to the problems of the next 50 years. Policies that assure centralized Federal control of energy and salmon policy demand careful review and dramatic change. The status quo is not the answer to the region's problems.

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

Mr. GORTON. Yes.

Mr. McCAIN. Does the Senator know and the other Members know it is Halloween and not only do Members have children who they would like to go to Halloween with, but there are members of the staff here and all over Capitol Hill that would like to observe Halloween?

I know these are important issues. I know the Senator from Nevada is here. We had one Senator who has already had to leave to miss a vote. I ask my colleagues just once to let us go ahead and have this vote and submit written statements for the RECORD.

Mr. DOMENICI. Mr. President, I—

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. GORTON. I will yield to the Senator.

Mr. DOMENICI. How much time did the Senator from Nevada want?

Mr. BRYAN. Mr. President, 5 minutes.

Mr. DOMENICI. How much time does the Senator from Washington need?

Mr. GORTON. I suppose I would take about 10 minutes.

I think the way in which the question could be answered, I suppose, would be to have the vote tomorrow.

Mr. DOMENICI. I think the leader wants to get this bill finished tonight.

Is there any reason on this side the Senators want a rollcall vote? Could we just agree the Senator would have 10 minutes?

Mr. GORTON. I think I can probably complete in that period of time.

Mr. DOMENICI. Does the Senator from Nevada want 5?

Could we agree to vote at 6:05 p.m.?

Mr. JOHNSTON. From this side I do not think that a vote is necessary.

Mr. DOMENICI. It is.

Mr. WELLSTONE. Yes, it is.

Mr. DOMENICI. I ask unanimous consent that the rollcall vote which has been ordered start at 6:05 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Reserving the right to object.

Can the Senator put his statement in the RECORD—he will not change the outcome of the vote—so I can catch a 6 o'clock train and get home?

Mr. GORTON. I will not put my statement in the RECORD. I do wish to make it.

Mr. BIDEN. I have no objection.

The PRESIDING OFFICER. Is there any objection to the request?

Without objection, it is so ordered.

Mr. GORTON. Mr. President, I was going to say, under those circumstances I am perfectly willing to allow the vote to take place now and make statements afterward, if that will help the Senator from Delaware.

Mr. BIDEN. That would be wonderful, Mr. President.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. BRYAN. I agree.

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

The Senate will proceed to vote now. And Senators can put their statements in the RECORD or make statements after the vote.

The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Idaho Mr. [KEMPTHORNE] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

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

The result was announced—yeas 89, nays 6, as follows:

(Rollcall Vote No. 558 Leg.)

YEAS—89

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Ashcroft	Feinstein	Mack
Baucus	Ford	McConnell
Bennett	Frist	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boxer	Gramm	Murray
Breaux	Grams	Nickles
Bryan	Grassley	Nunn
Bumpers	Gregg	Pell
Burns	Harkin	Pressler
Byrd	Hatch	Reid
Campbell	Heflin	Robb
Chafee	Helms	Rockefeller
Coats	Hollings	Roth
Cochran	Hutchison	Santorum
Cohen	Inhofe	Sarbanes
Conrad	Inouye	Shelby
Coverdell	Jeffords	Simon
Craig	Kassebaum	Simpson
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Stevens
Dodd	Kohl	Thompson
Dole	Kyl	Thurmond
Domenici	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Exon	Levin	

NAYS—6

Brown	Lieberman	Smith
Johnston	McCain	Thomas

NOT VOTING—4

Bradley	Kempthorne
Hatfield	Pryor

So, the conference report on H.R. 1905 was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote.

Mr. DOLE. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President, thank you. The bill that has just passed is extremely important to my State as it is to a good many States in this Nation.

Mr. President, this bill funds Yucca Mountain at \$400 million for fiscal year 1996 with \$85 million set for a monitored retrieval site.

What does that mean? That means that to create a managed site to handle high-level nuclear waste until Yucca Mountain is completed. The bill does not designate where this MRS would be located.

Under the terms of the current Nuclear Waste Disposal Act, an MRS cannot be placed in the same State where the permanent repository is located. This means that this Congress must act, and I hope it would act soon on a bill to designate a site for a monitored retrievable storage.

This administration continues to fight a program to open a permanent nuclear waste repository. They ask for no money in their budget request and they continue to be less than helpful in getting an MRS operational.

This is a national disgrace, Mr. President. This country has spent over \$5 billion—let me repeat, \$5 billion—of electrical ratepayers' money at Yucca Mountain, and what do we have to show for it? A 1-mile hole in the ground. Which is a start, I have to admit but we have a long way to go before an application can even be filed to begin the process of opening a repository facility.

I have introduced S. 1271, the Nuclear Waste Policy Act of 1995. I hope we could move on legislation like this.

Mr. President, 32 States currently generate power from nuclear energy. A brief summary of a percentage of nuclear energy consumed on a State-by-State basis is included for the RECORD, Mr. President.

It is phenomenal to me that 82 percent of Vermont, 74 percent of Connecticut and 74 percent of Maine's power is generated by nuclear energy. These States should be working every day to open up an MRS and a geologic repository so their States do not have to shut down their nuclear power.

I will say they are simply years away from doing that—and not tens of years but a very, very short period of time.

It is time for this Senate to come to grips with the issue of nuclear waste. The Governor of my State recently entered into an agreement with the Secretary of Energy to finally remove the DOE and defense nuclear materials that are stored at the National Engineering Laboratory in Idaho.

It is imperative that we move forward with operating facilities to meet the terms of that agreement which will remove all materials from Idaho in the year 2035.

Mr. President, there is a uniqueness about this agreement. It is no longer just a signed piece of paper between DOE and a Governor. There is a Federal court order that the Department of Energy is now operating under to deal with the issues of Idaho and to deal with the issues across the Nation.

That means 10,851 shipments of spent fuel and transuranic waste will be leaving Idaho. This is the first time Idaho has ever had a schedule for removal. That schedule is now in place and a Federal judge says to DOE they must respond.

Mr. President, it is time that this Senate and this Congress came together in its obligation to the American people to build the facilities necessary to solve this very, very important problem.

Some day, some ratepayer and some taxpayer is going to catch on to the fact that we are simply spending money and not addressing a problem. Mr. President, \$5 billion, \$10 billion later, one nuclear reactor down, the lights dark in a portion of a major city in this country because the power can no longer be supplied—that should not be the answer to our problem. We should respond and we should respond in a timely fashion.

I thank the Senator from Washington for allowing me to proceed.

Mr. GORTON. Mr. President, before the last vote, I had the floor and I was asked shortly after I began my remarks under this bill to allow the vote to take place so that various people can go home.

I ask unanimous consent that the remarks I am about to make be consolidated with those I made before the vote

and be printed in the RECORD before the vote.

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

Mr. SARBANES. Reserving the right to object, I ask unanimous consent that Senator KERRY be recognized after the completion of Senator GORTON's statement.

Mr. REID. I object.

The PRESIDING OFFICER. Objection heard.

Mr. KERRY. Could the Senator inform us how long he will anticipate speaking?

Mr. GORTON. Approximately 10 minutes.

The PRESIDING OFFICER. Approximately 10 minutes.

Mr. REID. I was similarly situated with the distinguished Senator from Washington. Both of us agreed to forbear making a statement so the vote could proceed.

I simply want the Senator from Washington—we simply agreed to not make our statement so that everybody could cast a vote, and those who wanted to go home went home.

Mr. KERRY. Mr. President, the Senator is correct, and I think that is fair.

I ask unanimous consent that I be permitted to proceed after the Senator from Nevada has completed.

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

Mr. DOLE. How much time are we talking about here?

The PRESIDING OFFICER. Ten minutes.

Mr. KERRY. I cannot say because it depends on—there is no way I can answer that.

Mr. DOLE. Have you got consent to speak for more than 5 minutes?

Mr. KERRY. I have consent to have the floor.

The PRESIDING OFFICER. There was no specific time.

Mr. DOLE. We did not go into morning business? Because we have a speaker on this side who wishes to speak and I wonder how long he is going to have to wait.

Mr. KERRY. Maybe the majority leader and I could visit for a minute and see if we could work that out, Mr. President. Would that meet the minority leader's approval?

Mr. DOLE. Fine. I just do not want to start speaking here and never get back to this side of the aisle.

The PRESIDING OFFICER. The Senator from Washington still controls the time.

Mr. DOLE. Why do we not visit while the Senator from Washington speaks?

Mr. SARBANES. Are we limiting everyone to 5 minutes?

Mr. DOLE. I thought we had gotten the regular, routine morning business for 5 minutes. Apparently not.

Mr. SARBANES. The Senator from Washington, as I understand it, will speak for more than 5 minutes. We have no objection to that.

Mr. GORTON. Both the Senators from Washington and Nevada are speaking on the bill we just passed, de-

ferring their right to speak before the vote in order to accommodate Members who wanted to leave.

Mr. SARBANES. We understand that.

The PRESIDING OFFICER. There have been no other time agreements or restrictions.

Mr. DOLE. There has been no consent on who speaks?

The PRESIDING OFFICER. It will be the Senator from Washington, who has the floor now, then the Senator from Nevada has been recognized to speak following that, and then we had consent for Senator JOHN KERRY of Massachusetts to follow.

The Senator from Washington.

Mr. GORTON. Was my unanimous-consent agreement to have the speech consolidated before the vote?

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

(The remarks of Mr. GORTON appear at an earlier point in the RECORD.)

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the Chair.

Mr. President, the energy and water conference report that was just adopted earlier this evening is correct when it concludes that the Nation's nuclear waste policy with respect to permanent disposal is deeply flawed.

It is a program that has cost some \$5 billion, and the solution to the nuclear waste issue in America is no closer to resolution today than it was in 1982. The reason for that, Mr. President, is that politics and not science has been a driving force. The second reason is because of unrealistic deadlines that have been constantly mandated on the program that have been counterproductive.

Based upon some of the comments made by a number of my colleagues this evening, the Nation is about ready to commit another serious error in nuclear waste policy as it relates to interim or short-term storage or, as it has been characterized by some, a monitored retrieval storage system.

Mr. President, we have been to that show before. In the early 1980's the advocates of nuclear power, in urging upon the Congress the adoption of an AFR program, Away From Reactor Program, indicated that unless action was taken immediately, a number of nuclear reactors around the country would be forced to close down because of the nuclear waste problem and the Nation would face an energy crisis. The Congress did not respond to the request made by the nuclear power industry, and no nuclear reactor was closed as a consequence.

In the debate that is about to ensue on the interim storage issue, we are about ready to fall into that similar trap that was foisted upon us by Congress in 1987 in urging unrealistic deadlines and that science is to take a second place to the politics of nuclear waste.

I think it may be helpful, Mr. President, to respond and to go into a little of the history of the program.

In 1982, the Congress enacted the Nuclear Waste Policy Act. I think the Congress attempted to develop a sensible policy. Its underlying premise is that we should search the entire country looking at various types of repositories. We would look in the New England States of America for granite, look in the Southeast for salt domes. We would look in parts of the West for a volcanic material called tuff. Those three sites would be evaluated and studied—"characterized" is the technical terminology that is used. And those three sites would be forwarded to the President of the United States, and the President would make a decision.

The law also contemplated that there would be regional bounds, or equity; that is, no part of the country would bear the entire burden of the Nation's nuclear waste disposal.

Mr. President, no sooner had that policy been signed into law by President Reagan in the early part of 1983, than immediately politics became a driving force. In the campaign year that ensued, candidates for the Presidency asserted that, if elected—the promise was made to constituents of particular States that those States would be off limits in terms of being considered for a nuclear waste repository.

Indeed, the Department of Energy itself was immersed in the politics of nuclear waste and in an internal memorandum concluded that New England with granite as a possible repository site would be eliminated because the politics—the politics, not the science, Mr. President—would be too difficult. So one particular region of the country would be written off.

Ultimately it was decided that a repository should not attempt to be sited east of the Mississippi River, not because of the science, not because of the geology, but because of the politics.

So I repeat, Mr. President, this is a program that has been driven not by science, but by politics and with the imposition of totally unrealistic time lines.

That is not just the conclusion of the Senator from Nevada. That is the conclusion of virtually every independent comment or observation. The technical review committee, the General Accounting Office, and others have all lamented that politics and unrealistic deadlines have caused the problem.

Mr. President, fast forward to 1987, 5 years after the enactment of the Nuclear Waste Policy Act. In a conference report done in the still of evening, without an opportunity to debate the merits of this amendment, an addition was inserted into the conference report which indicated that rather than three sites being studied or characterized, only one site would be studied and that site would be Yucca Mountain in Nevada.

I know of no scientist worthy of that name who would assert as a matter of

public policy and good science that that was a sensible judgment. And yet the politics dictated that the State of Nevada, a small State with a small congressional representation, should be targeted out as the site and the only site to be characterized.

This was not done in the context of public policy debate. It was not done where the representatives of Nevada had an opportunity to debate the merits or demerits. This was done surreptitiously in a conference report, and as the Members of the Chamber fully understand, that means that it is impossible to debate an amendment to remove that provision up or down.

I wish I could say that that is the only tragic experience that the State of Nevada has had with the politics of nuclear waste. In 1992, the issue before the Congress was in an energy bill. In neither the House nor the Senate was debate or consideration given, as that piece of legislation was processed, to a reduction of health and safety standards that would apply only at Yucca Mountain.

Once again, Mr. President, the State of Nevada was victimized by having a provision inserted into the energy bill that had not been debated, had not been considered by the Members of either House, and was added to the conference report. Once again, the State was disadvantaged in terms of raising legitimate public health and safety issues because the conference report is up or down, no opportunity to amend.

The 1987 amendments are known ignominiously in Nevada as the "screw Nevada" plan. The 1992 amendments are "screw Nevada II," and I am afraid that we are about to see unfold in this Congress what might be "screw Nevada III."

Mr. President, the State of Nevada continually seems to be focused with a nuclear bull's-eye on either Yucca Mountain or the Nevada test site. As in 1981 when the Away From Reactor Program was debated, again we hear the hysteria beginning to mount that unless we provide for interim storage, nuclear reactors will close and, indeed, regions of our country may be left without power.

Nonsense. No nuclear reactor closed in 1981 as a result of the failure to adopt the AFR program. And no nuclear reactors are about ready to close today because of the failure to provide for an interim storage.

There are two provisions, Mr. President, that currently exist in the Nuclear Waste Policy Act that I apprehend are in danger. One is a matter of fairness. One simply states that if a State is being characterized, studied, evaluated for the permanent high-level nuclear waste repository, it may not be designated as an interim storage, an MRS, monitor retrieval storage. Nuclear waste, whatever one feels about the propriety or the soundness of pursuing nuclear power, ought not to be the burden of a single State. And the Congress in 1992, to effect some sem-

blance of fairness, made that point that if you are being considered for the permanent repository, you ought not to have to be considered for the interim storage.

Recognizing another political fact of life, a reality, the Congress further concluded that an interim storage ought not to be selected until after the permanent site is selected because of the concern that everybody in this Chamber fully understands, that once an interim site is chosen, it will de facto—de facto—become the permanent site. That is the state of the record.

What is involved with all of this hysteria about the need to have immediately an interim storage? It is the hysteria and propaganda of a nuclear power industry. Current law authorizes on-site storage, called dry-cast storage, and a number of responsible nuclear utilities have availed themselves of it.

Not far from the Nation's Capital, I was privileged to visit such a nuclear reactor site in Calvert Cliffs where on-site dry-cast storage currently exists. It results in no change in the law and is available as a result of it having been licensed by the Nuclear Regulatory Commission.

This provides a window of opportunity of approximately 100 years for us to deal responsibly and sensibly with the issue of nuclear waste and not driven by the immediacy of the politics nor of the unrealistic deadlines that are being thrust upon us.

I know most Members of the Chamber would assume Nevada is the only one with a dog in this fight. That is simply not the case. Mr. President, there are 43 States that will be affected by the transfer of nuclear waste across the country. Some of the largest cities in the country, some of the most populous areas will be affected by some 16,000 shipments that literally will move from every point on the compass.

Not only do we apprehend the possibility of an accident, there are literally hundreds and hundreds of derailments each year in which a shipment of high-level nuclear waste could be the subject of an accident, more recently in Hyder, AZ, as we tragically found out the possibility of an act of terrorism. I cannot think of a more inviting target: a train load of high-level nuclear waste en route to a major metropolitan area to be targeted for an act of terrorism. As we have learned in the Hyder, AZ, incident, it took but a matter of minutes and did not require much sophistication to effect that tragedy.

Mr. President, in this Congress, we have heard a lot about State's rights. Most of the debates in the major pieces of legislation that we have had have constantly emphasized the importance of returning to the States, to abandon the notion that the Federal Government has preeminent wisdom on major public policy issues, to allow the States to make decisions for themselves.

It is for that reason I find it inconsistent with that philosophy that a

number of my colleagues in the Chamber are suggesting that the Federal Government must preempt local government decisions and somehow formulate this policy of having an interim storage site chosen by this Congress and the site to be chosen is Nevada. That makes no sense to me, Mr. President, and I see no reason why that need be done.

I might also point out to my colleagues that there is a certain hypocrisy. A number of my colleagues have gotten up and have expressed their strong support and commitment for nuclear power. Many apprehend that the industry, which is on its death bed in terms of its economic vitality and its prospects in the financial markets of the world, they believe passionately that locating an interim-storage site will regenerate interest in terms of the financial markets in the country in nuclear power. That is fine if they believe that. We have heard impassioned pleas by the distinguished senior Senator from Louisiana.

Let me just say to my colleagues that those of you who believe that a nuclear power future is the future that you envision or contemplate for America, and if you think that that is the kind of public policy we need to adopt, volunteer your own State. Volunteer your own State. The current law permits a State to step forward and say, "Look, we will voluntarily accept an interim site," and if that is what you believe and you are honest with your convictions and consistent with your convictions and believe it is in the national interest, then go ahead and volunteer your own State.

What I take strong exception to and bitterly resent is the notion that somehow only Nevada can be the solution for the interim and the permanent nuclear waste problem in America. I do so, Mr. President, because Nevada has not chosen to have a nuclear power future. We have no nuclear reactors in Nevada. We do not want nuclear reactors in Nevada. We had no part of the decision made by many States to locate nuclear reactors in their own States and their own communities, and Nevada ought not to be called upon to bear the burden of the Nation's high-level nuclear waste when it neither sought such a policy nor participated in the decision of other States to do so.

So, end this hypocrisy for those of my colleagues who want nuclear power to continue as a source of energy for America. Step forward and do the responsible thing if that is what you believe: Volunteer your own State. You can do so, but leave my State out of that equation, because we did not buy into the nuclear bargain that you did.

Mr. President, I thank you, and I yield the floor to the distinguished Senator from Massachusetts.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Massachusetts.