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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3525

(Purpose: To require a report on Iraqi development of weapons of mass destruction)

Mr. MCCONNELL. Earlier today, due to a mistake, an amendment by Senator BOND was, we thought, approved but in fact was not sent to the desk. It is agreed to by both sides. So I would like to send the BOND amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. BOND, proposes an amendment numbered 3525.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

(a) FINDINGS.—Congress finds that—

(1) Iraq is continuing efforts to mask the extent of its weapons of mass destruction and missile programs;

(2) proposals to relax the current international inspection regime would have potentially dangerous consequences for international security; and

(3) Iraq has demonstrated time and again that it cannot be trusted to abide by international norms or by its own agreements, and that the only way the international community can be assured of Iraqi compliance is by ongoing inspection.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the international agencies charged with inspections in Iraq—the International Atomic Energy Agency (IAEA) and the United Nations Special Commission (UNSCOM) should maintain vigorous inspections, including surprise inspections, within Iraq; and

(2) the United States should oppose any efforts to ease the inspections regimes on Iraq until there is clear, credible evidence that the Government of Iraq is no longer seeking to acquire weapons of mass destruction and the means of delivering them.

(c) REPORT.—Not later than 30 days after the date of enactment of this Act, the President shall submit a report to Congress on the United States Government's assessment of Iraq's nuclear and other weapons of mass destruction programs and its efforts to move toward procurement of nuclear weapons and the means to deliver weapons of mass destruction. The report shall also—

(1) assess the United States view of the International Atomic Energy Agency's action team reports and other IAEA efforts to monitor the extent and nature of Iraq's nuclear program; and

(2) include the United States Government's opinion on the value of maintaining the ongoing inspection regime rather than replacing it with a passive monitoring system.

Mr. MCCONNELL. Mr. President, there is no objection to the amendment.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 3525) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote and move to lay it on the table.

The motion to lay on the table was agreed to.

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT—CONFERENCE REPORT

Mr. MCCONNELL. Now, Mr. President, I ask unanimous consent that the Senate proceed as under the order to the Texas Low-Level Waste Disposal Compact conference report.

The PRESIDING OFFICER. Under the previous order, the clerk will report the conference report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 629) have agreed to recommend and do recommend to their respective Houses this report, signed by all 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 July 16, 1998.)

Mr. ALLARD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WELLSTONE. I ask unanimous consent the quorum call be rescinded.

Mr. ALLARD. I object.

The PRESIDING OFFICER. Who yields time on the conference report?

The majority leader.

Mr. LOTT. Mr. President, I yield time to myself off the time for the conference report and observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Mr. President, it may be, I say to my colleagues, because I have friends out here on the floor and we may have some real disagreement on this, but I want to make sure we proceed on this together. I think on the order of this, the proponents might want to go first. That is fine with me. I want to make sure we can have one understanding. Before the recess, it was my understanding, albeit not a written contract, that we would not burn up all the time; that we would reserve 1 hour equally divided for tomorrow before the final vote. I ask unanimous consent that we at least have that final hour to be equally divided before the vote tomorrow.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, reserving the right to object, I mention to the Senator from Minnesota, it is not my understanding an hour would be reserved. I understand most of the time will be used this evening, with the exception of 15 minutes to be equally divided prior to the vote tomorrow.

Mr. WELLSTONE. Mr. President, I say to my colleague, it is unfortunate that maybe there were a number of different parties involved in this, but I was very clear that I wanted to make sure there was time for this debate also tomorrow morning, not late tonight.

I say to colleagues—it is not personal to my colleague from Maine—I am going to object to adjournment tonight, and Senators are going to have to come back here tonight at midnight and vote if I don't get a half an hour tomorrow. I know what was said. I know what was the understanding, and this is an important enough issue that tomorrow morning—and the other side can take a half hour, too—that we should have a debate. It shouldn't go from 7 o'clock now until 10 o'clock, time is burned off, no time to discuss this tomorrow morning, and then there is a vote. I think that is unacceptable.

I guess we are starting the debate off in the wrong way. In all due respect, a lot of the decisions made on this matter have been made kind of in the dark of night in the conference committee. I want part of this debate to be open. I want Senators to be aware of this. I want the public to be aware of it.

I renew my request one more time just so I know where I am at tonight. I ask unanimous consent that we have an hour equally divided tomorrow morning before final vote.

Ms. SNOWE. Mr. President, reserving the right to object, it may well have been the understanding of the Senator from Minnesota that an hour would be set aside. That was not my understanding in terms of how this time would be divided, other than to say that most of the time was to be used this evening, with the exception of 15 minutes to be equally divided tomorrow.

I will agree to half an hour equally divided, if that will accommodate the Senator from Minnesota. But I, and I think the others involved in this debate, prefer to do most of the debate this evening. That was our understanding.

Mr. WELLSTONE. Mr. President, I say to my colleague, I am going to stick to this because this is, I think, an important issue. It takes time to lay out the context and the background. I know the way it works here. This now has been put off close to 7 o'clock. I understand that. I just think that 15 minutes is not a lot of time to go into the complexity of this. I know at least what was my understanding, and I say to my colleague from Maine, this was not a direct conversation with her. In no way, shape, or form am I trying to say she had implied otherwise.

I am going to be firm about this. Perhaps we could—and I wouldn't be totally satisfied with it—but perhaps we could save colleagues some trouble and

do 40 minutes equally divided. I ask unanimous consent that there be 40 minutes, 20 minutes on each side, so colleagues don't have to come back tonight and vote at midnight.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WELLSTONE. Do my colleagues want to proceed first? I say to the Senator from Maine, would you like to proceed first?

Ms. SNOWE. Mr. President, yes, I will proceed first. I won't be very long, and then both Senators from Vermont are here this evening as well. I am willing to go first in this debate.

I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized for the time she may consume.

Ms. SNOWE. Mr. President, I say to the Members of the Senate, I rise today to ask for my colleagues' support for the conference report on H.R. 629, the Texas Compact Consent Act of 1998, which reflects the original language ratified by the States of Maine, Vermont, and Texas to address the safe disposal of their low-level radioactive nuclear waste. The 1980 Low-Level Radioactive Waste Policy Act states that it is the policy of the United States that each State is responsible for providing for the availability of disposal capacity, whether in State or out of State, for waste generated within its borders, and the act authorized interstate compacts as a principal means of providing for this capacity.

The policy was reinforced in the 1985 amendments to the act. The States of Maine, Vermont, and Texas are now approaching the end of a long journey that started in 1980 when Congress informed the States to form compacts to solve their low-level radioactive waste disposal problems.

My first chart shows the extent of the nine compact networks that have already been ratified by Congress. California, for instance, has had a compact with North and South Dakota, and Hawaii and Alaska ship their low-level waste to Washington State.

This chart designates all of the nine previous compacts that have been established with the various States across this country. As you can see in the second chart with the list of States in the compact, Mr. President, when we adopted this report, Texas, Maine, and Vermont will become the 42nd, 43rd, and 44th States to be given congressional approval to enter into a compact and will meet their responsibilities of disposal of their low-level waste from hospitals, medical centers, powerplants, and shipyards. We will be the 10th compact to receive the consent of the U.S. Congress. Only 6 States out of 50 will not yet have formed a compact with other States.

Again, in referring to this chart, it shows that 41 States have entered into nine different compacts, all of which have been ratified by the Congress in previous years. So this compact is not unlike any of the other nine previous compacts that have been adopted by the U.S. Congress.

It is very important for my colleagues to understand that the language ratified overwhelmingly by each State legislature is the same language that has been passed by the conferees, so that the compact will not have to be returned to each State to go through a reratification process that would, in all practicality, as well as reality, take several more years.

The compact that is before the Senate has been approved by large majorities in all three State legislatures. The Texas Senate approved the compact in May of 1993 with a vote of 28–0, and by a voice vote in the Texas House of Representatives. Governor Ann Richards at the time signed the compact. The compact is supported by the current Governor, Governor George Bush.

The Vermont House voice voted the compact in March of 1994, and the Vermont Senate voice voted the compact in April of 1994. Governor Howard Dean signed the compact.

The Maine Legislature approved the compact in June of 1993, by a house vote of 131 yeas to 6 nays, and a senate vote of 26 yeas and 3 nays.

Additionally, Maine held a public referendum on the compact in November of 1993, which passed by 73 percent. Then-Governor John McKernan signed the compact. Today it is supported as well by the current Governor, Angus King.

As Congress intended in the original law, the Low-Level Radioactive Waste Disposal Act of 1980, and in amendments enacted in 1985 by the Congress, the Texas Compact is site neutral. Site location questions are the exclusive purview of the State of Texas and can only be addressed through Texas political and regulatory processes. The chosen site must, of course, meet Federal environmental, public health and safety laws. To date, no site location has been finalized. No license has been granted.

The compact does not determine who pays what, how the storage is allocated, or where the site is located. To the contrary, the intent of the law is for the States to develop and approve and finalize these details after Congress has ratified the plan.

The compact is only an interstate agreement providing the terms under which Maine and Vermont can dispose of their waste at a licensed facility in Texas, irrespective of where that facility is located. As we all know, there has been a proposed site.

As to the statements by the opponents and by the Senator from Minnesota that there is no local support for the proposed site, all I can say is that earlier this year local support was certainly evidenced through local elections that were held in Texas. The Hudspeth County judge, who is the top elected official in the county where the site has been proposed, and who has strongly declared his support for the compact, won his race for reelection. This was an issue in his reelection, and the elections at the local level in this county.

Two candidates for county commissioner who also support the compact won their races over two opponents of the compact. And a local individual in opposition to the compact was the only person on the ballot for Democratic Party Chair, and he lost to a write-in candidate.

In an August 25 letter, a top-elected official from Hudspeth, Judge Peace, stated: ''The truth is the socioeconomic benefits for the residents of Sierra Blanca are enormous and overwhelmingly positive.''

Judge Peace also says, ''I want you to know that the majority of citizens favor the development of such a facility.'' Further, he says, ''The people of Sierra Blanca and Hudspeth County voiced their opinions for a better future and tangible real life advances that will make our communities more livable.''

There is a grave concern in Maine and Vermont and Texas that there are some in Congress who want to add stipulations on to the Texas Compact that no other compact has had to endure. And that would be action that would discriminate against these three States.

Again, as I mentioned earlier, there have been nine previous compacts. Not one of them have had any conditions or stipulations as the ones that have been suggested by the Senator from Minnesota and others—none. And the compact is site neutral because that is a decision that has to be made by the State that will have the proposed facility. That, of course, is the State of Texas—but all consistent with the environmental and safety and health guidelines, not only at the Federal level, but at the State and the local level as well. This is not irrespective; it is not overriding those concerns.

In fact, the conference report and the statute that is being proposed before the Senate is very clear that they have to follow specific and certain guidelines. So that is the environmental justice that we are pursuing. No one is saying to override environmental justice principles or regulations—absolutely not. That is for the State in question. I have faith and confidence in the State of Texas and the elected officials and other officials involved in this procedural approach in determining where the proposed site should be located. But that is a judgment that has to be made by the State of Texas and consistent with their laws, and Federal laws as well.

I might add that Senator WELLSTONE's own State of Minnesota is already part of a compact that was ratified by Congress. And like all the other compacts that Congress has approved, Congress made no changes or added any conditions or stipulations to that compact. There again, it was a decision made by the State who is going

to have the facilities, but again in keeping with Federal environmental and health and safety regulations, as well as the State and local guidelines.

With congressional ratification of H.R. 629 and the conference report that is before us today, Texas will move forward to select an appropriate site for the disposal facility in a timely manner, most importantly, consistent with all of the applicable State and Federal environmental, health and public safety laws, as I have already mentioned. It has always been the decision of the State of Texas as to where the facility will be sited. And it is not within the purview of the U.S. Senate to decide for them. And I applaud the conferees in their judgment of passing out a conference report with the original language ratified by Maine, Vermont and the State of Texas.

Without the protection of the compact, Texas will be compelled to—and I repeat, compelled to—open their borders to any other State for waste disposal if they decide to create a new facility or they will be in violation of the Interstate Commerce Clause of the United States Constitution. This compact will protect Texas' right to decide what is best for the State of Texas. The State will be able to construct a single engineered facility for storing and management of all of its low-level waste rather than its current situation illustrated again on this chart in which 684 temporary storage sites are strewn far and wide across the State. Again, it shows in this chart 684 different facilities across the State of Texas.

This compact will allow them to consolidate into one facility. But if the Congress did not approve this compact, and the State of Texas wanted to go ahead and develop a new site, they would be required, without this compact, to open up their facility to all of the other States in the country for the transport of low-level radioactive waste. So that is why the State of Texas wants this compact, because then they would only be accepting waste from the State of Vermont and the State of Maine.

Texas Compact members will now be able to exercise appropriate, responsible control of their low-level nuclear waste as Congress has mandated.

I would like to put into the RECORD the entire letter that I received from the Organizations United for Responsible Low-Level Radioactive Waste Solutions—a coalition made up of such organizations as the American Society of Nuclear Physicians, the American Heart Association, and the National Association of Cancer Patients—who are dedicated to socially, environmentally, technically and economically responsible solutions to low-level waste disposal. I would like to quote one of their lines within the letter that I think speaks to this issue.

Please support the Texas Low-Level Radioactive Waste Disposal Compact bill which will allow the continued use of low-level radioactive materials that provide critical health, environmental, and safety benefits to millions of Americans.

Mr. President, I ask unanimous consent to have the entire letter printed in the RECORD.

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

ORGANIZATIONS UNITED,
Washington, DC, July 29, 1998.

Senator OLYMPIA J. SNOWE,
U.S. Senate, Washington, DC.

DEAR SENATOR SNOWE: As you consider approving the conference report on the Texas Compact legislation, you must also consider the life-saving and life-extending medical benefits which result from usage of radioisotopes. Such benefits—prevention and treatment of cancer tumors, research for a cure for AIDS, diagnosis and treatment of thyroid disorders, study of lung ventilation and blood flow—require responsible management and disposal of low-level radioactive waste to ensure their continued operation. Without ratification of the Texas-Maine-Vermont Compact and subsequent selection and development of a disposal site, the public will suffer a loss of these type of benefits because of the lack of a disposal facility.

Approval of the conference report and support for the Texas Low-Level Radioactive Waste Disposal Compact bill will ensure that important medical research and electrical processes can continue to benefit the nation and groups like Organizations United whose members include associations representing doctors, electric utilities, universities, and other researchers.

Another important piece of the proposed bill to remember is that it does not designate a disposal site for low-level radioactive waste; only the state of Texas has the authority to approve a site. Texas has not made a final decision on where the facility should be located. So, you will be voting for the compact, which all three states negotiated in full compliance with all federal and state laws and with full support of their leaders, and not a particular site.

Please support the Texas Low-Level Radioactive Waste Disposal Compact bill which will allow the continued use of low-level radioactive materials that provide critical health, environmental, and safety benefits to millions of Americans.

Sincerely,

ROBERT F. CARRETTA, M.D.,
Chairman.

Ms. SNOWE. Mr. President, to sum up this issue, first and foremost, I think we need to understand that most other States have already entered into compacts that have been ratified by the Congress. In fact, 41 States already have compacts. The same compact that we are asking for support here in the U.S. Senate has been already adopted by the House of Representatives by an overwhelming margin. It has been supported by the conferees of both the House and the Senate.

I urge my colleagues to support this conference report that allows these three States to enter into a compact that is consistent with the mandates of the laws that have been passed by the Congress both in 1980, with the original act instructing the States that they must make decisions with respect to the disposal of low-level radioactive waste, and consistent with the amendments to that act in 1985.

This compact is in keeping with the spirit and intent of those thoughts.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Maine still has the floor. Does the Senator yield?

Ms. SNOWE. Well, Mr. President, I was going to yield to the Senator from Vermont.

Mr. WELLSTONE. I understand. I gather my colleague doesn't need a lot of time. I ask unanimous consent that I may follow the Senator from Vermont. There is much that my colleague said that I want to respond to, but I will wait.

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

Mr. JEFFORDS. Mr. President, this is always a very difficult subject when we talk about nuclear waste. We all have a fear of nuclear waste and the thought of radiation emanating from the ground in our neighborhoods or visions of trucks driving down from Maine and Vermont and dumping waste into the fields of Texas. That is sometimes what is described. But we are talking here about a well-conceived law which has set out a process for low-level waste.

What is low-level waste? Well, it is the gloves that come from the workers in the atomic energy plants. It may be waste from the utilization of radioactive materials in our hospitals. It is not the large nuclear rods that we are trying desperately to put somewhere. We are talking about something that is easily controllable. One would certainly ask this question: If there is so much problem, how come all the people in the area are voting and saying, yes, yes, bring it down? Why? Because there is a price tag to those States that have the waste.

Vermont and Maine are not very big States. We are going to be spending $25 million sending it down, with other payments later, and creating a facility in this area that will provide jobs and economic help to an area that right now is very low income, with no real productivity or resources. So they will have an opportunity to benefit very substantially—maybe build a new school, or other things—which would not happen were it not for this compact. Also, we know well now how we can control the nuclear waste from facilities that have low-level waste. We know what to do with the high-level waste, but we just can't get the States to come around to accepting it. That is a problem for the future. Right now we are talking about low-level waste.

The compact has the support of the Governors and the State legislatures of Texas, Vermont and Maine. Passage of this compact will allow these States to responsibly manage low-level waste produced by hospitals, power plants, industrial facilities, and medical research laboratories in our State where we do not have a place to do this, and it creates a danger. Whereas, if it is shipped and properly handled and placed in areas where there is no chance to get into the groundwater and

all these things we have to worry about in our State, it can only benefit those, and especially in providing schools and other things.

We come to the floor today asking that our states be given the same rights as forty-one other states. In 1980, and again in 1985, Congress declared that states must provide for the disposal of commercial low-level radioactive waste. Forty-one states have responded affirmatively to that mandate and formed nine regional compacts.

These nine compacts have been approved unanimously by the Senate, without amendment, and signed into law. We ask for nothing more than what Congress has already given these forty-one other states.

This compact, like the nine others that precede it, took years of negotiating among the states. The Vermont legislature and the Governor carefully reviewed each provision before approval. In fact in 1990, under the leadership of then-Governor Madeline Kunin, the State of Vermont began a study to find a suitable site for a disposal facility in Vermont. After two years of exhaustive review, the State determined that a safe site could not be found in Vermont.

It is understandable that we can't bury things. We have water that flows down on us and runs off. It is no place to handle this kind of thing.

The agreement Vermont and Maine have reached with Texas is the best option for safe disposal. In fact, the compact we are debating requires that it is the policy of the party states to cooperate in the protection of the health, safety, and welfare of their citizens and the environment.

We are here today because one Senator is questioning the science used to find a safe and suitable site for disposal of this waste. I commend him for questioning this, and I am glad we are having this debate, because people should be reassured and should know what happens in these cases.

After the compact was signed into law by then-Governor Ann Richards, the State of Texas launched a rigorous process to assure that the site licensed to accept this waste would be safe. Prior to selecting the proposed site, the Texas Natural Resource Conservation Commission spent four years reviewing the site before issuing a draft license and environmental assessment.

Although this compact does not specify a site for the Texas waste facility, I trust that the State of Texas has used and will continue to use strict scientific criteria in selecting a disposal site.

This compact has strong bipartisan support. The consent legislation was reported out of both the House Commerce Committee and the Senate Judiciary Committee without amendment and without opposition.

The Texas Compact was adopted by the House by a vote of 309 to 107. In the Senate it passed with unanimous support. Moreover, the Texas legislature, the Maine legislature, and the Vermont legislature approved the compact.

Mr. President, we should continue to work together in a bipartisan manner and pass this compact.

Let's ensure that institutions in Maine, Texas, Vermont and all across the United States have access to safe disposal sites for low-level radioactive waste.

Let's treat this compact just like we have treated all of the other nine. This compact is not about the virtues or vices of nuclear power, industrial development or cancer research, it is about the safe disposal of low-level waste.

Let's pass this compact.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I think my colleague from Vermont has been on the floor a long time today. He said he needed a brief period of time. If I could take a minute—and only a minute, I say to my colleague from Vermont, whom I appreciate as a real friend here, I will talk about the actual sites, Hudspeth and Sierra Blanca, and how this is all taking place.

This is an issue of environmental justice. But this nuclear waste is not just gloves and medical waste. My colleague talked about that. Ninety-nine percent of this low-level radioactive waste in Maine and Vermont will come from nuclear reactors. Let's just be clear about that.

Second of all, the distinction between low-level and high-level—I will read from a GAO report of this year.

> Any radioactive waste that are not high-level are low-level, and as a result, low-level radioactive waste constitute a very broad category containing many different types and concentrations of radio nuclei, including the same radio nuclei that may be found in high-level radioactive waste.

This is an artificial distinction. It is not just medical waste. It sounds better when we talk about booties and gloves. Low-level waste constitutes all of the same public health concerns to the people who live in Sierra Blanca. I want to be clear about that.

I ask my colleague from Vermont, how much time does he think he will need?

Mr. LEAHY. Six or seven minutes.

Mr. WELLSTONE. I ask unanimous consent that after my colleague uses his time, I be able to follow.

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

The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, thank you. I thank my colleague from Minnesota.

Mr. President, I rise today in support of the Texas Low-Level Nuclear Waste Compact. This legislation was originally introduced in the 103rd Congress and is long overdue.

Although this legislation is fairly simple on its face, merely approving a Compact already agreed to by each of the party states, many issues have arisen along the way to complicate the approval of the Compact.

We have before us the Conference Report to the Compact that works out these issues. This Conference Report insures that the will of the party states is followed.

When Congress passed the 1980 Low-Level Nuclear Waste Policy Act, we handed over to states the responsibility of low-level waste disposal and encouraged them to enter into compacts to provide disposal on a collective basis.

Nine of these compacts have already been approved by Congress. In this case, the states of Vermont, Maine and Texas negotiated the terms of their Compact, all three states approved the Compact and all three governors have urged Congress to ratify it.

Approval of this Compact will give these states final resolution of the problem they increasingly face in disposing of their nuclear waste.

In Vermont, we began this process almost ten years ago. Following the direction of Congress, Vermont began looking for an in-state depository location. In 1990, former Governor Kunin created the Vermont Low-Level Radioactive Waste Authority to determine if there was a suitable site for a low-level radioactive waste disposal facility in Vermont.

Over the next two years the Authority spent approximately $5 million evaluating numerous sites in our state. In particular, the Authority examined the potential for a site next to Vermont Yankee in Vernon, Vermont. The site was found to have extremely unfavorable geological conditions for a storage facility.

The combination of porous soil, a high groundwater table, a wet climate and proximity to the Connecticut River made such a site too risky.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Public Service Board of the State of Vermont outlining the process we went through to find a site within our borders.

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

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

STATE OF VERMONT,
DEPARTMENT OF PUBLIC SERVICE,
Montpelier, VT, July 15, 1998.

Re low level waste activities in Vermont.

Hon. PATRICK LEAHY,
U.S. Senator,
Washington, DC.

DEAR SENATOR LEAHY: The purpose of this letter is to provide you with: (1) information about Vermont's efforts to site a low level radioactive waste storage facility in Vermont; (2) information on why Vermont cannot rely on the low level radioactive waste storage facility in Barnwell, South Carolina to accept future shipments of low level waste from Vermont; and (3) the reasons why I believe that the Texas Compact is the best option for long term storage of Vermont's low level waste.

In 1990, Governor Kunin signed the law which created Vermont's Low Level Radioactive Waste Authority (''the Authority'').

This followed the inconclusive efforts over the course of some years of the Vermont Low Level Radioactive Waste Commission.

Among other things, the Authority was charged with determining if there was a suitable site for a low level radioactive waste storage facility in Vermont. Over the next two years the Authority spent approximately $5 million evaluating numerous prospective sites in the state.

A site next to Vermont Yankee was evaluated in depth. This site was found to have extremely unfavorable geological conditions. Specifically, groundwater was very close to the surface and the underlying soil was comprised primarily of porous sand and gravel with short transit times to the Connecticut River. These conditions, in combination with Vermont's wet climate, would permit rapid migration of any materials leaking from a waste storage facility into the Connecticut River.

Following the abandonment of Vermont Yankee as a storage site, the Authority embarked on a voluntary siting process. Initial interest in several towns waned quickly as groups opposing nuclear power activated local opposition. It was the opinion of those working in the low level radioactive waste are that a facility could not be sited in Vermont.

Past experience with the existing low level radioactive waste storage facility in Barnwell, South Carolina, has demonstrated its unsuitability for Vermont's future low level waste storage needs. It appears that while storage space at Barnwell is adequate for some time, the continued operation of the site is questionable due to possible changes in political leadership in South Carolina. We believe that it is possible that the Barnwell facility could close if the current Republican administration in South Carolina were replaced by a Democratic governor. If Barnwell remains open, costs for storage are uncertain and will likely be higher. South Carolina has an expectation of deriving a certain level of funds for state education needs from Barnwell storage fees. This amount of funding has not been met resulting in a current crisis over continued Barnwell operations.

I expect that disposal in the Texas Compact will be less expensive than other options, even considering the $25 million cost for Vermont's participation. At current levels, Barnwell's cost of approximately $400 per cubic foot is higher than Texas' projected cost of between $118 and $275 per cubic foot. While it is likely that both cost figures will rise, I expect Texas to remain less expensive.

Not only is Barnwell more expensive than the Texas site, but it also appears that Barnwell is refusing to accept the internal components of commercial nuclear reactors that have recently retired in the United States. This could be especially troublesome for Vermont when Vermont Yankee ceases operations because of the relative volume of these components.

Vermont has attempted an in-state siting process and found that siting in Vermont would be difficult if not impossible. The uncertainty regarding the price and the availability of the Barnwell site make it an undesirable choice for Vermont's long term low waste storage needs. In summary, I believe that after careful consideration of both environmental and economic considerations that the Texas facility is the best option for Vermont's long term, low level waste storage needs. Please contact me if you would require additional information.

Sincerely,

RICHARD SEDANO,
Commissioner.

Mr. LEAHY. Mr. President, some critics of this Compact argue that the waste should be stored where it is generated. Although this argument is nobly egalitarian, it is not practical nor is it safe.

We cannot control the rainfall in Vermont. We cannot change the density of our soil. And we cannot move the people of Vernon out of the area to meet the criteria of a safe disposal site. So, Vermont had to look somewhere else.

Under this Compact, Texas has agreed to be the host for the disposal site. The Compact does not name a specific site. That is an issue to be decided by the people of Texas, as it should be.

Every other compact approved by Congress gives the host state the right to choose where the disposal facility is sited, according to the laws and regulations of that state. The same is true for this Compact.

Mr. President, I want to take a minute to talk about the process undertaken by Texas to site this storage facility. In 1991, the Texas legislature adopted legislation designating an area of 400 square miles (256,000 acres) in which the Texas Low-Level Authority was required to select a proposed site.

After performing site screening in the area defined by the legislature, the Texas Authority identified a 16,000-acre tract for further analysis, of which 1,300-acres would be used for the proposed site. Texas undertook a siting and licensing process similar to the federal National Environmental Policy (NEPA) process, which included numerous public hearings and technical and environmental reviews.

This process was recently reviewed by the two administrative law judges from the Texas Office of Administrative Hearings, who recommended the Texas Natural Resource Conservation Commission conduct additional analysis before the facility is licensed. The Governor and the State Legislature set up a process to select a site, which should be allowed to more forward.

Congress should not put special restrictions on this Compact simply because Texas is exercising its rights as the host state to determine where the facility will be located.

This Compact also allows the states of Vermont, Maine and Texas to refuse waste from other states. Specifically, Texas will be able to limit the amount of low-level waste coming into its facility from out-of-state sources.

As stated by the Governors of Vermont, Maine and Texas in a letter to the Senate Judiciary Committee in April, 1998, ''If the facility opens without a Compact in place, Texas will be subject to accepting waste from around the country, and Maine and Vermont will not be guaranteed any storage space at the facility.'' Under the Compact, there is a controlled process for transporting and disposing of the waste at the facility. Without the Compact, that process evaporates.

This arrangement is not only the best environmental solution to store waste from our three states, it is also the best economic solution. Maine and Vermont together produce a fraction of what is generated in Texas, but by entering into this Compact we will share the cost of building the facility.

Right now, Vermont pays approximately $400 per cubic foot to dispose of our waste. Disposal at the Texas facility will cost only about $200 per cubic foot. If the Compact is not approved, it is the ratepayers of Vermont, Texas and Maine who will have to pay the extra cost of disposal.

Finally, building the facility does not end Vermont's obligation to the safety of this site. We have a long-term commitment to the site, from ensuring that the facility meets all of the federal construction and operating regulations to making sure the waste is transported properly to the site and that the surrounding area is rigorously monitored. Vermont will not send its waste to Texas and then close its eyes to the rest of the process.

I can assure you that Vermont will not send nuclear waste to Texas and then close its eyes to the rest of the process. We are just not going to do that. We are not a State that would do that.

Some might want to say it would be nice if we had no more nuclear waste. Unfortunately, we will. We will continue to have it. And we will still have to dispose of it.

I think we all recognize that there was no perfect solution for dealing with low-level nuclear waste.

But as long as we are generating power from nuclear facilities and as long as our research universities, hospitals and laboratories use nuclear materials, we are going to have to dispose of the waste.

We cannot continue to ignore the need to safely store nuclear waste. To do so would be to ignore the growing environmental problem of storing this waste at inadequate, temporary sites in Vermont, Maine and Texas.

Instead, we need to make a commitment to developing and building the safest facility for long-term storage of waste. That is what our States have done, and Congress should not stand in their way.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me start out by saying to my colleague from Vermont that this debate is not about suggesting that a dump has to be built in the Northeast. That is not what this debate is about. I say that to my colleague from Maine. No one has ever suggested that.

Let me also say that I have to smile as I hear my colleagues say that we need this compact to provide people in Texas with the guarantee that their dump won't become a depository, a national depository for waste. If there is no dump, they don't need the protection. This is an interesting argument—we have to have a compact—which, by

the way, I don't think holds up under scrutiny. I will talk about that in a moment. We have to have a compact in order to give people in Texas—it is really in their self-interest. This compact will provide them with some protection that they won't have nuclear waste coming into their State from all over the country. By definition, if the dump isn't built, if the compact doesn't go through, then there won't be any nuclear waste dump, and, therefore, people in Texas won't have to worry about that protection. It is just a curious argument that caught my attention.

Mr. President, I want to say at the beginning that I rise to speak with as much passion and as much evidence that I can marshal as possible against this conference report, H.R. 629, the Texas, Maine, and Vermont compact, which will result in the dumping of low-level radioactive waste from Texas, Maine, and Vermont, and potentially other States and territories, at a dump located in Texas. The dump is expected to be built near the town of Sierra Blanca in Hudspeth County where 66 percent of the residents are Latino and 39 percent live below the poverty line. Let's not be fooling anybody. Here is what happened. This is what we have to vote on one way or another.

In Texas, the decision has to be made. Where are you going to put a nuclear waste dump site? Not surprisingly, when you have a former Governor here, or someone else living in another community who is politically connected there, none of those sites is considered. Instead, what we come up with—I will go through the whole history of this—is Sierra Blanca, Hudspeth County. This happens to be a community that is disproportionately Hispanic and disproportionately poor. And that is why this is a civil rights issue. That is why, colleagues, a lot of organizations—Latino and Latina—and a lot of environmental organizations are on record against this compact.

This is going the path of least political resistance. That is what this is about.

This is an issue of environmental justice. It is the business of all of us in the U.S. Senate, because we have to vote for or against this compact.

All of a sudden—I will get to this a little later on as well—some administrative law judges take a look at this, and they say, ''You know what? This might not be a good idea because this is a geologically active area.'' That is a euphemism for an earthquake area. That is true. They have said that. But the problem is that the members of the commission in Texas that has made the decision are the Governor's appointees, and they don't have to listen to what these administrative law judges have said. And the executive director of this commission has made it clear that he won't. The Governor has made it clear that he is going forward with this.

But what we have here is an interesting game. No wonder people get angry about politics. What the State of Texas is saying is: Let's just put it off and not make the final decision though we know what the final decision is. We are going to locate this in a community where you have poor people and Hispanic people living. But we will not do that right away. Instead, we say we really haven't decided, and therefore we can get people in the Senate and the House of Representatives, we can give them cover, and they can say, ''Oh, no, this isn't about environmental justice because they haven't selected the site.''

I will go through this in a moment. That is an absolute sham. That is just a sham.

Mr. President, let me be real clear about this. The area that is chosen in Texas, not surprisingly, because this is apparent all around the country—poor people always take it on the chin. The communities of color always take it on the chin. Where are you going to put an incinerator? Where are you going to put a waste dump site? It is never in our backyard.

I would like to know whether any Senator has ever had a nuclear waste dump site proposed in his or her backyard or his or her community. And while I have not taken the survey, I bet the answer is not one.

This has to stop. This is an issue of environmental justice. That is why we are not just going to talk about this tonight. We are going to talk about this tomorrow, regardless of what the vote is.

Mr. President, here is what is really troubling about this process. We have been through this over a period of a year. It has been kind of one-sided, I say to my colleague in the Chair. It has been sort of like you have people—we have some people here tonight from Hudspeth County. We have people from other communities. We have some State legislators. We have people from the community. But you know what, they get to come up like once a year maybe. It is a long trip, costs a lot of money. But at the same time the utility industry—this isn't about States rights. This is about the utility industry, what the nuclear power industry wants, what the energy industry wants, what the big contributors want as opposed to the people who live in this community who have precious little by way of campaign contributions they can make. This is tied to reform and precious little clout, except this little community has been fighting hard for a year.

So what happened here? I came to the floor of the Senate twice and my colleagues agreed. I didn't hear anybody dissent. There was unanimous consent. Twice I came to the floor of the Senate with amendments. One amendment said let's make it clear that this nuclear waste can only come from Maine, Vermont and Texas. That is what we say it is about. So let's codify that. That amendment was passed in the House of Representatives as well.

The other amendment said if the people of Hudspeth County, as they seek redress of grievance, can show that they have been disproportionately targeted because they are Latina, Latino or poor, they should at least have the right to challenge this in court. And my colleagues, Democrats and Republicans alike, supported these amendments.

That is exactly what happens when an amendment passes on the floor of the Senate with unanimous consent. But then what do they do? They rely on the conference committee. I am starting to believe in a unicameral legislature, I really am, because I think the conference committee is the third house of the Congress and there is no accountability. This conference committee meets sometime, I don't know, 2 a.m., 1 a.m., sometime in the dark of night. Who knows when. And they just bulldoze right through and they knock out both amendments. The Senate is on record twice, first of all, voting for the amendments and then instructions to the conferees to honor the Senate's position.

Colleagues, they took those amendments out. And when you vote tomorrow, please, remember the Latina and Latino community, please remember the organizations, remember the environmental organizations, and other organizations I am going to refer to because they are going to be watching our vote.

Now, it would have been one thing if those amendments had stayed in. I think you would have had more support for this compact, or at least people could have said, well, you know what, at least now we know we are not going to get the shaft at least in one sense. People wouldn't have wanted it in their community, nor would the Presiding Officer, nor would my colleague from Maine, nor would any Senator here. No Senator here would want this waste dump site in their backyard, not one Senator, but it at least would have made this political process look a little bit more open and maybe a little fairer to people, if we had kept the amendments in.

But, oh, no, the conference committee meets somewhere, sometime and takes them out. So I will tell you, this compact should be defeated.

Now, the construction of this nuclear dump in this community raises important questions of environmental justice. This might be the first time in the history of the Senate we have had a debate about environmental justice in the Chamber. It is not just the fight for the people of Sierra Blanca or Hudspeth County or west Texas, for that matter. This is a fight for communities all across the country that don't have the political clout, that aren't the well heeled, that aren't the well connected, that aren't the investors, that aren't the big contributors, and all too often over and over again they are the ones we dump these sites on. This is a fight for poor people and poor communities that are rarely consulted.

This is a fight for people who are seen not as people who should have some say about their environment and their lives but as victims to be preyed upon because they are least able to defend themselves. Except the communities of Hudspeth County, Sierra Blanca, they have made it clear they are not victims. They have made it clear they are women and men of worth and dignity and substance, and they have been fighting hard.

Environmental justice, colleagues, is a difficult issue. Too often legislators and Government officials hide behind the excuse that there is nothing we can do about it, that discrimination results from decisions that are made in the private sector, that it is a matter of State or local responsibility, that it is too hard to prove. Well, this case is pretty easy. The dump won't be built if we reject this compact. We have a direct responsibility. There is a direct Federal role. We cannot wash our hands of this. We cannot go away and pretend that we are not to blame. We are all responsible, and it is up to each and every one of us to take a stand.

Let me go over some of the arguments. Argument No. 1: The Texas Compact raises troubling issues of environmental justice. There is a well-documented tendency for pollution and waste dump sites to be sited in poor minority communities that lack the political power to keep them out. In this case, the Texas Legislature selected Hudspeth County and the Texas Waste Authority selected the Sierra Blanca site after the Authority, after the Authority's scoping study had already ruled out Sierra Blanca as scientifically unsuitable.

Did you get that? Did you get that, colleagues, or staff, that are following this debate? The Texas Waste Authority selected the Sierra Blanca site after the Authority's own scoping study had already ruled out Sierra Blanca as scientifically unsuitable. Communities near the study's preferred sites had enough political clout to keep the dump out but Sierra Blanca, already the site of the largest sewage sludge project in the country, was not so fortunate.

There you go. There is the calculus. You have this poor Hispanic community. They have the largest sewage sludge project in the country. Why not just build a nuclear waste dump site there as well? Sierra Blanca is a low-income, Mexican-American community. Over 66 percent of the citizens of Sierra Blanca are Mexican-American and many do not speak English. About 39 percent live below the poverty line. Hudspeth County is one of the poorest and most heavily Latino areas of Texas. Under the Texas government code, Sierra Blanca is legally classified as a ''colonia,'' which is an economically distressed area within 150 miles of the Mexican border that possesses inadequate water and sewer services, and this is the community that has been targeted for this nuclear waste dump site.

Sierra Blanca is already the site of the largest sewage sludge project in the country, and the Environmental Protection Improvement Corporation is now asking the Texas environmental agency for a license for yet another sewage sludge project east of Sierra Blanca.

Now, I ask my colleagues, I ask the Presiding Officer, if you had the largest sewage sludge project in your community, you are now targeted for another one, and on top of that you would have a nuclear waste dump site also in your community, even though it is a geologically unstable community, earthquake area, would you not have some questions about this?

I heard my colleagues say somewhere that a judge had won an election and, therefore, oh, no, the people there really want it. Look, why don't we just think about this for a moment? Do you really believe that? Do you really believe that? Do you really believe the people in any of the communities that we represent would really want a nuclear waste dump site where they live, on top of the largest sewage sludge project in the country? Do you believe that?

Mr. President, 20 surrounding counties and 13 nearby cities have passed resolutions against it and no city or county in west Texas supports it. I hear one person is elect and that is used as the basis for arguing that the people in the community want it? Give me a break. Give me a break. Mr. President, 20 surrounding counties and 13 nearby cities have passed resolutions against it and no city or county in west Texas supports it. Over 800 adult residents of Sierra Blanca have signed petitions opposing the dump, and a 1992 poll commissioned by the Texas Waste Authority showed that 66 percent of the people in Hudspeth and Culberson Counties were in opposition. Republican Congressman BONILLA, who represents Hudspeth County, and Democratic Congressman CIRO RODRIGUEZ, who represent neighboring El Paso and San Antonio, have all actively opposed the Sierra Blanca dump. And we are being told the people support it?

In an October 1994 statewide poll, 82 percent of Texans were against it—82 percent. Earlier this month, 1,500 U.S. and Mexican citizens, including Texas State Representatives and Senators and Representatives from Mexico, marched from the Mexican border to Sierra Blanca, through scorching desert heat—and it has been hot in Texas—to protest the dump. Local residents have had no say over whether the waste dump should be constructed in Sierra Blanca; no say. They never were consulted at any stage in the process, but rather they were informed after the fact. Each time the waste authority or the legislature selected Hudspeth County for a dump site, and especially after local residents had already won a court case to reverse the selection of Fort Hancock, the news took local residents by complete surprise. At no stage in the site selection process were the residents of Sierra Blanca involved in the decisionmaking.

Now, I said this is an environmental justice question. Listen to this, and I will come back with this tomorrow morning again. A 1984 public opinion survey commissioned by the Texas Waste Authority provides some real useful context for how this has all taken place. The report is called, ''An Analysis of Public Opinion on Low-Level Radioactive Waste Disposal in Selected Areas.'' This report goes on to talk about the benefits of keeping the Latinos uninformed:

> One population that may benefit from [a public information] campaign is Hispanics, particularly those with little formal education and low incomes. This group is the least informed of all segments of the population. . .. The Authority should be aware, however, that increasing the level of knowledge of Hispanics may simply increase opposition to the [radioactive dump] site, inasmuch as we have discovered a strong relationship in the total sample between increased perceived knowledge and increased opposition.

I'll tell you what, I would be ashamed to be a decisionmaker in any kind of process, any kind of consulting report, saying: Better not have these Latinos informed because there is a strong correlation between the amount of their perceived knowledge and their increased opposition.

Well, I guess so. I guess, if every Senator had knowledge of a nuclear waste dump site that was going to be dumped in his or her backyard, the more he or she knew, the more likely they would be in opposition. And we are being told the people in the community just can't wait to have this. There is a danger. I am in profound disagreement with my colleagues that this poor Hispanic community could become a national repository for low-level radioactive waste. We are being told that this will be their savior, this compact will protect them from becoming a national repository.

The conference report—and if my colleagues have any information or facts that contradict what I am about to say, I would certainly appreciate hearing it—the conference report on H.R. 629 would allow appointed compact commissioners to import radioactive waste from any State or territory. They have it within their authority to do so. There is no language that prohibits them from doing so. And both the State of Texas and nuclear utilities across the country will have an economic incentive to bring in as much waste as possible to make the dump economically viable and to reduce the disposal costs.

Let me be clear about it again. This conference report does not have one word that would prohibit the appointed compact commissioners from importing radioactive waste from any State or territory in the country. If you had not stripped out our amendment, which the Senate unanimously supported twice, which said that the waste can

only come from Texas and Vermont and Maine, then there would be some protection of this kind. Not any longer. Don't be making the argument that this Compact, stripped of the protection for people, now provides people with the protection.

Section 3.05, Paragraph 6 of the Compact provides that the Compact Commission may enter into an agreement with any person, State, regional body or group of States for importation of low-level radioactive waste. Shall I repeat that, because I have heard it said on the floor of the Senate that this Compact is great because it protects people from becoming a national repository site? Section 3.05, Paragraph 6 of the Compact provides that the Compact Commission may enter into an agreement with any person, State, regional body or group of States for importation of low-level radioactive waste. All it requires is a majority vote of the eight unelected compact commissioners. And the conference committee—and I know the Senators from the States out here were part of this—stripped away the amendment that said it could only come from Texas, Maine or Vermont.

Mr. President, according to the Texas Observer, March 28, 1997:

> More than two or three national dumps will drive fees so low that profit margins anticipated by States (and now private investors) will be threatened. This economic reality—and growing public resistance to new dumps—has raised the very real possibility that the next dump permitted will be the nuclear waste depository for the whole nation, for decades to come.

They could very well be right, and you know what? They could not have made that argument about what is about to happen to the people of Sierra Blanca if the conference committee had kept in our amendment. But, no, no. The utility industry, they know what the potential of this is. They didn't want that. The conference committee stripped the House and Senate environmental justice amendments.

To avoid turning this low-income Mexican-American community into a national depository for radioactive waste, I offered two amendments. The first would have given local residents the chance to prove environmental discrimination in court, and the second, as I have said three times or more, would have limited incoming waste to the States of Texas, Maine and Vermont. My colleagues, in the dark of night in conference committee, decided that it would be a crime to give local residents a chance to prove environmental discrimination in court. And my colleagues, in the dark of night in conference committee, decided that it would be a crime to make sure that we codified in language our claim that the waste would only come from Maine and Vermont and Texas.

The Senate instructed conferees to insist on these amendments, but the conference ignored the Senate's instructions and stripped them both and that is why Senators should vote against this compact. The conference committee even stripped the amendment limiting the waste to three States, despite the fact that this provision was passed by both the Senate and the House. Mr. President, we have a national responsibility to remedy this injustice, especially since Congress would be complicit in construction of this dump.

This is not a purely State and local issue. I have heard this argument made: This is a State or local issue; we have no business being involved. Of course we do. We are being asked to vote on it.

Then this argument that is being made, which I will get to in a moment, is, ''Well, wait a moment, there is no waste dump site for sure that has been selected.'' Do you know what? If you want to make this argument, why are we pressing for a vote on this compact? It is one of two ways: Either colleagues can come out here and they can say, ''You know what? Now these administrative judges have issued a report, and they should have, and what they said is correct saying this is a geologically unstable area. And so maybe, Senator WELLSTONE, all that you are talking about, about the injustice of this waste dump site being put right on top of a poor Hispanic community, may not happen, because we haven't really decided.'' So say some people right now in this debate. I heard it from my colleagues tonight. If that is the case, we shouldn't vote on this yet. Let's wait and see, and then we will know what is in the compact and we will know exactly where this has been sited.

Or, we have to vote no, because if you vote yes, you are complicit in the construction of this dump. And I want to tell you, the siting process is outrageous. This siting process that took place in Texas is outrageous. It is an affront to anybody's sense of justice. This is not a purely State or local issue, because we have to vote on it.

For constitutional reasons, the Texas compact cannot take effect without Federal legislation. Senators from all 50 States, not just the compact States, will be asked to give their consent.

Mr. President, in the El Paso Times of May 28, 1998, Governor Bush said:

> If there's not a Compact in place, we will not move forward.

In an interview published April 5–11, El Paso, Inc., Governor Bush said:

> The legislation would approve the Compact between Texas, Maine and Vermont. If that does not happen, then all bets are off.

Moreover, the Texas Legislature has indicated it will not fund construction without the upfront money from the compact.

The Texas Waste Authority requested over $37 million for fiscal year 1998–1999 for construction of the dump, but the legislature allocated no construction money. They did not appropriate funding for the licensing process and for payments for the host county after the House zeroed out funding for the authority altogether.

Congress is responsible for this dump. If you will, this dump site has been dumped on the Congress, it has been dumped on the Senate. Construction of the Sierra Blanca dump depends upon the enactment of the conference report to H.R. 629. If the Senate rejects it, Texas will not build a dump in Sierra Blanca. But within 60 days of its enactment, Maine and Vermont will pay Texas $25 million to begin construction.

We wouldn't even be having this battle if these amendments had been kept in. I wouldn't have liked it. I would have still had questions about this, but I would have thought at least there was some sense of fairness and justice. I want every one of my colleagues to know, you voted, we voted unanimously, to make sure that we made it clear that, indeed, this waste could only come from Maine, Vermont, and Texas, and we voted unanimously that the people should have a right to prove discrimination in court.

But now, that has been taken out in conference committee. So you have the compact without any of the protections for people. You have the compact, with all of its injustice, and it is simple: If you vote against it, then you are voting against Texas building a dump site, a nuclear waste dump site in Sierra Blanca, which is an environmental injustice. If you vote for it, then within 60 days of enactment, Maine and Vermont will pay Texas $25 million to begin construction. If my colleagues want to say, ''Paul, we agree this isn't right, what is being done to these people, but you don't know for sure it is going to be this site,'' then I say, ''Why don't we postpone this vote? Why are you so anxious to ram it through?''

I heard about other compacts. There are two points. First of all, other compacts, other compacts, fine, but the issue at hand is this compact, this site selection.

Mr. President, this whole argument about, ''Well, we don't really know the specific site,'' again, the administrative judge's decision is not binding. That is point No. 1. The Texas environmental agency's Governor appointees are not bound by this at all. They are all appointed by the Governor. They can do whatever they want. The views of this agency, as I said before, which will make the decision, are known. The executive director argued against the hearing officer's recommendation. He said:

> Additional information on ''special impact'' [i.e., environmental justice] is not needed to make a decision on the license application. The executive director recommends issuance of a license because the applicant has met all the requirements under the law.

We know what they are going to do. Come on, let's just be direct about this. The Governor's views are known. I have quoted him.

And then there is the box law. I say to my colleagues, you need to know the specifics of what you are voting on

here. The Texas Legislature selected Hudspeth County to host the dump in 1991, and the Texas Waste Authority identified a dump site near Sierra Blanca in 1992. The 1991 box law is still on the books, and regardless of what the TNRCC does, the box law requires that the dump be built in Hudspeth County, which is predominantly Hispanic and poor.

I want to make that clear—I want to make that clear—that is where it is going to be built, and it is an environmental injustice. It is time we stand up against this kind of injustice. This is not the decision of the people of Maine or the decision of Vermont, but this is what is going to happen.

Mr. President, this conference report is about nuclear utility rights, not State or local rights. The conference committee followed the wishes of the nuclear utilities, not the local residents. Nuclear utilities who stand to benefit from cheap disposal of nuclear waste strongly supported this legislation without amendments. Local residents, including the local Republican Congressmen, overwhelmingly opposed the dump.

Of course, the utility industry got their way in conference committee. We know their clout here. They never wanted people anywhere—it is not, in all due respect to the people who are here tonight from Hudspeth County, it is not just you. This industry doesn't want regular citizens anywhere in the country to have a right to prove discrimination. And this industry has big plans for Hudspeth County as a national repository for waste, so they didn't want any amendment making it clear it could only come from Maine or Vermont or Texas.

Mr. President, I think that I might have said enough for tonight, or maybe not. We will see how the debate goes. I will have tomorrow morning to speak about this as well.

I have not, in all due respect, heard one argument on the floor of the Senate that is very persuasive. It is just simply not true this compact is all about giving people the protection from being a national repository site. It is simply not true that this is just sort of medical waste from hospitals, it is gloves. It is simply not true this is simply low level so we don't have to worry about it. It is simply not true that this is none of our business. This is a civil rights issue.

Let me conclude by including some quotes, if I can find them.

Mr. President, I will do the quotes tomorrow. It is a civil rights issue. That is what this is all about. This is the issue that we have been talking about. As a matter of fact, this is an issue of, every time we are faced with a situation about where a nuclear waste site goes, a dump site goes, or incinerator—and the list goes on and on—then what happens is communities of color, low-income communities, are the ones that are targeted. That is exactly what has happened in Texas.

We had amendments that would have provided some protection. The Senate went on record. Every Senator supported those amendments, and then they were stripped out of conference committee. That is why Senators should vote against this.

Mr. President, I just want to make it clear that the League of United Latin American Citizens, LULAC, is adamantly opposed to this. I believe they are going to use this for scoring. That is important. By golly, people in the Latino community ought to hold every Senator accountable for their vote on this. It is a civil rights issue. There is a strong letter from the Leadership Conference on Civil Rights in favor of both our amendments which were stripped out of the conference committee in the dark of night. The House Hispanic caucus favored the amendments opposed to this compact, the Texas NAACP, League of Conservation Voters. This is a major issue of justice, and it is a major environmental issue as well.

I conclude by urging my colleagues to vote against this compact. And on the floor of the Senate tonight and tomorrow morning I will also make an appeal to the administration: Mr. President, Mr. Vice President, we need you to speak out on this. You have talked about environmental justice. You have said it is a major priority. What is happening with this compact, what is now being proposed—just think of what this is going to mean for the people who live in Sierra Blanca. If there is ever one example that brings into sharp focus the issue of environmental justice, this is it. We need the President to make it clear that if this should pass, he will veto it. This compact should not pass in its present form.

I yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Maine.

Ms. SNOWE. Mr. President, I will just make a few brief concluding comments in response to some of the issues that were raised by the Senator from Minnesota. I respect his views and his opinions although we certainly differ on the perspective on this issue. This isn't a unique or different approach to this issue of the disposal of low-level radioactive waste. Indeed, the U.S. Congress mandated that the States assume the responsibility of the disposal of low-level radioactive waste in or out of their States. And this is in response to a congressional mandate that began in 1980 and, as I said earlier, reinforced by amendments to that act in 1985.

So this isn't a diversion from that approach. It isn't different from all of the other compacts that have been ratified by the Congress over time. And, as I said earlier, there are nine different compacts, that include 41 different States, including the State of Minnesota, the State that the Senator represents. So why should Texas and Maine and Vermont be any different?

The Senator referred to some of the amendments that he had offered to this legislation, but they did not prevail. Those amendments did not prevail because those conditions and stipulations would require years of reratification. And I mention the fact that those conditions were not included in any of the other nine compacts that were enacted and ratified by the Congress over the years.

We all respect the Senator's perspective on the issue of environmental justice. No one is suggesting for a moment that we should override the environmental issues, any of the issues that would adversely, and disproportionately adversely, affect a community with respect to public health and safety questions, environmental issues, or income.

We believe in the State of Texas—through its procedures, through its public procedures, through its political process, through its State laws, through the Federal laws—to make the appropriate decision, environmentally and scientifically and geologically, in terms of the safe disposal of low-level radioactive waste. That is the issue here. And we are doing this consistent with all of the other compacts and all of the other statutes that have been enacted by the U.S. Congress over the last 20 years.

In fact, I was in the House of Representatives back in 1980 when this was a major question: How do we resolve it? It is not an easy question. It is not as if we do not have low-level radioactive waste. We have a problem, as we do with high-level radioactive waste. But we have hospitals and we have research laboratories, and we have to dispose of the materials that result from those facilities; we have no choice. And that is why we have this compact before the U.S. Senate, as do so many of the other States.

Forty-one States, including the Senator's own State of Minnesota, have a compact. But now we are saying Texas and Vermont and Maine are not allowed to enter into a compact? Are we saying that the Governor of the State of Texas or the legislature, the house and the senate, are not concerned with the views of their constituencies with respect to this issue?

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

Ms. SNOWE. Are we saying that senators and representatives are not concerned with the views of the constituents who live in Sierra Blanca or any other locations where these facilities are sited? Are we trying to override the Clean Air Act, the Clean Water Act, the Nuclear Regulatory Commission, that are all referenced, I might add, in the conference report? None of this can be sited anywhere on Earth without regard to environmental and public health and safety questions. It has to go through a process.

In fact, the Senator from Minnesota mentioned two administrative law

judges in Texas who have been conducting evidentiary hearings on the license application to construct and operate this disposal site. And the judges issued a proposal for decision on the application in Hudspeth County saying they needed more information in two aspects of the potential site. And the appropriate Texas agency is now taking the recommendation under consideration and responding on the safety question. And the judges want more information as to whether there are any negative socioeconomic impacts in this facility to the citizens and to tourism. So environmental justice is being considered. This isn't ignoring those issues. That is why this legislation is site-neutral, because we want the appropriate agencies and statutes at the Federal, State and local levels to take hold and determine what is the safest location, respecting the wishes of a community.

Now, the Senator mentioned the people who don't support it in Hudspeth County. We don't even know, in the final analysis, if that is where it is going to be. That is up to the State of Texas through its process. That has been stipulated in law in terms of what they have to consider.

It says:

Nothing in this compact that diminishes or otherwise impairs the jurisdiction, authority, discretion of the either the following: The U.S. Nuclear Regulatory Commission, the Atomic Energy Act of 1954. Nothing in the compact confers any new authority to the State commission to do any of the following: Regulate the packaging or transportation of low-level waste, regulate the health, safety and environmental hazards from source byproducts and special nuclear materials, or inspect the activities of licensees of the agreement of the States or U.S. Nuclear Regulatory Commission.

All of it is in place, just like it has been done for 41 other States over the years. That is what we are talking about. We are not saying we are going to run roughshod over anybody's wishes or rights. That is a determination that has to be made with the State of Texas through the public process, which has been done and is continuing at this moment. That is what we are asking.

So I hope that my colleagues will support the conference report, which is not unusual, not unlike any of the 9 previous compacts that have been ratified by the Congress over the last 20 years.

I yield the floor.

Mr. WELLSTONE. First of all, Mr. President, I want to say to my colleague that this waste disposal compact is not functional. We have no nuclear waste dump sites that have been chosen. I am not sure how many of these compacts have ever chosen a dump site. I don't know whether my colleague knows the answer to that question. I don't, but I am guessing it's very few, if any. Let me be clear about that. I am not aware that any of these compacts have led to nuclear waste dump sites. If so, I bet it is precious few.

I'm confused. On the one hand, we hear some discussion on the floor of the Senate about how we look at the selection by this person. Do the people in the community really want this? Then we hear that it may not even be in Hudspeth County. I spent 45 minutes going through the background of this, all the way from when the legislature made the decision in 1991. Of course it is going to be there. I went through all the quotes. Yes, you have some administrative judges. I ask my colleague, if you are convinced that we don't know what the site is yet—and, of course, one difference between this and any other compact is that we didn't have sites before—then why don't we wait for a vote on this until we know where the site is? That would be the best thing to do. That would be a fair thing to do.

Commissioner John Hall, by the way, in talking about the issue of environmental justice—my colleague says, of course, the people are concerned about this—made it very clear that this issue isn't going to be addressed in the State licensing process. It has not been addressed and will not be before the final license is issued. My colleague may want to think otherwise because it is more comforting, but it is just not the case.

The commissioners of the Texas administrative agency, TNRCC, which will make the final decision on the Sierra Blanca license, have stated that environmental justice must be addressed at the Federal level because Texas has no clear standards or requirements for evaluating them. Commissioner John Hall explained at a 1995 meeting of the TNRCC, ''This whole issue probably needs to be addressed. But it is not this commission's job to articulate a new major policy of that sort. That has to be left to the United States Congress. That is not our job. Our job is to apply the standards as they exist, and while that may be a very legitimate issue, that is not our job.''

You just can't have it both ways. People in Texas say, and the Commissioner says, ''We are not going to be dealing with this issue of environmental justice.'' I went through the process. They came across Hudspeth County and moved it away from other sites where people had clout. They have chosen a geologically unstable area. I have all sorts of religious and civil rights organizations who say this discriminates against people in the community who are disproportionately poor or who are Hispanic as well. The executive director of the TNRCC explained in his motion to strike that ''environmental justice is not one of the criteria to be considered under the Texas Radiation Control Act or the rules of the TNRCC in the commission's decision whether to license the facility.'' They are not looking at that at all. They are saying they can't. They are saying it is up to us. I had two amendments that my colleague from Maine supported—it was unanimous consent, and any Senator who wanted to disagree could have come to the floor and disagreed—which said people ought to at least have a right to prove discrimination if there is discrimination, and let's make sure this only comes from Maine, Vermont and Texas. Both of those amendments, at the wishes of the utility industry, were taken out in committee.

I am saying to colleagues one more time—vote for this and you just watch. I will bet you every dollar I have, which isn't a lot, if we vote for this compact, that dump site will be located in this Hispanic, low-income community. I will bet you there is not one Senator in here who would want to make a bet with me on that. That is what this is all about. Don't be fooled. The amendments were stripped out. This compact now is a major injustice. It could have been a much better agreement, but somebody—and I don't even know who—decided they wanted to take out these amendments. Now it is up to colleagues in the Senate to vote against this. Otherwise, you will be voting for a major injustice. You will be voting for what I consider to be a violation of the civil rights of the people that live in Hudspeth County.

Mr. President, I yield the floor, and I have concluded my remarks for tonight.

Mr. HATCH. Mr. President, I rise today to support the conference report to H.R. 629, the Texas Low-Level Radioactive Waste Disposal Compact, a Compact among the states of Texas, Maine, and Vermont. The Texas Compact which was introduced in the House by Representative BARTON and has 23 cosponsors, and the conference report to the Compact, both passed the House overwhelmingly with bi-partisan support. I am confident that the conference report to the Texas Compact will now pass this body with the same commanding support it garnered in the House.

In July of this year, I was a Conferee to the Texas Compact along with Senators THURMOND and LEAHY. I thank Senators THURMOND and LEAHY, Congressman BLILEY who chaired the conference, and all other conferees for working together to accomplish the goal of passing the Texas Compact through conference without any unnecessary or distracting amendments that would have forced the Compact States to go through an arduous re-ratification process. After thorough consultation with the governors of the Compact States, the conferees unanimously agreed to recede from two amendments that were offered by Senator WELLSTONE. The Wellstone amendments would have spawned costly litigation and imposed strict limitation not imposed on other existing compacts. The conferees ultimately concluded that the amendments were not in the best interests of the Texas Compact.

The passage of this Compact will place the States of Texas, Maine, and

Vermont in compliance with the 1980 Low-level Radioactive Waste Policy Act which Congress passed in an effort to establish a uniform Federal policy on nuclear waste disposal. While the Federal Government retained responsibility over high-level waste disposal, this act placed the onus on the States to dispose properly of low-level radioactive waste generated within their borders.

To promote and encourage the fulfillment of this obligation by all States, Congress authorized the States to enter into compacts with other States to share waste disposal facilities. It is pursuant to this obligation and mandate that the Texas-Maine-Vermont Compact was negotiated and approved by the legislatures of Texas and Vermont and through a public referendum in the State of Maine. The compact was subsequently signed by the governors of all three states.

Currently, nine interstate compacts involving 41 States are operating through Congressional consent. I have received a letter signed by the Governors of Texas, Maine, and Vermont urging Congress to pass this compact as passed by the States. This compact would bring these states into compliance with federal law. The hard work for drafting a compact that all three states would ratify and that would meet with congressional approval has been completed for some time. The States have carefully crafted a compact that will serve their low-level waste disposal needs in a responsible and lawful manner.

The States have done their part and have been patiently waiting for congressional consent before moving forward with plans to construct the waste disposal facility. It is now time for this body to do its part in assuring that this compact will be passed swiftly without further delay. I therefore support this important piece of legislation, and encourage my colleague to do the same.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I yield back the balance of my time.

The PRESIDING OFFICER. There are 40 minutes equally divided and reserved for tomorrow. Both sides are yielding back the balance of the time for tonight?

Ms. SNOWE. That's correct.

Mr. WELLSTONE. That's correct.

MORNING BUSINESS

Ms. SNOWE. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 10 minutes each.

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

MILITARY CONSTRUCTION APPROPRIATIONS CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, this morning I missed the vote on the Fiscal Year 1999 Military Construction Appropriations Conference Report, which this body approved by a wide margin. I missed the vote due to a long airline delay—a delay especially vexing to me because I had scheduled my departure from South Carolina to arrive here in plenty of time to vote on this legislation. Had I been here, I would have been proud to cast an ''aye'' vote for this bill.

As a combat veteran, I'm convinced a strong and vigorous military is vital to our nation's security and interests. The Military Construction Appropriations Conference Report is crucial to strengthening our armed forces, and it is tremendously important to the people of South Carolina.

I was proud to work with fellow Appropriations Committee members to secure additional money for projects at the Parris Island Marine Corps Recruit Depot, McEntire Air National Guard Station, Spartanburg Air National Guard Center, Beaufort Marine Air Corps Station, and Charleston Air Force Base. In addition to strengthening our military, these projects will help the brave men and women in uniform who serve on these bases and their dependents.

I was proud to help make the 1999 Military Construction Appropriations Conference Report a reality, and I'm pleased to see it approved today by the Senate.

Mr. COVERDELL. Mr. President, with regards to this morning's vote on the military construction appropriations conference report, vote number 253, I would like the RECORD to show that had I been present I would have voted aye. This bill provides important funding for military construction projects across the country, including a number of projects at military installations in Georgia.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 3696. An act to designate the United States courthouse located at 316 North 26th Street in Billings, Montana, as the ''James F. Battin United States Courthouse''; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 624: A bill to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce (Rept. No. 105–297).

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the joint resolutions (S.J. Res. 40 and H.J. Res. 54) proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States (Rept. No. 105–298).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. 2429. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area; to the Committee on Veterans Affairs.

By Mr. GRAMS:

S. 2430. A bill to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. BIDEN, Mr. THURMOND, Mr. HELMS, Mr. STEVENS, Mr. COCHRAN, Mr. INOUYE, Mr. HOLLINGS, Mr. SPECTER, Mr. FAIRCLOTH, Mr. DURBIN, and Mr. FORD):

S.J. Res. 55. A joint resolution requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served inpositions of command during World War II, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself and Mr. TORRICELLI):

S. Res. 268. A resolution congratulating the Toms River East American Little League team of Toms River, New Jersey, for winning the Little League World Series; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 269. A resolution to authorize production of Senate documents and reprensentation by Senate Legal Counsel in the case of Rose Larker, et al. v. Kevin A. Carias-Herrera, et al; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. 2429. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area; to the Committee on Veterans' Affairs.

NATIONAL CEMETERY LEGISLATION

Mr. CLELAND. Mr. President, today I am pleased to offer an important