

Let me say this: If someone cheats you on a contract and you sue them and you win the lawsuit, they don't pay you anything for legal fees, unless it is in the contract, which it normally is not. Most people in America file a lawsuit, they pay their lawyer out of what they recover. So we have given a special advantage to lawyers in disability cases and in several other instances in lawsuits against Government agencies. We have agreed to pay their legal fees, but they are not guaranteed unlimited legal fees, guaranteed to be paid forever, however much they want or whatever some judge may agree to award them.

So I think this is a reasonable amendment. It is a serious request of the school board of this city, which is facing an avalanche of lawsuits. There were nearly 2,000 last year. None of this money that is expended—the \$10.5 million that was saved last year is not being thrown away. The \$10.5 million that is saved can be used to help disabled children and provide them better programs. If we pay out more money in legal fees, from where do people think it is coming? It is coming from the children. That is where it is coming from—the people we want to help. We need to address nationally some of the litigation that is arising with the Individuals with Disabilities Education Act. There is not a superintendent of schools in America who has been on the job very long, I suggest—or certainly very few who would suggest this system is working effectively.

Principals tell me all the time it is a nightmare for them. It is disrupting their ability to educate our children. They tell me the child who is getting hurt is the average child. There are special programs for the bright children and for those with disabilities, but the average child is getting short-changed. Oftentimes, teachers are so frustrated they are leaving the profession. They are being sued for how they handle difficult circumstances.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. SESSIONS. I thank the Chair and reiterate my support for the Hutchison amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I want to speak for a moment. The Senator from Washington wants to be recognized. I want to say this: I voted with Senator SESSIONS on the last amendment he offered on this subject. I actually agreed very strongly with what he said. Many of us on both sides of the aisle voted with him, as he has outlined so beautifully some of the real problems with special education as far as Federal rules and regulations go. We are all well intended. We all want to help these children, but there is a major disagreement and debate about whether the rules are actually helping or hurting.

The Senator is absolutely correct that many of our resources are not

being devoted to sort of mainstream children because of the complicated rules about special needs and also gifted children. It is a problem and it has to be worked out. I agree with the Senator. My disagreement is that this amendment doesn't actually fix that problem, and it makes it worse, not better, which is why I probably cannot support this exact amendment and why we have tried to work out some compromise between the Senators.

I wanted to say that for the record, and I want to also say that in limiting the attorney's fees to \$150 an hour, which doesn't seem to many people to be much of a limit—that is quite a lot of money to make, particularly in these times. But the problem the Senator, as an attorney and prosecutor, should know is the real problem is the overall limit of \$3,000 per case.

So what happens is an attorney basically can only spend 2½ days. That would allow them to process one or two motions and may not cover them until the end of the case.

These are long and complicated and, as he has described, very difficult cases. That is the problem Senator DURBIN is trying to raise. So I hope we can resolve it. Maybe the good prosecutor, my colleague from Alabama, would have a suggestion about that to us.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2:30 p.m. with Senators permitted to speak therein for up to 10 minutes each and with the time to be equally divided and controlled by the two leaders or their designees.

The Senator from Washington.

Mrs. MURRAY. Madam President, I intend to speak as in morning business. I believe the Senator from Minnesota would like to propound a unanimous consent request.

Mr. WELLSTONE. Madam President, I ask unanimous consent that I follow the remarks of the Senator from Washington in morning business.

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

The Senator from Washington is recognized.

Mrs. MURRAY. I thank the Chair.

(The remarks of Mrs. MURRAY and Ms. SNOWE pertaining to the introduction of S. 1643 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Minnesota.

#### UNANIMOUS CONSENT REQUEST— S. 739

Mr. WELLSTONE. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 191, S. 739, the Homeless Veterans Program Improvement Act,

which my colleague, LANE EVANS, and I have called the Heather French Henry Homeless Veterans Assistance Act after the wonderful work she did as Miss America in behalf of homeless veterans. Her dad is a disabled Vietnam vet. I ask unanimous consent that the committee-reported substitute amendment be agreed to, that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. There is objection on this side, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Madam President, I have to say, not so much to my colleague from Alabama because he is really objecting on behalf of someone else, that I find this process to be absolutely outrageous.

I believe the veterans community finds this process to be absolutely outrageous. This is the fourth or the fifth time I have come to the Senate to ask unanimous consent to pass this legislation. We have a similar version in the House of Representatives that has passed. We can really get this done.

This is an anonymous hold that has been put on this bill. I have to say I am more than surprised. I have now become indignant that we have a Senator on the other side who will not come to the Senate Chamber and debate me on this legislation and express his or her opposition and reasons why.

This legislation passed out of the Veterans Committee I think on a 21-0 vote. It was unanimous. It was Democrats and Republicans alike.

It is a familiar principle among veterans in our Armed Forces that we do not leave our wounded behind. Homeless veterans are our wounded, and we are leaving them behind. The VA has reported there were about 345,000 homeless vets in our country in 1999, and there are yet even more homeless veterans as we see this economic downturn.

What does the bill do? It sets a national goal to end homelessness among veterans within 10 years. Who is opposed to that? The bill provides funding, authorizes \$50 million for some programs that really have a good track record—I will not even go over all of them today—for job training, for treatment for addiction, for other transitional services that are so critical to veterans: job counseling, social services, medical services, assistance in getting into affordable housing, calls for VA comprehensive homeless centers in our major metropolitan areas in America today to have kind of a one-stop continuum of services for veterans.

I would like to know what is going on in the Senate. I would like to know why this legislation is being blocked. I will say with great regret—I said it

last week, and I said it the week before—I will put a hold on all the legislation, not the major appropriations bills and judicial appointments, that individual Senators on the other side have sponsored. This legislation should go through on unanimous consent. It is not controversial. It has the support of all of us. But I have no other choice but to do so. I have no other choice but to fight like the dickens and use my leverage. I have been around the Senate for 11 years now, and I know the way things work.

It is very rare that today we continue to have these anonymous holds on legislation such as this to help homeless veterans. The only way I can fight and the only way I can continue to make this a priority—it is a priority to me, it should be a priority for every Senator, and it should be a priority for our country—is to ask my colleagues to go and spend some time—and maybe many of my colleagues have—in homeless shelters, meeting with street people. My colleagues would be amazed at how many of them are veterans, how many of them are Vietnam vets. Surely we can do better.

Anonymous hold? I do not know why. I guess I have my own suspicion, but I will say this: I have a hold on all the bills from individual Senators on the other side, and they are going nowhere until whoever the Senator is steps forward and either debates me and we have a vote or that Senator takes this hold off.

I will say this: I do not blame the Senator for wanting to remain anonymous. I would want to remain anonymous if I were blocking this legislation. We can do better for veterans in our country. We can do better for veterans in a lot of different ways, but this is legislation where a lot of us came together on both sides of the aisle. We have done some good work. It is not the cure-all or end-all. I do not want to make this out to be perfect, but I say to my colleague from Georgia it makes life a little better for some people. In this particular case it happens to be veterans. It is the kind of thing we should be doing in public service, and I cannot understand where this anonymous hold comes from or why.

Every day I am coming to the Chamber and I am going to do the same thing. I am going to continue to have a hold on all this other individual legislation sponsored by individual Senators on the other side until this bill goes through.

Other than that, I do not feel strongly about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. May I ask the time I have reserved for morning business?

The PRESIDING OFFICER. The Senator may speak for up to 10 minutes.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that I be allowed to speak for 20 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

#### ENERGY SECURITY

Mr. MURKOWSKI. Madam President, we are all aware of the shocking events that occurred on September 11. We are certainly aware of the vulnerabilities that were shown to our Nation by this action. As we reflect on the risk today, I think we would acknowledge that never in our history have we, as a nation, been forced suddenly, shockingly, to reevaluate almost every aspect of our life.

Americans must make a choice now about risks; we must make choices we never thought we would have to make. From our mail to our shopping malls to ball games, life in America is now a reflection, looking back through the lens of terror. Surveying that risk, perhaps no single area causes greater concern than that of energy as a consequence of our increasing dependence.

We rely on safe, stable, affordable, and plentiful supplies of energy to power our progress, but the choices made on energy have left us vulnerable and exposed on two different fronts, two fronts that add up to our Nation's energy security, and I will discuss those today.

A report detailing these risks was received yesterday by Gov. Tom Ridge, head of Homeland Security. What he did was itemize some of the risks we have at home. We have seen a great deal of publicity given to the realization that about 20 percent of our energy is produced by nuclear powerplants. We have about 103 reactors around the country producing clean, affordable energy. The fact the energy is affordable, reliable, and free of emissions such as greenhouse gases, is very appealing. However, there is no free lunch. Nuclear power does create a by-product that must be dealt with, but when managed responsibly and stored safely this waste poses no threat and no risk to public health.

I might add, in the several decades of generating nuclear power in this country, we have never had a casualty associated with the operation of nuclear reactors for power generation.

So the industry, as well as government, has done an extraordinary job of proving nuclear energy has a significant place in our energy mix.

In 1982, the Government made a promise to the American people to take care of that waste and provide a permanent repository. The contractual agreement was that the Government would take the waste in 1998.

Madam President, 1998 has come and gone. Today, after years of delay, bureaucratic wrangling and \$12 billion in taxes collected from the ratepayers who depend on nuclear power, that promise made by the Federal Government to take the waste remains unkept.

I don't know the opinion of the agencies regarding the sanctity of a con-

tract, but this was a contract. There are lawsuits pending for the lack of fulfillment of the terms of the contract, somewhere in the area of \$40 to \$70 billion. Instead of storing the waste in a central, single, secure facility where we can concentrate all of our resources on keeping it safe, nuclear waste is being scattered across the country. We have it in our powerplants, we have outside some of the plants storage in containers, casks designed for that storage, but these are not permanent. We have shut down plants where the waste is being stored. These plants were not designed for the permanent storage of this waste or the shutdown of plants. We have 16 different plants with a total of 230 containers now holding high-level nuclear waste on an interim basis.

In South Haven, MI, dry-cask storage pads are 200 yards from Lake Michigan. Twenty percent of the world's fresh water is in the Great Lakes chain. On the shores of the Chesapeake Bay, dry-cask storage sits less than 90 miles from Baltimore, near Washington, DC, with the U.S. Capitol and three major airports. These containers are approved, but there is no substitute for a permanent repository deep in the group, out of harm's way where it was designed, and that is Yucca Mountain in Nevada.

We have had several debates through the years on this issue. I understand the reluctance of my friends from Nevada to accept the reality that Congress made a designation, subject to licensing, that the repository would be at Yucca Mountain in Nevada. We are still waiting after years and years. We have had a Presidential veto. We are seeing a situation of delay, delay, delay.

Back to the containers. They are approved by the Nuclear Regulatory Commission, but there is no substitute for permanent repository. We have waste at home, and 14 other plants are in the process of being decommissioned, one in Massachusetts, two in Connecticut, and three in California. We are getting more and more plants that are closed.

President Clinton vetoed a bill to accelerate the waste transfer and move us ahead of our current opening date of 2012. That is the current date. I recognize nobody wants the worst, but the reality is we have to put it somewhere. The \$6 billion expended on Yucca Mountain clearly indicates Yucca Mountain was the favorite site. Unfortunately, our previous President vetoed the bill, and the waste sits, no closer to a permanent home. The waste is there, exposed and vulnerable, presenting another target for potential terrorists, nestled in our communities, beside our schools, homes and families. It is irresponsible to not address this situation.

I don't want to prolong the argument relative to the issue of the danger of this waste. It is being monitored by the best oversight available, the best protection, the best security. Still, it is