

864 would have a net cost of \$41 million over the 2006-2010 period.

#### EVALUATION OF SECURITY-RESPONSE PLANS

S. 864 would require the NRC to evaluate the security response plans at designated nuclear facilities at least once every 3 years. The evaluations would simulate the threats that nuclear facilities must be able to defend against. We expect that the NRC would use contractors to conduct mock exercises known as force-on-force. Under S. 864, the NRC also would revise its "design basis threats" or the attack scenario nuclear facilities must be capable of defeating. Based on information from the NRC, CBO estimates that the NRC would incur a gross cost of about \$5 million in 2006 and \$27 million over the 2006-2010 period to revise those requirements.

#### RADIATION SOURCE TRACKING SYSTEM

Under S. 864, the NRC would have to establish a system for tracking radiation sources in the United States that is compatible with the Secretary of Transportation's tracking system of radiation shipments. S. 864 also would establish a task force on radiation source protection and security to recommend measures to protect radiation sources from potential terrorist threats. The bill also would require the National Academy of Sciences to conduct a study on the industrial, research, and commercial uses for radiation sources. Based on information from the NRC, CBO estimates that this program would have a gross cost of \$4 million in 2006 and \$21 million over the 2006-2010 period.

#### TREATMENT OF RADIOACTIVE BYPRODUCT MATERIAL

S. 864 would establish regulations for the transport and disposal of radioactive byproduct material and expand the definition of radioactive byproduct material to include naturally occurring or accelerator-produced radioactive material (known as NARM). Under current law, 35 States have entered into agreements with the NRC that authorize them to treat and dispose of certain radioactive byproduct materials, including NARM. S. 864 would require the NRC to prepare a transition plan for States to transfer regulatory authority over NARM byproducts to the NRC. CBO estimates that the NRC would incur a gross cost of \$14 million over the 2006-2010 period to oversee disposal of NARM in the 15 States without waste disposal agreements with the NRC. Under the bill, those States may opt to obtain a waiver allowing them to retain oversight of NARM disposal. In that event, NRC costs would be lower.

#### FIREARMS USE AND BACKGROUND CHECKS

S. 864 would authorize the NRC to permit certain security employees at nuclear facilities to use several types of firearms and would establish guidelines for checking the background of those security personnel. Based on information from the NRC, CBO estimates that the one-time cost of establishing those procedures would be about \$1 million in 2006.

#### Intergovernmental and Private-Sector Impact

S. 864 would impose both intergovernmental and private-sector mandates as defined in UMRA by:

Increasing costs borne by licensees to pay for fingerprint checks by increasing the number of individuals requiring background checks;

Requiring certain nuclear sites to correct any security defects identified during NRC's force-on-force security evaluations;

Establishing new guidelines for tracking and controlling individual spent fuel rods and segments by nuclear power plants; and

Requiring NRC licensees that possess or transport certain radiation sources to iden-

tify those sources and report any loss or change in the location to the NRC.

The bill also would impose an additional private-sector mandate on individuals who import and export radiation sources by requiring them to meet new requirements. The bill would impose an additional intergovernmental mandate by preempting State laws restricting the use and transport of certain firearms, and may preempt State regulation of the disposal of certain types of byproduct material by transferring that authority to the NRC. CBO estimates that the aggregate cost of the mandates in the bill would be below the annual thresholds established in UMRA for intergovernmental mandates (\$62 million in 2005, adjusted annually for inflation) and for private-sector mandates (\$123 million in 2005, adjusted annually for inflation).

#### REQUIREMENTS ON NRC LICENSEES

**Additional Fee for Background Checks.** Section 103 would require fingerprinting of additional individuals connected with nuclear facilities (public and private) as part of criminal background checks done through the U.S. Attorney General's Office. The cost of the government background checks would be borne directly by licensees. The duty to pay the increased cost would be both a private-sector and intergovernmental mandate under UMRA, but because the cost of each background check is small and many persons associated with nuclear facilities have already undergone background checks, CBO estimates that the aggregate cost of the mandate would be small.

**Security Evaluations.** Section 104 would require the NRC to conduct security-response evaluations at certain nuclear facilities. Those evaluations would include force-on-force exercises and would require facilities to remedy any defects. Given that NRC is already conducting those evaluations, CBO estimates that the incremental costs of such legislated requirements would be minimal.

**New Tracking System for Spent Fuels Rods and Segments.** Section 109 would require NRC to establish uniform guidelines for tracking and controlling spent fuel rods and segments at nuclear power plants. Current NRC regulations include similar guidelines for tracking and controlling spent fuel rods and segments, and CBO estimates that any additional cost to NRC licensees resulting from this provision would be minimal.

**New Tracking System for Radiation Sources.** Section 201 would direct the NRC to establish a mandatory tracking system for category 1 and 2 radiation sources (as defined by the International Atomic Energy Agency) in the United States. Category 1 and 2 radiation sources are held by both public and private NRC licensees and are used for medical and industrial purposes. The tracking system would include identification by serial number, reporting of changes in ownership or location of radiation sources, reporting of lost sources, and reporting through a secure Internet connection. According to the NRC, identification of radiation sources already is being done to some extent, and the agency expects to take on most of the cost of creating the tracking system. Based on this information, CBO expects that, while there would be some personnel costs for certain NRC licensees to comply with the monitoring and reporting requirements of the new tracking system, any additional costs would be small.

#### REQUIREMENTS ON IMPORTERS AND EXPORTERS OF RADIATION SOURCES

Section 201 would prohibit the import and export of radiation sources in the United States unless certain requirements are met. The bill would require that exporters of radiation sources verify that the recipient coun-

try may receive and possess the radiation source and has the capability to securely manage the source; send notice to the recipient country prior to shipment; and obtain notification upon receipt of the shipment. Importers of radiation sources would be required to prove that they are lawfully authorized by the NRC to receive the radiation source. Those requirements would constitute private-sector mandates under UMRA. However, the costs of those mandates would be small. According to NRC, similar regulations already have been proposed by the agency. An analysis of those proposed regulations by the Office of Management and Budget indicates that the aggregate cost to all importers and exporters would be approximately \$130,000 annually.

#### PREEMPTIONS OF STATE LAWS AND REGULATIONS

**Authorization of Firearm Possession.** Section 102 would preempt State laws restricting the use and transport of certain firearms. That provision would expand existing NRC authority that allows the agency to authorize certain security employees to use and transport several types of firearms, regardless of State or local regulations. Such a preemption would not impose significant costs on State or local governments.

**Waste Disposal Provisions.** Depending on future action by the NRC, section 202 could preempt State regulation of the disposal of certain types of radioactive byproduct material. Specifically, this section of the bill would transfer regulatory authority for the disposal of naturally occurring and accelerator-produced radioactive byproduct material to the NRC. Currently, States have this authority by default because the NRC does not expressly regulate such material. For those States with direct agreements with the NRC (agreement States), the authority to regulate the disposal of NARM would be returned to the State per those agreements. However, in non-agreement States, that authority would remain with the NRC. NRC sources have expressed an intent to maintain the status quo across all States for the disposal of NARM, and therefore, CBO estimates that the costs of this potential preemption would be insignificant.

#### Previous CBO Estimate

On April 19, 2005, CBO transmitted a cost estimate for H.R. 1640, the Energy Policy Act of 2005, as ordered reported by the House Committee on Energy and Commerce on April 13, 2005. S. 864 includes provisions similar to sections 662 through 665 of H.R. 1640. The estimated costs for those similar provisions are identical.

Estimate Prepared By: Federal Costs: Lisa Cash Driskill and Jimin Chung; Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum and Ian Rudge; Impact on the Private Sector: Selena Caldera.

Estimate Approved By: Peter Fontaine, Deputy Assistant Director for Budget Analysis.

#### NUCLEAR FEES REAUTHORIZATION ACT

Mr. INHOFE. Mr. President, section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. At the time of filing of the report, the statement was unavailable. The statement has since been received by the committee. I ask unanimous consent that the statement be printed in the RECORD.

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

*S. 858, Nuclear Fees Reauthorization Act of 2005, As ordered reported by the Senate Committee on Environment and Public Works on June 8, 2005*

**Summary**

CBO estimates that the net cost of implementing S. 858 would be \$2 million in fiscal year 2006 and about \$10 million over the 2006–2010 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or revenues.

Under current law, the Nuclear Regulatory Commission (NRC) is authorized to collect annual fees to offset about 90 percent of its general fund appropriation. If that authority is allowed to expire at the end of fiscal year 2005, the NRC would be authorized to collect only 33 percent of its budget through user fees. S. 858 would extend the NRC's current authority to charge annual fees to offset 90 percent of most of its general fund appropriation through 2011 and also would prohibit amounts appropriated to the NRC for certain specified homeland security activities to be offset with user fees. The fees that NRC collects are classified as offsetting collections (a credit against discretionary spending) because they are explicitly tied to the level of annual discretionary appropriations for the agency.

S. 858 also would authorize the NRC to establish several new initiatives with higher education institutions to enhance employee recruitment. The programs would provide support, such as grants, loans, and equipment to higher education institutions for NRC-related curricula, and for scholarships and fellowships to students potentially seeking careers at NRC. S. 858 also would authorize funding for promotional items used in recruitment, reimbursement of travel expenses for students working with the NRC, medical costs of overseas NRC employees, and mentoring, training, and research programs at Hispanic-serving, historically black, and tribally controlled colleges or universities.

S. 858 contains both an intergovernmental and private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the costs of the intergovernmental mandate would not exceed the threshold (\$62 million in 2005, adjusted annually for inflation) established in that act. CBO cannot determine whether the costs of the private-sector mandate would exceed the annual threshold established in UMRA (\$123 million in 2005, adjusted annually for inflation) because UMRA does not specify how CBO should measure the costs of extending an existing mandate. Depending on how they are measured, the costs to the private sector could exceed the threshold.

*Estimated Cost to the Federal Government*

The estimated budgetary impact of S. 858 is shown in the following table. The costs of this legislation fall within budget function 270 (energy).

[By fiscal year, in millions of dollars]					
	2006	2007	2008	2009	2010
<b>CHANGES IN SPENDING SUBJECT TO APPROPRIATION</b>					
Higher Education and Recruitment Programs.					
Estimated Authorization					
Level .....	1	6	6	6	6
Estimated Outlays .....	1	4	5	6	6
NRC Fee Collection Offset <sup>1</sup> .					
Estimated Authorization					
Level .....					

[By fiscal year, in millions of dollars]					
	2006	2007	2008	2009	2010
Estimated Outlays .....	-1	-5	-5	-5	-5
NRC Cost Recovery from Government Agencies.					
Estimated Authorization					
Level .....	2	2	2	2	2
Estimated Outlays .....	2	2	2	2	2
Total Net Change in Discretionary Spending Under S. 858.					
Estimated Authorization					
Level .....	2	3	3	3	3
Estimated Outlays .....	2	1	2	3	3

<sup>1</sup> Under current law, collections are authorized at declining percentages of the NRC's budget (90 percent in 2005 and 33 percent after 2005). S. 858 would authorize a 90 percent collection for 2006 to 2011. To estimate the net change in NRC costs under S. 858, 90 percent was applied to the estimated cost of higher education and recruitment programs as authorized by S. 858.

*Basis of Estimate*

For this estimate, CBO assumes that the bill will be enacted near the start of fiscal year 2006, that the necessary amounts will be appropriated for each year, and that outlays will occur at historical rates.

S. 858 would establish new initiatives with higher education institutions and recruitment efforts at the NRC. The bill would make changes to the NRC's authority to collect fees to offset its appropriations. Based on information from the NRC, CBO estimates that the net cost of implementing S. 858 would be \$2 million in 2006 and about \$10 million over the 2006–2010 period. All budget effects of the bill would be subject to appropriation action.

**HIGHER EDUCATION AND RECRUITMENT PROGRAMS**

S. 858 would establish new NRC programs with colleges and universities to enhance employee recruitment. The programs would provide grants, loans, and equipment to higher education institutions for NRC-related curriculum and scholarships and fellowships to students with prospects of future employment at NRC. S. 858 also would authorize funding for promotional items used in recruitment, travel expenses reimbursement for students working with the NRC, medical cost coverage of overseas NRC employees, and various mentoring, training, and research programs at Hispanic-serving, historically black, and tribally controlled colleges or universities. Based on information from the NRC, CBO estimates that implementing higher education and recruitment programs would have a gross cost of \$1 million in 2006 and \$22 million over the 2006–2010 period. Under S. 858, the NRC would recover 90 percent of these costs through fees that are credited against its annual appropriations.

**NRC FEES**

Under current law, the NRC is authorized to offset 90 percent of most of its budget authority in 2005 and 33 percent for each year after 2005. In 2005, the NRC received a gross appropriation from the general fund of \$601 million to be offset by an estimated \$541 million from the collection of fees. Such fees are classified as offsetting collections a form of discretionary spending. As is the case under current law for 2005, S. 858 would set fee collection at 90 percent of most of the agency's budget authority provided from the general fund (a portion of funds are provided from the Nuclear Waste Fund) for each year from 2006 through 2011. Under S. 858, the NRC also would be prohibited from recovering costs for certain homeland security activities. For example, for 2006, the NRC requested \$31 mil-

lion for homeland security activities that would no longer be offset by user fees under this bill.

By continuing to authorize fee collections at 90 percent of NRC's annual general fund appropriation, S. 858 would lead to the collection of approximately \$550 million in fees in 2006. In contrast, if that 90 percent fee-collection authority were not extended, the portion of spending recoverable through fees would drop to 33 percent, and the amount of fees collected would fall to about \$200 million in 2006. Those estimates assume that NRC funding in 2006 is equal to the amounts provided in 2005 with an adjustment for inflation.

**NRC COST RECOVERY**

Under current law, the NRC collects fees from its private licensees that offset its annual appropriation. Such fee collection includes the cost of issuing licenses to some government agencies. S. 858 would require that government agencies pay their licensing and regulatory activity fees, rather than the private sector.

Currently, the NRC charges private licensees about \$2 million per year for licenses issued to government agencies. Under S. 858, those license fees would come from appropriated funds rather than the private sector; thus, the government would incur a net cost relative to current law to pay them. We estimate that such additional costs would be \$2 million in 2006 and \$10 million over the 2006–2010 period.

*Intergovernmental and Private-Sector Impact*

Under current law, the NRC is authorized to collect annual fees from its licensees (public and private) to offset 90 percent of a major portion of its general fund appropriation. CBO estimates that those collections will amount to an estimated \$541 million in fiscal year 2005. Those fee collections include the cost of issuing licenses to some Federal agencies. The NRC's authority to collect that level of fees expires at the end of fiscal year 2005. When that authority expires, the NRC will be authorized to collect annual fees up to only 33 percent of its budget. S. 858 would extend the NRC's current authority to charge annual fees to offset 90 percent of its net appropriation through 2011. The duty to pay such fees would be a mandate as defined in UMRA.

The total amount of fees collected under this provision would depend on the level of future appropriations. Assuming appropriations in the amount authorized for 2005, CBO estimates that extending the fees would result in additional collections of more than \$300 million in 2006 from industries regulated by the NRC (primarily electric utilities) and similar amounts for fiscal years 2007 through 2010. CBO estimates that most of the annual fees would be paid by private, investor-owned nuclear utilities (less than 5 percent would be paid by non-Federal, publicly owned utilities).

In the case of a mandate that has not yet expired, UMRA does not specify whether CBO should measure the cost of the extension relative to the mandate's current costs or assume that the mandate will expire and that it must measure the costs of the mandate's extension as if the requirement were new. Measured against the costs that would

be incurred if current law remains in place and the annual fee declines, the total cost to the private sector of extending this mandate would be close to \$300 million annually, beginning in fiscal year 2006. Measured that way, the cost of the mandate would exceed the annual threshold for the private sector as defined in UMRA. By contrast, measured against the fees paid for fiscal year 2005, the mandate would impose no additional costs on the private sector because the fees under the bill would not differ much from those currently in effect. In any case, CBO estimates that the total costs to State, local, and tribal governments would be small relative to the threshold for intergovernmental mandates.

Estimate Prepared By: Federal Costs: Lisa Cash Driskill and Jimin Chung; Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branun; Impact on the Private Sector: Selena Calera.

Estimate Approved By: Peter Fontaine, Deputy Assistant Director for Budget Analysis.

#### DEATH OF MO MOWLAM

Mr. KENNEDY. Mr. President, last month, sadly, Mo Mowlam, Great Britain's former Secretary of State for Northern Ireland, died after a long and courageous battle with cancer. Mo will long be remembered for her leadership at a critical moment in the history of Northern Ireland. I first met her when she was a member of the Labour Party and her party was in opposition in Parliament. I was delighted when Prime Minister Blair came to power and named her Secretary of State for Northern Ireland. She was a breath of fresh air and quickly won over nearly every Irish American she met. She was exceedingly effective and was the right person for the job at the right time in Northern Ireland. With her remarkable abilities, she created the conditions that led to the historic Good Friday Agreement in 1998. Mo was fair, intelligent, and willing to take risks for peace.

On a personal note, my wife, Vicki, and I will always warmly recall our visit with Mo, and her husband, Jon Norton, at Hillsborough in Northern Ireland in January 1998.

Irish Senator Martin Mansergh, himself a key player in the Northern Ireland peace process, recently wrote a well-deserved tribute to Mo in the Irish Times, and I ask unanimous consent that it be printed in the RECORD.

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

[From the Irish Times, Aug. 27, 2005]

MO WAS WILLING TO DIRTY HER HANDS FOR PEACE

(By Martin Mansergh)

A first memory of Mo Mowlam is of a young, newly elected MP accompanying, as deputy, the British Labour Party's Northern Ireland spokesman Kevin McNamara to an Anglo-Irish conference in Ditchley Park, Oxfordshire.

The British have an inexhaustible belief in country house diplomacy to solve problems like Northern Ireland in an atmosphere cut off from the modern world. Its efficacy was not evident on that occasion.

When John Smith died tragically in 1994, Mo Mowlam, a fellow north of England MP, was a principal lieutenant of Tony Blair in his leadership campaign. Her reward in being appointed Northern Ireland spokeswoman marked a shift away from the moderate pro-nationalist stance of McNamara and Labour's formal policy through the 1980s of Irish unity by consent.

Whether Labour would ever have been active persuaders for unity is doubtful. That policy was devised as a means of containing pressure from the Labour left for "troops out" and British withdrawal. By 1994, after the Downing Street Declaration, Labour adjusted its position to broad bipartisanship with the John Major government, both on constitutional principles and tactics.

Mo Mowlam did her homework while in opposition, studying the issues, attending conferences, meeting different parties, and acting as conduit to Tony Blair. Unwilling to open any flank for attack that might endanger election victory, Labour refrained from criticising the Tory mishandling of the peace process which contributed to, even if it was not responsible for, the breakdown of the first ceasefire. Labour kept its powder dry, and by the 1997 general election had become almost as acceptable to unionism as the outgoing Conservative administration.

Mo Mowlam became Northern Ireland Secretary of State, and held office during the crucial 12-month period that began with restoration of the IRA ceasefire in July 1997. With Irish help, Labour worked round the demand for immediate decommissioning that was a roadblock to progress at that stage.

She kept her cool in the conference room in July 1997 and gave nothing away when Conor Cruise O'Brien, sitting alongside Robert McCartney on the UKUP delegation, sought formal repudiation of more radical views she had once held on Ireland. Further negotiations at Stormont created conditions of engagement from late September in multi-party talks chaired by former U.S. Senator George Mitchell that included Ulster Unionists, loyalists and Sinn Féin, as well as the SDLP, Alliance and Women's Coalition.

As incoming Secretary of State, she made every attempt to be even-handed, and was prepared to be as sympathetic and receptive to unionist as to nationalist and republican views. Her eventual decision to let the Drumcree parade through in 1997 (for the last time) was evidence of that.

Much of the comment about her focuses more on style than substance. Her casual manner and outspoken language were something that not all British civil servants, used to the traditional patrician style exemplified by Sir Patrick Mayhew, appreciated. The Irish delegation had few problems on that front, though occasionally she made even Ray Burke look fastidious.

She was a culture shock to the Ulster Unionist Party, as to some extent was Liz O'Donnell. If Mo Mowlam ended up closer to nationalists, it was because unionists left her little choice, by increasingly refusing to deal substantively with her.

They bypassed her with impunity, by constant recourse to No 10 Downing Street—if not Tony Blair himself, his diplomatic adviser John Holmes, who provided reassuring continuity for them from John Major's time.

Nevertheless, with the help of minister of state Paul Murphy, and partnered on the Irish side by David Andrews, she kept the talks on the road over a difficult eight-month period, even if many strategic negotiations also took place between Downing Street, the NIO, the Taoiseach's Office, Foreign Affairs and Justice. Mo Mowlam made an important and courageous decision to go into the Maze to see loyalist prisoners, when

their ceasefire appeared to be collapsing in January 1998, following several murders.

Not only did she hold the ring, albeit with difficulty, but it was the moment the British system realised that agreement would only happen if it involved a radical programme to release paramilitary prisoners, however awful their convictions. She well understood that to obtain peace one had to be prepared to get one's hands dirty.

In the last hours of the Good Friday negotiations, she sat with the Taoiseach Bertie Ahern (and this columnist) listening interminably to some 77 unsatisfied demands by Sinn Féin, all requiring answers, not least to satisfy large backroom teams.

While the Government had always striven for agreement bringing everyone present on board, the point had been reached, where, if necessary, continued Government credibility would have required agreement without Sinn Féin (already geared to campaign against changes to Articles 2 and 3).

Mo Mowlam, like the Taoiseach, favoured retaining a special electoral system, which would, most likely, have secured a place in the Assembly for both the Women's Coalition and the loyalists. The loyalist parties mistakenly believed they did not need such arrangements to stay out of the cold, creating problems to this day.

The Good Friday agreement is Britain's finest achievement so far in relation to Ireland. Mo Mowlam is entitled to full credit for her part in that, as the following Labour Party conference affirmed with thunderous applause. It is almost always a mistake for a minister to challenge the prime minister, and she was easily undermined by those who coveted her post for Peter Mandelson. His main positive contribution, in late 1999, was to persuade Ulster Unionists to let the institutions start, however temporarily.

Apart from her deserved place in British Labour Party folklore, Mo Mowlam's courage and down-to-earth approach will ensure that she long retains a warm place in the memory of most Irish people.

#### COMMEMORATION OF 50TH ANNIVERSARY OF THE GREAT LAKES COMMISSION

Mr. LEVIN. Mr. President, this year marks the 50th anniversary of the Great Lakes Commission. The Great Lakes Commission is a bi-national agency working to improve the Great Lakes and the region. The Commission promotes the orderly and comprehensive development, use and conservation of the Great Lakes basin, its tributaries and the St. Lawrence River. Its members include the eight Great Lakes States, Illinois, Indiana, Michigan, Minnesota, Ohio, New York, Pennsylvania and Wisconsin, with associate member status for the Canadian provinces of Quebec and Ontario.

Since its establishment in 1955, the Great Lakes Commission has been a pioneer in applying principles of sustainability to the natural resources of the Great Lakes basin and St. Lawrence River. The Commission promotes the paired goals of environmental protection and economic improvement and has built its reputation on an integrated and objective approach to public policy issues and opportunities.

When the Great Lakes Commission was founded in 1955, the Great Lakes region was about to gain greater regional and economic importance; St.