

pass and it is going to pass quickly. I think it will pass with relatively no opposition. The sooner we get to the merits of this legislation, the better off we will be.

I think it would not be untoward to allow a Member on that side or this side to offer an amendment. If the amendment is no good, and understanding the underlying importance of this legislation, it will either be defeated or the person will withdraw it. But there may be ways of improving this bill, ways that we can help the fighting men and women of our country in a manner different than is set forth in this legislation. I say to my friend, let's move forward with the legislation. It is now 1:25. I think this legislation could be passed by 4 o'clock with no trouble at all. So I hope we can move just as quickly as possible. This is important legislation for the people that are over in harm's way. We want to assist them in any way that we can.

Mr. COVERDELL. Mr. President, let me simply say, I think my friend is correct. I think we can pass this in 5 minutes. But it isn't going to be passed because of the proposal that is being propounded. It has been vetted on both sides. As he said, there is broad agreement on this. Anything that would improve it would have been accepted. You are talking about another debate completely out of context with the benefits proposed in here. Those proposals are highly controversial. So these soldiers and sailors are being held hostage for that view. I think that is inappropriate.

I yield the floor.

Mr. REID. Mr. President, the underlying bill is a pretty good bill, but it is not perfect. I think we should have the opportunity to take a look at it. Too often around here there is a group of people that get together and they agree on a piece of legislation which they think is miraculous and will solve all the problems of a certain issue. There are 100 Members of the Senate, and five or six people get together and bring it to the floor, and the procedure we follow too often is if anybody wants to debate it, they are considered obstructionists, people who don't believe in the underlying issue.

Let me repeat, Mr. President, that we on this side of the aisle believe in the underlying issue here. We want to provide tax relief for our fighting men and women, the soldiers, sailors and airmen who have given so much to this country in the last month. We also think that the legislation should be seen in the light of day. There are 95 other Members in the Senate that should have the opportunity to review this legislation. We are saying on this side, let's give them an opportunity; let's let those people who haven't been in on this so-called deal to bring this legislation up. Let them also take a look at this legislation. There may or

may not be amendments offered, but there is going to be nothing done. We will prevent this bill from passing.

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

Mr. BRYAN. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for a period of 12 minutes.

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

NUCLEAR WASTE

Mr. BRYAN. Mr. President, in the House Commerce Committee today, the Subcommittee on Energy and Power took the first step in what is fast becoming a futile ritual here in Congress.

The subcommittee reported to the full committee a revised version of H.R. 45—the latest in a long string of legislative efforts to single the State of Nevada out as the dumping ground for the nuclear power industry's toxic high-level waste.

The bill approved by the subcommittee today consists of a now familiar assault on the environment and the health and safety of millions of Americans, both in Nevada and along transportation routes throughout the Nation.

It requires the expenditure of billions of taxpayer dollars on a completely unnecessary and misguided "interim storage" facility in Nevada.

It makes a mockery of the National Environmental Policy Act process, and preempts every local, State, and Federal statute or regulation that interferes with the nuclear power industry's crusade to move high-level waste to Nevada, no matter what the costs or consequences may be.

The bill is an unprecedented power grab by the nuclear power industry, trampling on the most fundamental states' rights.

The bill overrides years of work by the Environmental Protection Agency in establishing a science based radiation standard, and substitutes by legislative fiat a standard more than six times less protective than generally accepted for citizens anywhere else in the United States.

By shipping waste to Nevada in advance of determining the suitability or licensibility of the Yucca Mountain site, the bill also irreversibly prejudices the scientific work at the site.

Any hope for an objective evaluation of Yucca Mountain will be lost.

The bill approved by the subcommittee today is an environmental and public health travesty.

Fortunately, as in the past two Congresses, the bill stands no chance of enactment into law.

President Clinton continues to oppose the nuclear power industry's special interest legislation, and will veto the bill should it ever reach him.

Even the industry knows there is absolutely no doubt of the firmness of the President's veto threat.

Congress will vote to sustain the President's veto, and we will have once again wasted years of time and effort on a useless battle of wills, when we could have been working together towards an equitable, reasonable, and safe resolution of any legitimate grievances the nuclear power industry has with the federal high-level nuclear waste program.

The nuclear power industry's obsession with moving its waste to off-site, no matter what the consequences, defies all logic.

The Nuclear Regulatory Commission, the Nuclear Waste Technical Review Board, and the industry itself agree that the waste can be stored safely on site for the foreseeable future.

Somehow, though, moving waste off-site has become the "holy grail" of the industry.

Taking the liability for the industry's environmental travesty has been their only rallying cry.

Unfortunately for the industry, commercial nuclear power's problems cannot be solved by waste legislation, or anything else we may do here in Congress.

Nuclear power is a declining industry, unable to compete in an increasingly competitive electricity marketplace.

An industry once touted as a technological marvel—one which we were told could produce power "too cheap to meter" at thousands of reactor sites—has turned into an aged collection of "white elephants," struggling to keep operating.

As the electricity marketplace moves away from the regulated environment, an environment which virtually guaranteed full cost recovery for utilities huge investments in nuclear plants, the cost of nuclear power continues to rise, due to increasingly expensive maintenance and retrofit costs to keep the plants in operation.

While the industry likes to portray what they describe as "radical environmentalists" for its inability to compete, the true cause for nuclear power's demise is simple economics.

The value of nuclear power plants in today's electricity marketplace has plummeted.

Nuclear plants that do sell barely fetch any price in today's markets, and 21 reactors have simply been allowed to shut down.

As the thoughtful newspaper article that I will insert in the RECORD makes pretty clear, nuclear power is an industry with no future.

Unfortunately, the industry's last gasp, its last in a long series of strategic miscalculations, appears to be to deposit its legacy of high-level waste in Nevada.

Since its very inception, the nuclear power industry has shown a totally irresponsible lack of foresight in dealing with its highly toxic waste stream.

For decades, the industry has shut its eyes to its growing volume of high-level waste, and continued to generate waste with absolutely no rational plan to manage it.

The end result of this irresponsible lack of planning—or maybe the real plan all along—has been simply a demand that the commercial utilities be permitted to shove the waste problem off on the American public.

In 1982, the industry convinced Congress to accept responsibility for disposing of the waste, and, ever since then, the industry's demands on the Federal Government, and the Treasury, have only increased.

The nuclear power industry's surreal sense of entitlement got a jolt of reality last week.

For years, the industry has saturated Congress with frightening scenarios of tens or hundreds of billions of dollars in supposed damages at the expense of the American taxpayer resulting from delays in the Federal Government's high-level waste program.

Last week, the U.S. Court of Claims dismissed one of the utilities self-serving billion-dollar lawsuits.

The Court told Northern States Power, which had filed a claim for over \$1 billion, to return to DOE, and seek appropriate adjustments under the contract the utility had signed in the early 1980s.

More dismissals of utilities outrageous damage claims are sure to follow.

While the math leading to the industry's claims of \$80-\$100 billion in damages was always very mysterious and suspect, last week's decision by the Court of Claims should lay this outrageous scare tactic to rest for good.

The nuclear power industry, or, more accurately, its ratepayers, do have some legitimate grievances with the DOE.

Since 1990, I have introduced legislation to help the Department of Energy and the industry address problems created by the Department's inability to meet the 1998 waste acceptance deadline.

Under this legislation, utilities would be allowed credits against Nuclear Waste Fund payments for the costs associated with storage of waste the DOE was scheduled to accept.

Recently, numerous proposals have surfaced which call into question the fundamental approach of legislation such as H.R. 45 and its predecessors.

On the House side, legislation has been introduced, based upon a previous DOE proposal, which would allow utilities to escrow Nuclear Waste Fund payments, and use some of the investment income from these escrow accounts to pay the costs of on-site storage.

In the Senate, a proposal is being developed to seek at least a partial technological solution to the high-level waste problem, through research and development of transmutation technology.

This week, the Institute for Energy and Environmental Research released a proposal which would store high-level waste on reactor sites, under the stewardship of a federally chartered non-profit corporation.

The Secretary of Energy has his own very generous proposal to the utilities to address any inequities created by the DOE's failure to meet the 1998 deadline.

As a settlement offer to the many utilities filing lawsuits against the Department, the Secretary has offered to take title to the waste at reactor sites.

Under the Secretary's proposal, utilities would be relieved of both financial and legal responsibility for the waste, leaving full responsibility for the waste in the hands of the federal government.

The Secretary's offer is more than generous. The modest adjustments in fees available to the utilities under the Standard Contract would be adequately addressed, in my view, by the Secretary's proposal.

Several utilities, including Commonwealth Edison, one of the largest nuclear utilities in the nation, recognizing the futility of the nuclear power lobby's continued insistence on interim storage in Nevada, have indicated an interest in accepting the proposal.

As the details of the proposal continue to develop, and as the prospects for interim storage in Nevada continue to decline, other utilities are sure to follow.

In fact, for most utilities, the interim storage proposals currently before Congress provide little or no actual relief.

For many utilities, even the overly optimistic 2003 deadline for the start of operation of an interim storage facility is too little, too late.

By that time, many nuclear utilities intending to continue to operate nuclear plants will have already had to invest in additional on-site storage.

For any of these utilities, the Secretary's offer of taking title provides far greater opportunity for relief than the pending legislation—even if the legislation had any chance of passage.

Any utility CEO who refuses to consider the Secretary's offer to take title would be doing the utility's shareholders, and ratepayers, a grave disservice.

Until the nuclear power industry can recognize that the tired, futile approach they have adopted for more than 5 years is going nowhere, and is merely setting a course for yet another legislation train wreck, Congress cannot address in any reasonable fashion whatever legitimate issues the industry may raise.

It is well past the time that the industry should abandon its pipedream of interim storage in Nevada, and come to the table to negotiate an equitable financial and legal solution to its dispute with the federal government over its high-level waste.

In case there is any question of the prospects for enactment for the bill marked up today by the Energy and Power Subcommittee, I will have printed in the RECORD a letter from the Secretary of Energy, dated yesterday, which puts the committee on notice that any legislation establishing interim storage in Nevada will be vetoed by the President.

I ask unanimous consent that the letter from the Secretary of Energy, dated April 13, 1999, be printed in the RECORD.

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

THE SECRETARY OF ENERGY,
Washington, DC, April 13, 1999.

Hon. JOE BARTON,
Chairman, Subcommittee on Energy and Power,
Commerce Committee, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: I was disappointed to learn that your subcommittee will hold a markup tomorrow on interim storage legislation, H.R. 45, the Nuclear Waste Policy Act Amendments of 1999. I understand that there have been some discussions between the Department's staff and your staff about my alternative proposal to take title to spent fuel from utilities at reactor sites, and I had hoped that some agreement could be reached on this alternative prior to the subcommittee taking action on legislation. I continue to believe that taking title to spent fuel at reactor sites could provide a basis for resolving many of the utilities' concerns, particularly in light of the recent decision by the U.S. Court of Federal Claims that the standard contract provides an adequate remedy.

I appreciate the fact that your substitute includes authority for the Department of Energy to take title to spent fuel at reactor sites and provisions intended to minimize the potential for continued litigation over the Department's contracts with utilities. The Department has not done a detailed analysis of these provisions of your substitute, but they appear to address many of the Department's concerns raised when I appeared before your subcommittee on March 12, 1999.

Let me reiterate, however, the Administration's opposition to any legislation that would make a decision to place interim storage in Nevada prior to completion of the scientific and technical work necessary to determine where a final repository will be located.

As you are well aware, the Department has completed considerable technical work at Yucca Mountain and submitted its viability assessment to the Congress and the President in December 1998. While the viability assessment found no technical showstoppers at Yucca Mountain, it identified a number of scientific issues that remain to be addressed before the Department will be able to make a judgment on the suitability and licensability of the site. Making a decision now to place interim storage in Nevada, in advance of completion of the scientific and

technical work at Yucca Mountain, would prejudice the scientific work, would undermine public confidence that a repository evaluation will be objective and technically sound, and would jeopardize the credibility of any future decisions related to Yucca Mountain. It also does not make sense to transport spent fuel across the country until we know where the final repository will be.

As we have discussed, both the Administration and the Congress have been aware for some time that the overall constraints of the federal budget process have the potential to limit the availability of funding for the nuclear waste program in the out-years. The Administration strongly opposes provisions that would take the Nuclear Waste Fund off-budget without fully paying for it, and that would exempt this action from the pay-as-you-go provisions of the Balanced Budget Act. However, I would like to continue to work with you to assure that the repository program continues to be adequately funded and that the revenues raised by the nuclear waste fee remain available to complete the job of safe management and disposal of nuclear waste.

Finally, the Administration also strongly objects to provisions of the bill that would weaken existing environmental standards by preemption of Federal, State, and local laws.

For the reasons stated above, the Administration remains opposed to the proposed interim storage legislation, and I would recommend a veto if legislation containing these provisions were presented to the President.

The Department has been discussing my alternative proposal to take title to spent fuel at reactor sites with a number of utilities and other interested parties, and we will continue to do so. In the very near future, I hope to have a meeting with a group of utility executives whose companies have indicated an interest in discussing the proposal further. I will keep you informed of our continued efforts to reach agreement with the utilities on my proposal, and I look forward to working with you on these issues.

Yours sincerely,

BILL RICHARDSON.

Mr. BRYAN. In addition, the letter outlines numerous other environmental and fiscal concerns that the administration has with the revised version of H.R. 45 and makes it absolutely clear that the bill moving through the House in no way removes the administration's strong objection to this legislation. I will also have printed for the RECORD a letter from President Clinton earlier this year which repeats his veto threat in very clear and uncertain terms. Mr. President, I ask unanimous consent that letter to this Senator, dated February 16, 1999, and signed by the President of the United States, be printed in the RECORD.

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

THE WHITE HOUSE,

Washington, DC, February 16, 1999.

Hon. RICHARD H. BRYAN,
U.S. Senate, Washington, DC.

DEAR DICK: Thank you for your letter requesting a restatement of my Administration's position on legislation siting a centralized interim high-level nuclear waste storage facility in Nevada.

As we have stated repeatedly in the past, if legislation such as that passed by the Senate or the House in the 105th Congress were presented to me, I would veto it. Such legislation would undermine the credibility of our nuclear waste disposal program, by, in effect, designating a specified site for an interim storage facility before adequate scientific information regarding the suitability of that site as a permanent geological repository is available.

Thank you again for your interest in this important issue.

Sincerely,

BILL.

Mr. BRYAN. Mr. President, the bill approved by the House Energy and Power Subcommittee today is an environmental and fiscal travesty with absolutely no chance of enactment.

I urge Congress to once again reject this misguided and dangerous legislation.

I ask unanimous consent to have printed in the RECORD an article that appeared in the Las Vegas Review-Journal dated March 28, 1999, which outlines the dreadful prospect that the nuclear power industry has for any future, based upon the economics as I outlined in my statement.

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

COST, NOT SAFETY, IMPERILS NUCLEAR POWER
(By Jeff Donn)

SAN ONOFRE, Calif.—Surfers have been riding the thundering breakers of this beach since the days of the steam automobile, long before anyone cracked an atom to make electricity.

Joe Higgs adopted this beach as his second home even before bulldozers scraped away 1.5 million cubic yards of sandstone bluff for the first of three nuclear reactors. He and the San Onofre nuclear plant are uneasy neighbors to this day, peering at each other through barbed-wire fencing.

"I've learned to live with that. I love surfing, and I love the ocean so much," he said, looking up at the plant's three protective domes designed to seal in radioactivity during an accident.

But then he added: "I wish it wasn't here, to be truthful."

The way the nuclear industry is declining, his wish might yet come true.

Since the Three Mile Island accident in Middletown, PA, 20 years ago today, American attitudes toward nuclear power have been characterized by paralyzing ambivalence and mood swings. Under public pressure, the industry and government have profoundly reworked safeguards at tremendous effort and cost. Warily, the public has watched 51 commercial reactors hum to life in the years since the accident. All of them had been planned before Three Mile Island; none has been ordered since.

Virtually no one in the industry can imagine building a plant in the foreseeable future.

It is not runaway chain reactions but exploding costs that have jeopardized this \$43 billion a year business. With barely a whimper, the nation has let 21 atomic reactors shut down. That's 17 percent of its total of 125. They are victims of the intertwined costs of safety changes and heavy staffing, building debt, and mounting expense to replace parts, clean up abandoned sites, and store radioactive waste.

Cranking up pressure, some states are making nuclear power stand on its own as they drop guaranteed electric rates for power monopolies to inject competition into energy production.

The nuclear industry still supplies about one-fifth of the country's power—second only to coal. But the U.S. Department of Energy predicts it could wither away almost entirely during the next 20 years. By just about any standard of policy or politics, atomic power is looking like a lesson in energy wasted.

"We over-promised and under-delivered. We created fears that are not appropriate, and the industry handled it all in a very defensive, closed way," said consultant Roger Gale, president of the Washington International Energy Group. "We took a good technology, and we blew it."

It's a remarkable turnaround for a technology that began with such hope. When the lights flickered on at Moorpark Nov. 12, 1957, the country was electrified.

CBS television captured the moment for history. The town of 1,146 people went black when it was cut off from Southern California Edison Co.'s conventional power grid. A few seconds later, thanks to the company's little atomic reactor in the Santa Susana Mountains, Moorpark and the nation awoke to the age of atoms for peace.

National leaders were eager to redeem the research and destructive power of the atom bomb. They promoted and helped finance the first round of nuclear energy plants and dreamed aloud of electricity so cheap it would hardly be worth metering, maybe 1,000 reactors by the year 2000.

In the 1970s, public worries about air pollution, the Arab oil embargo and the limits of fossil fuel supplies boosted the inherent high-tech appeal of nuclear power.

The backbone of the new industry's work force came from the ranks of the nuclear Navy—a gung-ho breed that later proved inept at dealing with a doubting public.

Decades of environmental and economic bruises have thoroughly rubbed off the veneer of atomic technology as the wonder boy of energy.

Public support for nuclear energy has slipped 70 percent before Three Mile Island to 43 percent in 1997, according to Roper Starch Worldwide, the polling company. Though some still view the U.S. Nuclear Regulatory Commission as too cozy with the industry, the agency sees itself primarily as a safety enforcer, not a booster.

"Nobody is going to order a new nuclear plant: too much political pressure and environmental pressure, and your capital is at risk for so long," said Chris Neil, an industry consultant with Resource Data International. "Nobody wants to take that risk."

Southern California Edison is deciding whether to sell its two big 1,100-megawatt reactors still active at San Onofre south of Los Angeles. California's 30 million people draw about one-quarter of their electricity from atomic plants, more than any other state. But that could change as California regulators complete the transition to competitive energy making.

"I don't think nuclear has changed that much. I think the world around it has changed," said Harold Ray, the utility's chief of generation.

Kara Thorndike, 14, sprawled in shorts on a blanket at San Onofre beach, busy with homework and oblivious to the atomic plant just a few hundred yards away.

"They have to be safe," she said. "If they weren't, I don't think they'd put it in a public place."

Even strong critics say the industry has greatly bolstered safety since the partial meltdown of a reactor core at Three Mile Island.

The nation's worst nuclear accident released little radioactivity into the environment, but it exposed dangers that shook government regulators into ordering expanded training of nuclear operators. Plants were redesigned to give operators better information on the state of reactors. Training control rooms were built identical to the real ones, down to the carpeting. Emergency command centers sprang up and connected to hot lines at the Nuclear Regulatory Commission.

While basically on target, the government's reaction might have at times been overzealous, according to William Travers, the new director of the watchdog agency, who oversaw the Three Mile Island cleanup through much of the 1980s.

Today, he said, the agency is "looking to reduce the unnecessary burden."

Regulators are stripping back some rules, saying they do not really bear on safety. Using downgraded risk predictions, the agency allows more limited testing of some plant materials and has a fast track for re-licensing old plants to help the industry compete.

In reaction, critics are again fretting over safety. A January report by the General Accounting Office, the investigative arm of Congress, said "safety margins may be compromised" as markets turn competitive.

Marybeth Howard, who markets computer hardware, was sunning herself at San Onofre beach and basking in thoughts of abundant electricity.

"I've got the lights on all the time," she said. "I've got the stereo cranked. I've got the microwave and the dishwasher on. Everything! I don't care how much the bill is! I don't even really pay attention."

Her nonchalance sounds quaint in a world where "energy efficient" and "energy conservation" long ago entered common speech.

In the 1970s, the national appetite for power grew about 7 percent annually, but the growth rate has shrunk to about 2 percent a year—even with the strong economy. That makes it harder for utilities to pay off nuclear construction debts.

In some cases, big debt paid for little but frustration. The \$5.5 billion Shoreham plant in Long Island, crippled by safety fears, never opened.

Only two operating plants so far have asked to renew their 40-year licenses. The licenses of 56 reactors expire in the next 20 years, but industry officials acknowledge some likely will close long before.

For one thing, it often takes more than twice as many workers to run a nuclear plant as an equivalent one with fossil fuel.

For another, aging nuclear plants increasingly need big-ticket replacement of generators, turbines and even reactor cores made brittle by decades of neutron bombardment.

San Onofre has been installing new turbines for its two active units at about \$30 million each. Owners of Yankee Rowe in Massachusetts, the granddaddy of plants, shut down in 1992 after 32 years instead of buying a new \$23 million reactor vessel to cradle its radioactive core.

Meanwhile, in states such as Pennsylvania, regulators are expected to bar utilities from recovering much of their nuclear construction debt through consumer rates during the changeover to competitive markets.

Some in the industry embrace two plant sales in the works as a sign of hope. An international partnership has even arranged

to buy the Three Mile Island reactor that did not melt down and later came back on line.

But it is going for just \$23 million. It was built for \$400 million.

"It appears to me the way to sell a nuclear plant is to pay someone to take it off your hands," said Kennedy Maize, editor of the *Electricity Daily* trade newspaper.

The General Accounting Office says up to 26 plants appear vulnerable to shutdown simply because their production costs are higher than the projected price of electricity.

The industry is banking heavily on an expanding market for U.S. nuclear technology in Japan, Taiwan and other Asian countries during the next 20 years. France depends on nuclear plants for 78 percent of its power.

Environmental distaste, though, has dimmed nuclear prospects in Germany, Sweden and Italy.

Much of the future growth is predicted in developing nations without the centralized grids of power lines to accommodate big nuclear plants. Fear of spreading material and know-how for nuclear weapons is also braking nuclear energy to other lands.

"It's one of those things that seems to be good for a while, and then something else comes along," said nuclear physicist Thomas Johansson, who oversees international energy development at the United Nations.

Many analysts say the nation could weather a slow death of nuclear power fairly well.

They say natural gas, which supplies about 10 percent of power, can and will do much more. Dozens of gas generators are under construction.

But renewable resources, such as solar and wind power, have progressed slowly.

Backers of nuclear power say the nation can't attain international limits on greenhouse gases without atomic energy.

James Hewlett, an economist with the Energy Department says coal might be needed to pick up some slack. But Daniel Becker, an energy expert at the Sierra Club environmental group, says that's like "giving up smoking and taking up crack."

Maybe nuclear power was fundamentally flawed: steeped in danger and, as environmentalists sometimes suggest, the most expensive way ever devised to boil water. Maybe nuclear plants are just too big and centralized to thrive in an era of smaller-is-better.

But others say a potentially enduring technology was simply mishandled.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. BRYAN. Yes, I am happy to yield for a question.

Mr. REID. I am very happy, I say to my friend from Nevada, that I was here on the floor when he came to bring us the bad news. But the question I direct to my friend from Nevada—and there is no one who has worked harder on this issue than he has—is that it is my understanding that there is a consensus being developed by the administration and the Secretary of Energy, a number of the large utilities and somewhat smaller utilities around the country, and Members of Congress who have never been on this issue who are thinking that maybe the best thing to do is have the United States assume ownership of the nuclear waste and, in effect, take care of it on-site until there is a permanent depository. Is it true that there is an intensive development around here in that regard?

Mr. BRYAN. The Senator from Nevada is absolutely correct. I think there is a shaft of light at the end of the tunnel, if I may use that metaphor, in which a number of thoughtful Members of Congress, working together with the administration and some responsible nuclear utilities, have come to recognize the futility of the process that my friend, our senior colleague, knows only too well, and to try to work out something that addresses the legitimate concerns of ratepayers in States where nuclear reactors exist and yet does not devastate our environmental laws and create a situation that is costly and dangerous to the American public.

Mr. REID. The last question I direct to my friend is this: Is it also true that this is being done outside of the auspices and outside of the control and direction of the two Senators from Nevada?

Mr. BRYAN. The Senator is correct again. These are suggestions that have been generated by thoughtful Members in the Senate, and in the House, by the administration, and increasingly the dialog has indicated that, again, what I would call responsible and reasonable nuclear utilities are engaged in a dialog. And I am hopeful, as I know my senior colleague is, that we can avoid this train wreck that occurs annually in the Congress and work out something that deals responsibly and legitimately with the concerns that ratepayers have in States with these reactors, but does not involve this incredibly foolish effort to transport 77,000 metric tons of high-level nuclear waste to the State of Nevada unnecessarily. And, as the Senator from Nevada knows, that is simply not going to happen, because the administration and the Department of Energy's Nuclear Waste Technical Review Board all agree that such an approach is unnecessary and unwise.

I thank my colleague for his thoughtful and insightful questions, and I look forward to working with him in developing a responsible approach to resolving this issue.

I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, am I correct the pending business is the conference on the budget for the year 2000?

The PRESIDING OFFICER. The conference has not been called up yet.

UNANIMOUS-CONSENT AGREEMENT—H. CON.
RES. 68

Mr. DOMENICI. I ask unanimous consent the Senate now proceed to the

conference report to accompany the budget resolution and, when the Senate reconvenes on Thursday, there be 5 hours remaining for debate as provided under the statute. This has been cleared on the other side.

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

CONCURRENT RESOLUTION ON
THE BUDGET FOR FISCAL YEAR
2000—CONFERENCE REPORT

Mr. DOMENICI. Mr. President, I submit a report of the committee of conference on the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

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 concurrent resolution (H. Con. Res. 68) have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

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

(The conference report is printed in the House proceedings of the RECORD of April 13, 1999.)

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I would like to announce to the Senate that the budget resolution, which we have called up and which is being considered, was approved just a while ago by the House, passed there by 220-208. So the remaining real business before we leave for this weekend is to get our budget passed here. I will say, if it is passed today, it would be historic. If it is passed tomorrow, it will still be historic, because we will have produced our budget resolution through both Houses, setting the blueprint for the year before the 15th, which is the statutory date. I will say to the Senate, we have only done that once in the 24-plus years history of the Budget Act.

I think our commitment to the Senate was helped by our various committee members, and help came from our ranking member, Senator LAUTENBERG, to get the job done. No use to

delay it. We have been on the floor, gone through it. Yesterday we took a number of votes that we don't normally take, with Senators exercising their prerogatives to make us vote again on some of the issues. Today there will be a vote on final passage.

I remind Senators who might want to speak, whether they are on this side of the aisle or that side of the aisle, we have a unanimous consent agreement already entered into, with the full concurrence of the minority, that whenever we finish this evening—and that could be any time—there will be 5 hours remaining tomorrow. That is because there is a statutory mandate of 10 hours unless agreed to to the contrary.

That means that tomorrow we will be on for 5 hours and then vote. If Senators do not make it to the floor in the next hour or so—obviously, they can come down here, and if they want to make it easy on everybody, maybe they can tell Senator LAUTENBERG when they want to come and tell me when they want to come on this side, and we will accommodate them so they don't have to stay down here and wait a long time while others speak.

Having said that, I probably will reserve most of my time to answer what others might say about this budget resolution, but I would like to give a summary of where things are. I do not think that will take over 10 or 15 minutes. Then I will yield to Senator LAUTENBERG. I have already told my friend that I have to go across the hall for a Republican policy conference, and I will try to do that as soon as my remarks are completed.

Mr. President, let me briefly outline the conference report on the year 2000 budget before us this afternoon. The conference report before us is very similar to the Senate-passed budget resolution back on March 25 on a roll-call vote of 55-44. A similar but different House-passed budget resolution required a conference. That conference resulted in some modifications to the Senate-passed resolution which I will highlight later in my remarks. The basic outline for entering the millennium with a fiscal policy and a tax policy and a defense policy and an education policy, the basic content of that with some modifications is, indeed, what the Senate has before it again today.

First, this is a 10-year budget resolution. We have done a 5-year resolution and 7-year resolution, but this year is the first time we have used 10 years to make our projections and upon which to build the building blocks for the first part of this new millennium.

Now, we have done 5-year budgets and we have done 7-year. Why did we do 10? Well, the President's budget presentation in February was very unique, very different than any President has ever done before. The Presi-

dent and his staff tried to use 15 years, and that is 15-year numbers, and in some cases, 15-year estimates. This 15-year timeframe was a very convenient way to shade the fact that they were and are counting on raiding the Social Security surplus in the early years by \$158 billion over the first 5 years of the President's budget. Without any attempt to obfuscate, clearly it uses \$158 billion of the Social Security surplus for programs, for expenditures, so it was, indeed, a raid on that Social Security surplus, and then leave it to future Presidents and future Congresses to reimburse that trust fund for this administration's early spending plans which would have used some of Social Security's surpluses.

That is most interesting, especially because the President will be claiming that he is trying to save the Social Security surplus. I put out the challenge to anyone who wants to review the President's proposal and this proposal and see if anybody is entitled to the claim that we are saving Social Security's trust fund accumulations, exempting it, can't use it for taxes, can't use it for appropriated accounts. If you would like to look at it and see which does the most, I think you will find that the President puts \$400 billion, that is "billion," less in the trust fund during the next decade, or let me put it another way, on a 10-year basis, it shortchanges the trust fund by \$400 billion.

That is as compared with what really ought to be in the fund. We put in what really ought to be in the fund, and that is all of it, all of the surplus year by year, not a portion of it over 15 years.

So we think we can properly say the first responsibility of this budget was to make sure that we did everything possible to protect the Social Security trust fund and to make it available for those who might want to reform, or in a major way change the Social Security program to add to its longevity and perhaps its fairness. But only for that purpose can any of that trust fund be used. That is the first big item. The conference agreement accomplishes that first objective, protects Social Security trust fund balances. Then we go on to three other major items.

Two, we didn't see any way that we could produce a budget to enter the millennium that did not maintain the fiscal discipline of the 1997 budget agreement. The distinguished occupant of the Chair, a distinguished member of the Budget Committee and other committees, knows that it wasn't very long ago that we set a fiscal discipline pattern which has brought us a great deal of success. We said we are only going to spend so much over the next 5 years. It wasn't over a prolonged period, just 5 years. That, plus some other good fortunes that are attributable to economic growth and prosperity, has brought us the best fiscal policy of any